

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 21, 1949

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Winston Clark of Unity.

The journal of the previous session was read and approved.

**Papers from the Senate
Senate Reports of Committees
Ought Not to Pass**

Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse the City of Gardiner for Sanatorium Treatment of Sylvester Van Sickle and Aid to Dependent Children of Cora Van Sickle (S. P. 200) (L. D. 280)

Report of the Committee on Labor reporting same on Bill "An Act Relating to the Weekly Payment of Wages" (S. P. 434) (L. D. 788)

Report of the Committee on Ways and Bridges reporting same on Bill "An Act Providing for Construction of Roadside Picnic Areas" (S. P. 589) (L. D. 1247)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Senate Divided Report

Report "B" of the Committee on Labor reporting "Ought not to pass" on Bill "An Act to Provide Facilities for the Peaceful Settlement of Industrial Disputes Through Mediation" (S. P. 191) (L. D. 244)

Report was signed by the following members:

Messrs. HOPKINS of Kennebec
—of the Senate

SHARPE of Anson
CHAPLES of Hudson
LARRABEE of Westbrook
LARRABEE of Bath
—of the House

Report "A" of same Committee reporting "Ought to pass" on same Bill

Report was signed by the following members:

Messrs. HASKELL of Penobscot
COLLINS of Aroostook
—of the Senate

CASTONGUAY of Waterville

DOSTIE of Lewiston

BROWN of Baileyville

—of the House

Came from the Senate with Report "B" read and accepted.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. CHAPLES: Mr. Speaker, I move that we concur in the acceptance of Report "B", "Ought not to pass" on this bill.

The SPEAKER: The gentleman from Hudson, Mr. Chaples, moves that the House do accept Report "B", "Ought not to pass" of the committee.

The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: This places me in rather a difficult position at the present time. My belief is that we have before us here a piece of legislation that is just the thing that we need in the State of Maine at the present time.

There is no one who hates to see labor difficulties any more than I do. I think I know a lot about the difficulties that arise relative to labor-management relations. I believe at the present time, in our own State, we have a sample of that. We have a situation existing in one section of our State where if we had a board of this kind that could step in, get these two parties together, advise with them, this difficulty would have been stopped before it got started.

I wonder if we realize that under certain federal legislation, the facilities are set up by our federal government. And, under other legislation, that body can step into our disputes in the State of Maine. I believe that it would be far better if we had within our own State a board of this type which could step

in and save the federal government from coming into our own difficulties here in the State of Maine. And so, at this time, I want this body to seriously consider this bill.

I hope that the motion of the gentleman (Mr. Chaples), who just spoke prior to my speaking, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that the House do accept Report "B" being the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Lewiston, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Lewiston, Mr. Dostie, requests that when the vote is taken it be taken by division. Is the House ready for the question?

The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. CHAPLES: Mr. Speaker, we already have a law in our statutes to take care of this very well without this bill. The Commissioner of Labor can step in on one of these disputes at any time that he wants to without the consent of either party.

The SPEAKER: The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that the House do accept Report "B" being the "Ought not to pass" report of the committee.

The gentleman from Lewiston, Mr. Dostie, has requested that the vote be by division.

As many as are in favor of the motion of the gentleman from Hudson, Mr. Chaples, that the House accept Report "B", "Ought not to pass" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-one having voted in the affirmative and thirteen having voted in the negative, the motion prevailed, and Report "B," "Ought not to pass" was accepted in concurrence.

Ought Not to Pass Recommended

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in Favor of Chester Blake, of Oakland (S. P. 287)

Came from the Senate recommended to the Committee on Claims.

In the House, Report was read and recommended to the Committee on Claims in concurrence.

Recommended

Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on Resolve Directing Commissioner of Sea and Shore Fisheries to Make Study of Herring and Means of Avoiding Their Depletion (S. P. 366) (L. D. 583)

Came from the Senate recommended to the Committee on Sea and Shore Fisheries.

In the House, Report was read and recommended to the Committee on Sea and Shore Fisheries in concurrence.

Senate Divided Report

Majority Report of the Committee on Temperance reporting "Ought to pass" on Bill "An Act Relating to Hours of Sale of Liquor" (S. P. 529) (L. D. 1062)

Report was signed by the following members:

Messrs. BAKER of Kennebec
SMART of Hancock

— of the Senate

ATHERTON of Bangor
DeSANCTIS of Madison
BIRD of Rockland
JALBERT of Lewiston

— of the House

Minority Report of same Committee reporting "Ought not to pass" on same Bill

Report was signed by the following members:

Messrs. BOUCHER of Androscoggin
— of the Senate

BROWN of Robbinston
MAXELL of Orient

— of the House

Came from the Senate recommended to the Committee on Temperance.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Orient, Mr. Maxell.

Mr. MAXELL: Mr. Speaker and Ladies and Gentlemen of the House: This bill seems to me quite unnecessary. This is simply setting up an hour later as the closing times of these liquor places in our State. To my thinking, it is really too bad that a person can't get liquor enough under their skins from six o'clock in the morning until 11:45 at night; if they can't then they certainly should be connected up with a tank. If we should pass this bill to extend the time of closing another hour, then two years from now somebody else is going to come in here and they are going to want to close at two o'clock in the morning and then you continue on until it will be an all night session. And so, I believe that this bill is uncalled for and unnecessary. Mr. Speaker and Members of the House: I move that this bill be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. DeSanctis.

Mr. DeSANCTIS: Mr. Speaker and Members of the House: I don't have any idea why they are asking to have the bill recommitted, but I think in all fairness to the Temperance Committee, the so-called Temperance Committee, there have been other bills recommitted to the other committees and I think in all fairness this bill should have the same thing done.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. McGLAUFLIN: Mr. Speaker, I want to support the motion of Mr. Maxell to indefinitely postpone this bill.

You can drink plenty of liquor up to twelve o'clock. You don't need to run until one.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. DeSanctis.

Mr. DeSANCTIS: Mr. Speaker, does the motion to recommit have precedence over the other motion?

The SPEAKER: The Chair understands that the gentleman from Madison is making a parliamentary inquiry. The Chair will answer in the affirmative that the motion to recommit does have precedence over the motion to indefinitely postpone.

Mr. DeSANCTIS: Mr. Speaker, I so move.

The SPEAKER: The Chair understands that the gentleman from Madison, Mr. DeSanctis, moves that the bill and the accompanying reports be recommitted to the Committee on Temperance.

The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker, I am very much opposed to this bill for good reason. Now, my friend, the gentleman from Madison (Mr. DeSanctis) said there is another bill coming. I know the bill that is going to come before us; that bill is just as bad as this one. I understand it gives the right to the hotels to sell until one o'clock in the morning. One o'clock in the morning is too late; it is too early in the morning. (Laughter)

Now, you all know many children who have lost their lives in fires because their parents spent that evening where they sell liquor. If you want many parents to leave their children at home, pass this bill. If you want to protect a man's family, vote against this bill.

If a man or woman can't drink enough liquor from six o'clock in the morning until 11.45 at night, they ought to stop drinking.

In my own city that I represent, there are many liquor places. They told me that they would rather close at eleven o'clock. Nobody wants the bill in my home city. If a man or woman stays in a liquor place until one o'clock in the morning, how do they expect they are

going to work the very same day? It would be impossible, and I hope that the motion of Mr. Maxell prevails.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Madison, Mr. DeSanctis, that the bill and accompanying reports be recommitted to the Committee on Temperance.

Is the House ready for the question? As many as are in favor of the motion of the gentleman from Madison, Mr. DeSanctis, that the bill and the accompanying reports be recommitted to the Committee on Temperance will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-nine having voted in the affirmative and sixty-five having voted in the negative, the motion to recommit did not prevail.

Thereupon, the Bill and accompanying reports were indefinitely postponed in non-concurrence and sent up for concurrence.

Ought to Pass with Committee Amendment Tabled

Report of the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Re-Use of Barrels for Food" (S. P. 443) (L. D. 795) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

(On motion by Mr. Burgess of Rockland, tabled pending acceptance of Committee Report in concurrence.)

Report of the Committee on Sea and Shore Fisheries on Resolve Relating to Unexpended Balances for Lobster Rearing Station (S. P. 88) (L. D. 74) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Resolve was read once.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 88, L. D. 74, Resolve Relating to Unexpended Balances for Lobster Rearing Station.

Amend said Resolve by adding at the end thereof, before the period, the following:

', and be it further

Resolved: that the commissioner of sea and shore fisheries be, and hereby is, authorized and directed to sell any equipment that has been obtained for the purpose of carrying out the provisions of chapter 90 of the resolves of 1941 and which cannot be used advantageously by the department of sea and shore fisheries; the net proceeds of such selling after the deduction of the cost of selling shall be credited to the general fund'

Committee Amendment "A" was adopted in concurrence and the Resolve was assigned for second reading tomorrow morning.

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act Creating the State Board of Education" (S. P. 294) (L. D. 488)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

In the House, Report was read and accepted in concurrence and the Bill read twice.

Senate Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to S. P. 294, L. D. 488, Bill "An Act Creating the State Board of Education."

Amend said Bill by striking out the 1st paragraph of that part designated "Sec. 1-A" and inserting in place thereof the following underlined paragraph:

'Sec. 1-A. State board of education; expenses. The board shall consist of 10 members to be appointed as follows: One by the

presidents of the liberal arts and teachers' colleges of the state, the appointee not to be an active college president; one by the Maine municipal association the appointee not to be the active president of the association; one by the Maine superintendents' association, the appointee not to be the active president of the association; one by the Maine congress of parents and teachers, the appointee not to be the president of the organization; one by the Maine teachers' association, the appointee not to be the president of the association; and 5 to be appointed by the governor with the advice and consent of the council. The appointees shall take the oath of office prescribed for state officers. The 5 members of the 1st board appointed by the organizations listed in this paragraph shall by lot determine the member to serve for 1 year, 2 years, 3 years, 4 years and 5 years. Of the 5 members appointed by the governor, one shall serve for 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. Regular appointments thereafter shall be for a term of 5 years. The governor and the organizations mentioned in this paragraph shall appoint successors to their first-term appointees to fill unexpired terms or to serve regular terms, these appointments to be in accordance with the provisions for the 1st appointments. Members of the board shall be subject to removal from office by the governor and council for cause.'

Senate Amendment "A" was adopted in concurrence and the Bill was assigned for third reading tomorrow morning.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Pollution of Tidal Waters" (H. P. 2054) (L. D. 1483) which was passed to be engrossed in the House on April 15th.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

(In the House, on motion by Mr. Prince of Harpswell, tabled pending further consideration and specially assigned for Friday, April 22nd)

Non-Concurrent Matter

Bill "An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance" (H. P. 1937) (L. D. 1317) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 18th.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: The House voted to reconsider its action taken on April 18th whereby it passed this Bill to be engrossed as amended by Committee Amendment "A".

Senate Amendment "A" was then read by the Clerk as follows:

SENATE AMENDMENT "A" to H. P. 1937, L. D. 1317, Bill "An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance."

Amend said Bill by striking out the 1st underlined sentence of that part of said Bill designated "Sec. 136-A" and inserting in place thereof the following underlined sentence:

'Any person required by an order of the commissioner under section 136 to cease and desist from engaging in any unfair method of competition or any unfair or deceptive act or practice defined in section 133 or whose license has been suspended or revoked may obtain a review of such order or act by filing in the superior court in Kennebec county, in term time or vacation, within 30 days from the date of the service of such order, a written petition praying that the order of the commissioner be set aside.'

Further amend said Bill by striking out the 1st underlined sentence of that part of said Bill designated "Sec. 136-C" and inserting in place thereof the following underlined sentence:

'If the report of the commissioner does not charge a violation of sections 130 to 136-F, inclusive, then any intervenor in the proceedings may, within 30 days after the service of such report, cause a petition to be filed in the superior court in Kennebec county, in term time or vacation, for a review of such report.'

Senate Amendment "A" was adopted and the Bill was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in concurrence.

Non-Concurrent Matter

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of the Adjutant General Due to Insufficient Appropriations" (H. P. 1947) (L. D. 1320) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 28th.

Came from the Senate with Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to reconsider its action of March 28th whereby it passed the Bill to be engrossed as amended by Committee Amendment "A".

The House further voted to reconsider its former action whereby it adopted Committee Amendment "A".

Committee Amendment "A" was then indefinitely postponed.

Senate Amendment "A" was then read by the Clerk as follows:

SENATE AMENDMENT "A" to H. P. 1947, L. D. 1320, Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of the Adjutant General Due to Insufficient Appropriations."

Amend said Bill by striking out all after the words "not otherwise appropriated" in the 5th line and before the "Emergency clause" and inserting in place thereof the following:

'Adjutant General,

	Dept. of	1948-49
	Appropriation No.	Amount
Administration	2810	\$20,110
Military fund	2830	10,905
Operation of armories		
	2850	14,635
		<hr/> \$45,650'

Senate Amendment "A" was adopted and the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Boards of Registration" (H. P. 1759) (L. D. 1031) which was passed to be enacted in the House on March 16th and passed to be engrossed on March 2nd.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House:

The House voted to reconsider its action of March 16th whereby it passed the Bill to be enacted.

The House then voted to reconsider its action taken on March 2nd whereby it passed the Bill to be engrossed.

Senate Amendment "B" was then read by the Clerk as follows:

SENATE AMENDMENT "B" to H. P. 1759, L. D. 1031, Bill "An Act Relating to Boards of Registration."

Amend said Bill by striking out the underlined words "**Not more than**" in the 6th line thereof; and in the same line strike out the underlined figure "\$2,650" and insert in place thereof the underlined figure '\$2,450'

Further amend said Bill by striking out the underlined words "**not more than**" in the 7th line thereof.

Further amend said Bill by striking out the underlined figure "\$2,300" in the 8th line thereof and inserting in place thereof the underlined figure '\$2,100'

Senate Amendment "B" was adopted and the Bill as amended by Senate Amendment "B" was passed to be engrossed in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Roadside Protection" (H. P. 1888) (L. D. 1206) which was passed to be engrossed in the House on March 22nd as amended by Committee Amendment "A".

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker, with reference to Item 15, Bill "An Act Relating to Roadside Protection" (H. P. 1888) (L. D. 1206), I move that the House insist on its former action and ask for a committee of conference.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I would like to inquire if it is in order to debate whether we shall insist or not.

The SPEAKER: The Chair will state that the gentleman is in order if he cares to debate the matter.

Mr. MAXWELL: Mr. Speaker, I wonder how many people here in the House have read this particular bill. It slipped by me, at least I know at first, then, upon reading it, I find that it provides that no one may cut their trees on either side of any State highway, State aid or otherwise, for a distance of one hundred feet. Now, it seems to me that a farmer or anyone else who owns wood should have the privilege of cutting his wood as he sees fit. It doesn't seem to me reasonable that he should have to come down to the Forest Commissioner and ask: "May I go up there and cut a couple of trees here and there?" And then have the commissioner come up and say: "Well, here's a tree you can cut and here's a tree you can't cut."

It looks to me that it is just a little bit too much control. Now, we have a slash bill; there is no danger of fires, as I see it. We have to dispose of the slash anyway now. So, it seems to me that if this is aimed at fire, that it is already covered by other legislation and it

is completely unnecessary and as far as any other aspect, I can not see but what we should consider the rights of the individuals before we accept some petty idea that some department might have here in Augusta.

The SPEAKER: The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House do insist on its action and ask for a committee of conference.

The Chair recognizes the gentleman from Wayne, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I think, perhaps, it is in order for me at this time to explain this bill to the members of the House.

This does not prohibit a landowner from cutting on any State highway. It merely says that the cutting shall be selective and that all mature and injured trees can be cut. I think you have all seen in driving along the highways of Maine whole areas that have been slashed off and I think you will agree with me that it is a very unsightly situation. I don't think it leaves a good impression on the tourists of our State and the citizens of this State to ride along our public State highways and see whole areas slashed off.

If a strip one hundred feet wide on each side of the wrought portion of the road could be selected cut so that mature and injured trees could be removed and young and immature trees could be left, it would serve as a screen for the cutting in back of this operation and would make our highways much more sightly and I also think, safer from fire for this reason: That there wouldn't be slash left the entire distance back from the road, the length of the lot, which where a carelessly tossed cigarette or something else might start a disastrous forest fire.

This bill is merely for the appearance of our highways. I don't think it would work a hardship on any farmer or any landowner. He would not have to come to Augusta to get this permission. Under the forest

warden set-up, his own local warden would grant the permission that he would require.

This bill has been amended to eliminate the public utilities and power line people from having to get this particular permission. I hold no great brief for the bill but I do think that we are spending a lot of money to advertise our State and the beautiful scenery that we have in it and that if we would merely leave a screen of trees to hide these unsightly cuttings, I think it would be worthwhile.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I am reminded that in most cases we do not have wardens running about the country that we can step up to and say: "Fellow, can I cut this or not?" And also let me remind you the property still belongs to the landowner and it seems to me that he should have the right to say yes or no whether I should cut this tree or not. I don't believe he should have to ask whether he can cut it or not.

And secondly, as I have already stated, the slash has to be removed—we have already taken care of that—and, having been removed, that seems to me to take care of the fire hazard and it also seems to me to take care of the unsightly scene. Now, do the rights of the citizens of Maine come first or do the tourists' rights come first? I say that the rights of the people of Maine come first.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Sharpe.

Mr. SHARPE: Mr. Speaker and Members of the House: When this bill was in committee, the committee of which I am a member, I did not take it quite as seriously as I do now. But very recently, I have heard a great deal of very sound objections to the passage of this bill and until the State is in a position to take some steps to reimburse the small wood lot owner, who would be very greatly affected by this bill, I am not for it and I feel like go-

ing along and concurring with the indefinite postponement of the matter.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Carter.

Mr. CARTER: Mr. Speaker and Member's of the House: I note that Mr. Maxwell from Wilton speaks about the law, the slash law, but I can show him a lot of places up in Oxford County where there has never been any slash cleared away from the road whatsoever. There are very few people who clear up their slash when they cut along the road. Furthermore, I think if we do not take some steps in this direction, ourselves, it will be taken for us by the federal government. I think this law should be put through.

The SPEAKER: The Chair recognizes the gentleman from Garland, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I do not like the sound of this bill. I think we have regulations enough now. In a few more years, if we pass a bill like this, they will be apt to tell us that we mustn't plow the land or we can't plow the land beside the road. I think that we have regulations enough and if they are not enforcing the slash law, the chances are that they will not enforce this law so it would be just another law on the books. I hope that the bill does not pass.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

Mr. SARGENT: Mr. Speaker, I happen to own a wood lot on top of quite an elevation on a State aid highway from which there is a very extensive view of the whole eastern Penobscot bay. For a number of years, I have been having wood cut on that lot, nearly thirty years; I cut a little each year. From the time I started cutting, I have made it a rule not to cut within a reasonable distance of the road so that the appearance of the highway would not in any way be impaired. This last fall, I sold stumpage on that lot and went with the

purchaser of the stumpage and we picked out the trees which could not be cut without serious effect on the appearance of the lot and I have often been commended for the attitude which I have taken in regard to that particular place.

This bill is merely putting into the law what I have personally been practicing for a long time and I am heartily in favor of the passage of this act.

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I am one of the members of the Forest Preservation Committee and I have found a number of complaints against this bill and they are very much opposed to its being passed. It will take away the right of the small wood lot owners if they have to get permission from the Forest Commissioner before they can sell or cut within one hundred feet of the highway, and I am very much opposed to the passage of this bill.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Bennett.

Mr. BENNETT: Mr. Speaker and Members of the House: I am thoroughly in accord with the results that are expected to be accomplished by the passage of this bill. However, I feel that to accomplish selective cutting, it should be done through an educational program rather than through a law forcing wood lot owners to get permission from the Forest Commissioner to cut timber on their own property.

The SPEAKER: The Chair recognizes the gentleman from Hudson, Mr. Chaples.

Mr. CHAPLES: Mr. Speaker, as a landowner, myself, I think we have a right to cut our land as we see fit and I am getting tired of being told what I am going to do. It has got so that apparently we can do nothing without being told how we are going to do and when we are going to do it and I hope this bill does not pass.

The SPEAKER: The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House do insist on its former action.

The gentleman from Wayne, Mr. Brown, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. BROWN: Mr. Speaker and Members of the House: I feel that perhaps there is a little confusion concerning this bill. This bill does not say that you can not cut on your own land beside the road, those trees which are mature or are injured. And if the trees that are left are young and immature, they are not salable at the present time, I do not think it would deprive anyone of cutting on their own land those trees which are ready to be cut. But it would leave the young trees so that our highways would look a great deal better to anyone riding by.

There are some places in this State, especially in the southern part, the southwestern part, where they are practically lumbering on the main highway. Only last spring, they were lumbering in the town of Wayne, just above my home, and you had to wait until they felled the trees across the road, chopped them up, got the brush out of the way so you could get by. I don't think that there is any need for that kind of cutting. It is not a selective cutting bill but is a bill to make our roadsides look better.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker and Members of the House: I am not too much concerned with this bill but the gentleman from Wayne (Mr. Brown) has said this is not what you would call a selective cutting bill but I would say so and I would say that it would work out fine for the rich man, the millionaire, who can afford to cut his wood lot that way. There are many small operators in the State, especially at the present time, who

are cutting for pulp and most of the pulp that is cut now I wouldn't say was mature trees and probably no one would call them mature.

According to my figures, if this law goes through, if a man had a wood lot even a mile long running beside the road, it depends whether on a State road or an ordinary road; along a State road he is going to lose twelve acres of cutting and if it is along an ordinary public road, he is losing six acres. It seems to me that it is quite a loss for the small man to bear just for the sake of perhaps beautifying our roads.

The SPEAKER: The Chair recognizes the gentleman from Sebec, Mr. Parker.

Mr. PARKER: Mr. Speaker and Members of the House: I did not propose to take any active part on this bill but I believe we are becoming more concerned over a matter that is not of the nature to become too concerned over.

The purpose of this bill is simply this: Do we in the State of Maine want our roadsides beautiful, healthy, with a growth of trees that are pleasant to look at, or do we want slash, unsightly roadsides and the rest that goes along with it for ourselves and our friends and our tourists who come in here spending their money for our products?

I believe while there may be some flaws in this bill, I believe it is going to serve a useful purpose. This bill does not say you can not cut your trees beside the road. It does say if you do cut them, you will remove only those that should be cut. It says you will have to require the approval of somebody to tell you which one should be cut and I will submit to you, members, as we ride along through our country roads, today, if you don't believe it is well in some cases for someone to have told that person how he should have cut that property and the growth on it.

My whole interest in this matter is simply this, members. I believe this will not harm anybody. Anyone who owns a large acreage of land that borders the roadside can

cut everything that is salable on that property. But they can not slash everything way to the roadside and make it unsightly for our tourists and ourselves and a danger to the rest of the landowners who happen to have heavily wooded land adjacent to this property.

Members, I hope you will support the motion of our Representative from Wayne (Mr. Brown). I think this is something that we should take a stand on and I, for one, think we will be doing a good job.

The SPEAKER: The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House do insist on its former action. Is the House ready for the question? As many as are in favor of the motion of the gentleman from Wayne, Mr. Brown, that the House do insist will say aye; those opposed, no.

A viva voce vote being doubted, A division of the House was had.

Forty having voted in the affirmative and seventy-nine having voted in the negative, the motion to insist on the former action did not prevail.

Thereupon, the House voted to recede from its former action whereby it passed the bill to be engrossed and concurred with the Senate in the indefinite postponement of the bill.

On motion by Miss Cormier of Rumford, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Non-Concurrent Matter

Bill "An Act Relating to the Financial Responsibility Law" (H. P. 2027) (L. D. 1416) which was committed to the Committee on Mercantile Affairs and Insurance in the House on April 15th.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I now move

that the House recede from its former action whereby Bill "An Act Relating to the Financial Responsibility Law" (H. P. 2027) (L. D. 1416) was recommitted to the Committee on Mercantile Affairs and Insurance and that the House do now concur with the Senate.

It seems to me that it would be well, at this time, to explain this particular law.

Some years ago, we passed a financial responsibility law. Its purpose was and is to encourage as many owners of automobiles to insure their vehicles as possible. I think we all can agree that this is a desirable object and that we wish all motor vehicles might be insured. This law, as first passed, provided that all owners of motor vehicles and all operators of vehicles, whether or not they were the owners, post a bond or file cash security to cover a prior accident and maintain proof of financial responsibility forever.

There is only one other state that requires this indefinite filing, most of the other states require it for only three years. It was found, after a time, that many operators of vehicles own no cars of their own and that they were involved in accidents while driving insured vehicles. Now, what happens to that unfortunate individual, who, perhaps, has been careless and is involved in an accident and owns no car of his own? He has to file forever after, whether or not he owns a vehicle, insurance coverage. If he owned the vehicle, the matter would be comparatively simple. Owning no vehicle, he has to have a broad coverage and I think any insurance man in the House would tell you that for that coverage he pays about twice what you and I pay for our largest automobiles.

Because of this hardship, a few years ago, the House passed some laws relieving certain operators. I opposed that change, myself, as vigorously as I could through two sessions of the Legislature. On one occasion, I engaged in debate with

my late friend and brother, Attorney James E. Perkins. Apparently we made very little impression upon the House at that time because there were only two other members who voted with me and no one voted with James so that the vote was three to nothing. I think that is a record. This prior amendment excused the operator of the vehicle from filing insurance coverage if the motor vehicle which he was operating was insured. Although I opposed the measure at that time, my experience since then has convinced me that this did no harm, that there are more vehicles insured today than there were at that time, and it also excused the owner of the vehicle from filing if he had insurance at the time of the accident. That apparently did no harm.

Now, the changes proposed in this particular bill are as follows: In the first bill that was passed, if the total damage to the two vehicles was \$50, or if there was personal injury, the law applied. The proposed amendment increases that \$50 to \$100. I think you ladies and gentlemen of the House will agree that this increase is reasonable in view of the present repair costs. It takes very little damage to run into \$100.

The second proposed change is more far reaching. It relieves the operator of any vehicle from filing proof of financial responsibility after an accident. This is true regardless of whether or not the vehicle was insured unless this particular individual was operating without the consent of the owner, in which case he obviously should file. Now, just what does this do? It means that if my vehicle were insured and I operated a small farm or whatever it may be, I loan the vehicle to a friend or if I send someone on an errand for me, and he is involved in an accident, my insurance protects him and under the law as it is, today, he does not have to file insurance or secure a policy.

Under the law as it now exists, if a farmer or any small business man owns and is operating a vehicle which is not insured and he let's his employee take that vehicle or asks him to take it to do an errand and he is involved in an accident, that employee, regardless of whether he, himself, owns the vehicle, must forever after carry insurance, which will cost him about \$60.00 a year if he owns no car. That is the real reason for presenting this bill. The original sponsor of the financial responsibility law, who has vigorously opposed amendments, is convinced that this amendment is proper. He believes that so long as we keep the law in effect as to the owner of the vehicle that the responsibility is directly his. We are not insuring all of the individuals but we should have all of our vehicles insured. I think, perhaps, it might even encourage the owner of a vehicle to insure and certainly it should discourage his loaning it or letting anyone else drive it unless it is insured. Therefore, I feel that we should concur with the Senate in passing this bill as amended.

The SPEAKER: The Chair recognizes the gentleman from South Paris, Mr. Eastman.

Mr. EASTMAN: Mr. Speaker and Members of the House: I shiver to rise in opposition to my friends in the legal profession but I happen to be in the insurance business. On the 15th of April, I tried to refer this bill to the Committee on Mercantile Affairs and Insurance who are just as much interested in the bill as the legal profession, and they are unanimously opposed to it.

I hope that the motion of the gentleman from Auburn, Mr. Williams, does not prevail. If it does not, I shall move for the indefinite postponement of the bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. McGLAULIN: Mr. Speaker, being a member of the Judiciary Committee and having voted with the entire approval of the Judiciary Committee for this measure, I want

to support the stand taken by Representative Williams of Auburn.

I have been in this House for some time. We have had, on two different occasions, bills presented to this Legislature for compulsory insurance, following the Massachusetts system. We studied that carefully and I was one of the men that helped kill both of these propositions. We did not like the Massachusetts law. We finally copied to quite a little extent the New Hampshire law that was then in force, which we believe then and I believe now is vastly superior to the Massachusetts law. There were some things that were put in that law that not one of us who were on the Judiciary Committee ever planned or thought would take place, and one of them was this matter that if a person had a small accident to the extent of \$50 that thereafter he had to carry insurance for the rest of his life. I am one of the men who would not drive a car for a minute without insurance. If I did I would be sure to have an accident. But I find cases like this: A man came to me, who has no automobile of his own but he hires an automobile to remove garbage and he used to come and take away my garbage for which I was glad to pay him. On one occasion, he and another fellow ran into each other and each one made a report and it turned out that it exceeded the sum of \$50. Each one paid his own bill; there was no trouble about it at all but the first thing we knew this man couldn't get a license until he had taken out insurance. Now, I want to point out the absurdity of the position that this fellow is in. He does not own the car and the car is insured by the owner, but this man can't even hire the car to drive it without taking out that insurance.

Now, as I understand it, this bill covers such cases and does away with that absurdity. Now, my friend, Mr. Eastman—I talked with him about this—he is afraid we are going to get compulsory insurance. I am just as much against the Massachusetts compulsory insurance as

he is. I don't see any harm in this measure passing and I want to tell you members of the House that this bill of the Judiciary Committee was given more attention than almost any other bill that has come before us with some few exceptions, like the housing bill, something that takes a great deal of time. We have given that matter very careful consideration. As I recall it, it was a unanimous report. I hope the motion of the gentleman from Auburn, Mr. Williams, prevails.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Fitch.

Mr. FITCH: Mr. Speaker and Members of the House: The financial responsibility law has been on the books for some years. Every year someone snipes at it; eventually if this sniping continues, there will be no law left. I believe very firmly that eventually if they keep sniping they will have the compulsory bill that they have in Massachusetts which, in my estimation, is almost a total failure.

This bill merely raises the amount of damage before one has to be financially responsible and takes off the operator's requirement of filing. The hardest type of policy that I have to get from the companies is the policy that will cover a named operator who has no vehicle. If that is the case, it just appears to me that if the companies don't want that type of person insured that they are the type that should be insured. I doubt very much if there is any member in this House here who operates a vehicle without insurance. Under these conditions, the bill would not affect any one of you. I have heard very few, if any, complain of the law as it is now. The only ones who appear to be objecting are the members of the Secretary of State's office. Inasmuch as this bill is not in accord with the thinking of the citizens of Maine, I believe that it should be indefinitely postponed and, in reference to what Mr. McGlauffin has said about the time spent on the bill, I believe he is

right because the Secretary of State has spent more time lobbying for this bill than anything else he has had around this session.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Williams, that the House do recede from its former action whereby it committed the bill to the Committee on Mercantile Affairs and Insurance.

The Chair recognizes the gentleman from Auburn, Mr. White.

Mr. WHITE: Mr. Speaker and Members of the House: I have all due respect for the legal profession. My father was a lawyer and two of my brothers have been lawyers. Because of that I don't always see eye to eye with the lawyers, and I don't think that just because the legal profession figures this bill to be good that due consideration was given to the public or to the insurance fraternity for the bill. The chief opposition at all the hearings which I attended was from the Secretary of State's office. I had assumed always that department heads and subordinates were there to do the work which the Legislature laid out for them to do rather than to tell us what we should do. I do not know whether I am correct in that or not but I think I am. I do not like that phase of it. Their main objection to the bill, in so far as I could ascertain, was that they didn't have room to file the cards, the old files. That to me is a silly argument but that seemed to be the main argument which I heard when I was in the committee hearing.

I am sure that the insurance fraternity and the State of Maine Agents Association are entirely satisfied with the law as it is. They do not wish to see this change and, so far as we know, the public has never asked us for any changes. I hope that you will allow it to stand as is. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Aurora, Mr. Silsby.

Mr. SILSBY: Mr. Speaker and Members of the House: I do not

believe that we have had a bill that we have spent any more time and effort on than this one under consideration. Perhaps you ladies and gentlemen have read the law as it now exists in our statutes on the matter of financial responsibility, and if you can analyze it and apply it you can do better than I can or the other members of the Judiciary.

The purpose of this bill is not to eliminate any protection that the public now has but is to modify it and clarify it so that we can apply this particular law and the people can have the benefit of it.

For instance, under the old law it provided in one section, I believe it was Section C, that if a person did any property damage who was an unlicensed driver, then his license would be revoked or suspended. Now I ask you: Were there any teeth in that law? You cannot revoke or suspend a license which does not exist.

There were many other points involved which they tried to clarify. I am not going into those in detail. It has been explained very carefully and thoroughly by my good colleagues, Mr. Williams and Judge McGlauffin. I am thoroughly convinced that this is a good bill and that it will save a lot of difficulties for the department and at the same time will protect the public. I hope that the motion of the gentleman from Auburn, Mr. Williams, prevails.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

Mr. SARGENT: Mr. Speaker, it is rather difficult for me to follow the reasoning of the Representative from Auburn unless he is more concerned about the inconvenience that may be caused to someone who is in an accident than he is for the protection of the public. I will tell you how I have seen this thing work and as it would work if this law became an act.

In the town where I live, there are a lot of young boys working in the mill and earning pretty good money and they immediately buy a car. It frequently happens that

they lend their car to some of their friends. I know of one case where a boy did this, he loaned his car and then went home and went to bed. Along about midnight, the police came for him and told him his car was in an accident, a girl had broken her arm and was badly hurt, the car smashed up. The boy had no insurance, neither one of them. Now, if this law was in effect, the boy who owned the car would have to satisfy judgment against the car, would have to carry insurance indefinitely. But the boy who borrowed the car and did all the damage could go out the next night and do the same thing, and night after night, and would be free from any restrictions under the financial responsibility law.

I do not believe that that is a fair proposition. I don't believe that it protects the public. The law is designed to keep in control the dangerous drivers, and I am sure that if this law is passed there will be a lot of boys driving who are not capable and should not be on the road.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: The way I see this bill is that if you defeat the bill you are surely going to get compulsory insurance and you know what that is and you ask anyone who lives in Massachusetts how they like it. Far from helping out the individual, they have a hard time at the present time to have insurance companies in Massachusetts because of the tremendous amount of accidents and carelessness. Being an insurance agent, myself, I have observed many cases in the office where some young fellow, in the case that I have in mind, the family probably eight months out of the year are on welfare but have old jalopies, and the boy takes the father's car once in a while, this jalopy, and has already damaged within a few months three or four cars. Now, under this financial responsibility

in order to keep his license, he has to get an affidavit from these people that he damaged their cars. He has already done so and these people, you members, individuals, and people of the State have been protected by this because they have to get an affidavit like I said in this case that will leave them on the road. If they don't get an affidavit properly signed and sent to the Secretary of State, then they are required to file a bond or cash money in the amount of hundreds of dollars, and before they choose to do that, he will pay you, who have already protected him, the small amount that he has damaged your car. I believe that this bill should be left alone for the protection of the people of this State.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Williams, that the House recede from its former action whereby it committed the bill to the Committee on Mercantile Affairs and Insurance.

The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This seems to have developed into a debate between the insurance fraternity, as they style themselves, and the legal profession. I think both the legal profession and the insurance fraternity have one joint interest in common: They would like to see as many vehicles insured as possible in order to give the public the fullest protection. Each have a selfish interest in the matter.

If someone comes into my office with an accident case and there is insurance, I may be able to collect, and if there is no insurance, I may not be able to collect. The same thing is true with the insurance fraternity; the more policies they write the more profits they make.

If it were possible for the owner of an uninsured vehicle to procure a policy at reasonable cost, that would eliminate one of the hardships. However, I just want to call your attention to one thing. If Mr. Jones operates a small farm near

a town, he hires someone from the town to drive a vehicle for him, and if that fellow is involved in an accident and that vehicle at the time is not insured, the farmer under our present law would procure a policy. If that same man wanted to work for the farmer a week the following year and at no other time during the year to operate the vehicle, he would still have to have that named-operator policy. If he went to the average insurance office he would, if fortunate, be able to get a policy at a rate double that which he would pay if he owned a vehicle. In some offices he would be refused and he would have to go on the assigned risk plan and would have to pay a higher rate.

I believe this proposed bill would do no harm and would relieve some hardship. If I did not believe so, I would not support it. When the vote is taken, Mr. Speaker, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I think that Mr. Williams, my friend from Auburn, has kind of misguided you. He probably knows what to charge as far as a fee of a lawyer is concerned but as far as an insurance premium, I assure you that if anyone has an accident, he is not charged double unless he has been taken in for drunken driving or any other major offense. Ordinarily, under this bill, you are not penalized twice the amount of the insurance policy.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Williams, that the House do recede from its former action whereby it committed the bill to the Committee on Mercantile Affairs and Insurance. The same gentleman has requested that when the vote is taken that it be taken by a division. Is the House ready for the question?

As many as are in favor of the motion of the gentleman from Au-

burn, Mr. Williams, that the House do recede from its former action whereby it committed the bill to the Committee on Mercantile Affairs and Insurance will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-two having voted in the affirmative and seventy-two having voted in the negative, the motion to recede does not prevail.

The Chair recognizes the gentleman from Paris, Mr. Eastman.

Mr. EASTMAN: Mr. Speaker, I now move that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Paris, Mr. Eastman, moves that Bill "An Act Relating to the Financial Responsibility Law" (H. P. 2027) (L. D. 1416) be indefinitely postponed. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Resolve Authorizing the State Plumbers' Examining Board to Issue a License to Philip M. Emmott of Southwest Harbor (H. P. 1059) (L. D. 473) on which the House accepted the "Ought not to pass" report of the Committee on Legal Affairs on March 2nd.

Came from the Senate with the Resolve substituted for the Report and passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker, I move that House Paper 1059, Resolve Authorizing the State Plumbers' Examining Board to Issue a License to Philip M. Emmott of Southwest Harbor, be indefinitely postponed in non-concurrence.

I doubt very much if a matter of this sort requires any extended

argument or justifies it. This legislation is purely class legislation. The State Plumbers' Examining Board is required by this resolve to issue a plumber's license to this particular individual without his being required to take the examination which is required by law of all other applicants.

Your Committee on Legal Affairs feels that if previous sessions of the Legislature have seen fit to regulate particular types of business and particular professions, and set up examining boards to determine the efficiency of applicants to engage in those businesses and professions, that it is hardly appropriate for this Legislature to take that authority from the administrative boards except in cases of extreme hardship.

Now I assure you that there is no extreme hardship in this case. The sole reason advanced for the granting of a license to Mr. Emmott was that he did not want to come to Augusta to take the examination. I would like to quote to you some of the argument that was advanced in favor of this resolve.

"Mr. President, I think, in all fairness, I should explain to the Senate that this old gentleman does not want to come to this Board that the Senator speaks of. The Board meets in Augusta, and he doesn't want to come to Augusta to submit to examinations."

Now it seems to me that if he is capable of being a plumber, he certainly is capable of coming to Augusta to take the examination. I think it should be noted that he is sixty-nine years of age, and I think it is very commendable that a man of that age wants to be a plumber, but I still think he ought to come to Augusta.

Finally, I want to call to the attention of the members of the House that there are three similar bills pending at this session. One would require the issuance of a license to an undertaker, another to a pharmacist and a third to

a doctor. Now it seems to me that this would be a very dangerous precedent for this Legislature to take unless we are willing to go along and support the passage of these three other resolves that I speak of.

The **SPEAKER**: The gentleman from Augusta, Mr. Campbell, moves that Item 17, Resolve Authorizing the State Plumbers' Examining Board to Issue a License to Philip M. Emmott of Southwest Harbor (H. P. 1059) (L. D. 473 be indefinitely postponed. Is this the pleasure of the House?

Calls of "No".

The **SPEAKER**: As many as are in favor of the motion of the gentleman from Augusta, Mr. Campbell, that the Resolve be indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-one having voted in the affirmative and nine in the negative, the motion prevailed, and the Resolve was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. Stevens of Boothbay, was granted unanimous consent of the House to present a Bill.

The title of the Bill was read by the Clerk as follows:

Bill "An Act to Incorporate the Southport Cemetery District" (H. P. 2085)

On motion by Mr. Stevens, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. DeSanctis from the Committee on Temperance reported "Ought not to pass" on Bill "An Act Relating to Retail Sale of Malt Liquor" (H. P. 1422) (L. D. 755)

Report was read and accepted and sent up for concurrence.

Ought to be Adopted

Mr. Fitch from the Committee on Federal Relations on Joint Resolution Relating to Federal Seizure of State Lands Beneath Navigable Waters (H. P. 2036) reported Ought to be adopted.

Reports were read and accepted, the Resolution was adopted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Gray from the Committee on Claims on Resolve in Favor of the City of Bath for Loss of Taxes (H. P. 1588) (L. D. 933) reported same in a new draft (H. P. 2082) (L. D. 1541) under the same title and that it "Ought to pass"

Report was read and accepted, and the Resolve, having already been printed, was read once under suspension of the rules and tomorrow assigned.

Tabled

Mr. Brown from the Committee on Labor on Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits" (H. P. 1490) (L. D. 804) reported same in a new draft (H. P. 2084) (L. D. 1543) under the same title and that it "Ought to pass"

(On motion by Mrs. Fay of Portland, tabled pending acceptance of Committee Report)

Ought to Pass Printed Bill

Mr. McGlauffin from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Relating to Abandoned Wells as Nuisances" (H. P. 2044) (L. D. 1470)

Report was read and accepted and the Bill having already been printed, was read twice under suspension of the rules and assigned for third reading tomorrow morning.

Ought to Pass with Committee Amendment

Mr. Knapp from the Committee on Claims on Resolve in Favor of

Albert L. Winship of South Windham (H. P. 1117) (L. D. 1539) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve, having already been printed, was read once under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A"
to H. P. 1117, L. D. 1539, Resolve in Favor of Albert L. Winship of South Windham.

Amend said Resolve by striking out the figures "\$148.29" in the Second line thereof and inserting the figures '\$75.00'.

Committee Amendment "A" was adopted, and the Resolve was assigned for second reading tomorrow morning.

Tabled

Mr. Knapp from the Committee on Claims on Resolve in Favor of George L. Varney, of New Gloucester (H. P. 22) (L. D. 10) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

(On motion by Mr. Bennett of Raymond, tabled pending acceptance of Committee Report)

Tabled

Mr. Winchenpaw from the Committee on Education on Bill "An Act Relating to the Valuation of the Town of Dedham for the Apportionment of State School Funds" (H. P. 1131) (L. D. 539) which after being amended by Committee Amendment "A" was recommitted, reported "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

(On motion by Mr. Atherton of Bangor, tabled pending acceptance of Committee Report)

Mr. Hayward from the Committee on Inland Fisheries and Game on Resolve Providing for a Fish Screen in Molunkus Lake (H. P. 1824) (L. D. 1150) reported "Ought to pass"

as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Resolve, having already been printed, was read once under suspension of the rules.

Committee Amendment "A" was then read by the Clerk as follows:

COMMITTEE AMENDMENT "A"
to H. P. 1824, L. D. 1150, Resolve Providing for a Fish Screen in Molunkus Lake.

Amend said Resolve by inserting after the word "for" in the 6th line thereof, the following words 'maintaining said screen and'

Further amend said Resolve by adding at the end before the period, the following:

'and provided further that the state shall be liable for only ½ the cost of said screen'

Thereupon, Committee Amendment "A" was adopted, and the Resolve was assigned for second reading tomorrow morning.

Mr. Plummer from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Crop and Orchard Damage" (H. P. 1134) (L. D. 542) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A"
to H. P. 1134, L. D. 542, Bill "An Act Relative to Crop and Orchard Damage."

Amend said Bill by striking out in the last line the underlined words "previous year" and inserting in place thereof the underlined words 'current or previous open season for deer hunting.'

Committee Amendment "A" was then adopted, and the Bill was tomorrow assigned for third reading.

Divided Report
Tabled

Majority Report of the Committee on Labor reporting "Ought not to

pass" on Bill "An Act to Extend Occupational Disease Coverage Under the Workmen's Compensation Act" (H. P. 1785) (L. D. 1124)

Report was signed by the following members:

Messrs. HOPKINS of Kennebec
HASKELL of Penobscot
COLLINS of Aroostook
—of the Senate
SHARPE of Anson
CHAPLES of Hudson
LARRABEE of Westbrook
—of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. BROWN of Baileyville
CASTONGUAY of Waterville
DOSTIE of Lewiston
LARRABEE of Bath
—of the House

(On motion by Mr. Castonguay of Waterville, the two Reports, with accompanying papers, were tabled pending acceptance of either Report)

Divided Report Tabled

Majority Report of the Committee on Public Health reporting "Ought not to pass" on Bill "An Act Relating to Chiropractic Services Under the Workmen's Compensation Act" (H. P. 1581) (L. D. 903)

Report was signed by the following members:

Messrs. ELA of Somerset
LEAVITT of Cumberland
COBB of Oxford
—of the Senate
Miss LONGSTAFF of Crystal
Mr. BATES of Orono
Mrs. FAY of Portland
—of the House

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 2081) (L. D. 1540) under title of "An Act Relating to Practitioners' Services Under the Workmen's Compensation Act" and that it "Ought to pass"

Report was signed by the following members:

Messrs. MAXWELL of Wilton
BERRY of South Portland
McCLURE of Bath
WEBBER of Bangor
—of the House

(On motion by Mr. Atherton of Bangor, the two Reports, with accompanying papers, were tabled pending acceptance of either Report.)

Divided Report

Report "A" of the Committee on Taxation on Bill "An Act Imposing a Personal Income Tax and a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" (H. P. 1540) (L. D. 892) reporting same in a new draft (H. P. 2083) (L. D. 1542) under title of "An Act Imposing a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" and that it "Ought to pass"

Report was signed by the following members:

Mr. NOYES of Hancock
—of the Senate
Miss LONGSTAFF of Crystal
Messrs. CHASE of Cape Elizabeth
DOW of Falmouth
CARTER of Bethel
—of the House

Report "B" of the same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following members:

Messrs. HASKELL of Penobscot
ALLEN of Cumberland
—of the Senate
DORSEY of Fort Fairfield
WIGHT of Bangor
DUQUETTE of Biddeford
—of the House

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I shall presently make a motion to assign this matter for future consideration, but, before doing so, it seems appropriate that I should explain for those of the committee signing the "Ought to pass" report the

main features, in order that the members may read the bill intelligently.

This is a new draft of H. P. 892. It eliminates the income tax feature of the original bill. In the sales tax provision it follows quite closely the sections of L. D. 892. There are minor changes designed to improve that bill, but generally, except with respect to rates and exemptions, it is about the same.

This is a sales and use tax bill which exempts food. The rate is two and one-half per cent. It is estimated that it will raise about \$8,000,000. The last sections of the bill must be read with these things in mind.

If those who have the bill would turn to Section 330, that section and the following referendum section must subsequently be changed to conform to action taken by this Legislature with respect to specific appropriations, so that these are now drawn as nearly as may be to show the intent. The sections would have to be changed by amendment, the amount in Section 330 would have to be determined by legislative action, and the specific items for which the money would be appropriated would be enumerated in the final amendment. In the referendum, it would be an expedited referendum, which the court of Maine has told us is legal, and would be held on the second Monday in June.

In that particular section, the question to be submitted to the people would be rewritten so as to show the people the purposes for which the money was being appropriated subject to their approval.

I want to point out to the members, coming back, to the fact that the \$5,500,000 is in that bill only because we had to put in some item. That amount would be determined by your action with respect to specific appropriations. Whatever that amount might be, the tax would bring that amount of money into the State, and all of the amount of money raised from the tax thereafter would be returned to the cities and towns as a rebate on

their State property tax, so that any money which the Legislature may save by reducing appropriations for the State will accumulate to the advantage of their own city or town, and any money which the Legislature may see fit to spend for the State will deprive their city and town to that extent.

Now as to the matter of time of consideration, while I must make a motion to postpone to a day certain, I think we all have in mind that a new factor has been introduced into our thinking by a reconsideration of the appropriation measure. It is possible, I conceive, that there may be some who would like to have consideration of this bill deferred until the appropriation situation clears further. That we can determine perhaps better tomorrow.

Now in order that the House may have all the information that it deserves in regard to this bill, I make this suggestion: You all realize, of course, that the members of your Committee on Taxation are not technical tax experts. You will have questions in mind. They ought to be answered. It would greatly facilitate discussion, I think, if you would bring me today any questions which you may have in regard to this bill, in writing if possible, so I may have the opportunity to consult the technical experts that are available in order that the answers to those questions may be more intelligent and definitive than such amateurs as we on the committee could be expected to give.

With this explanation, Mr. Speaker, I move that this matter be assigned for consideration tomorrow.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that Item 13 with the accompanying papers lie upon the table and be specially assigned tomorrow, April 22nd, pending acceptance of either report. Is this the pleasure of the House?

As many as are in favor of the motion of the gentleman from Cape Elizabeth, Mr. Chase, will say aye; those opposed no.

A viva voce vote being doubted, a division of the House was had. The **SPEAKER**: Seventy-seven having voted in the affirmative and forty-two having voted in the negative, the motion to table and specially assign for tomorrow prevails.

Passed to be Engrossed

Bill "An Act Relating to Surveys of State Highways" (S. P. 587) (L. D. 1245)

Bill "An Act Relating to Trespass" (S. P. 661) (L. D. 1492)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Tabled

Bill "An Act Relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement" (S. P. 662) (L. D. 1493)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The **SPEAKER**: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, there are technical differences between this bill and one already passed and signed by our Governor which need to be reconciled, therefore I move that Item 3, Bill "An Act Relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement" (S. P. 662) (L. D. 1493) lie on the table pending passage to be engrossed.

The **SPEAKER**: The gentleman from Auburn, Mr. Williams, moves that Item 3, Senate Paper 662, Legislative Document, 1493, be placed on the table pending its passage to be engrossed. Is this the pleasure of the House?

The motion prevailed, and the Bill was so tabled.

Tabled

Bill "An Act Relating to Elevators" (S. P. 664) (L. D. 1495)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion by Mr. Atherton of Bangor, tabled pending passage to be engrossed in concurrence)

Bill "An Act Relating to Clerical Assistance for Active Retired Justices of the Supreme Judicial Court" (H. P. 315) (L. D. 95)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Tabled

Bill "An Act Relating to Road Tax on Motor Carriers" (H. P. 318) (L. D. 98)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion by Mr. Fitch of Sebago, tabled pending passage to be engrossed)

Bill "An Act Relating to the Salary of Clerks in the Office of Recorder of the Portland Municipal Court" (H. P. 717) (L. D. 259)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Tabled

Bill "An Act Permitting Counties to Raise Money for Airport Construction" (H. P. 1470) (L. D. 803)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion by Mr. Lacharite of Brunswick, tabled pending passage to be engrossed)

Bill "An Act Relating to the Workmen's Compensation Act" (H. P. 1502) (L. D. 805)

Bill "An Act Relating to Rental for the Bar Harbor Municipal Court" (H. P. 1623) (L. D. 934)

Bill "An Act Permitting Tax Abatement for Certain Towns by County Commissioners of York County" (H. P. 1624) (L. D. 935)

Bill "An Act Relating to Hatchery Employees in Classified Service" (H. P. 1627) (L. D. 938)

Bill "An Act Relating to Retail Dealers' Licenses" (H. P. 2032) (L. D. 1439)

Bill "An Act Creating the Bath School District" (H. P. 2074) (L. D. 1538)

Bill "An Act Relating to Funeral Directors and Embalmers" (H. P. 2075) (L. D. 1585)

Bill "An Act Relating to the Use of Electrolysis in Beauty Culture" (H. P. 2076) (L. D. 1529)

Bill "An Act Relating to the Salary of the Judge of the Portland Municipal Court" (H. P. 2077) (L. D. 1530)

Bill "An Act Relating to the Salary of the Recorder of the Portland Municipal Court" (H. P. 2078) (L. D. 1531)

Bill "An Act Relating to Wholesale Lobster Dealer's License" (H. P. 2079) (L. D. 1532)

Resolve in Favor of Maynard Marsh of Gorham (H. P. 562) (L. D. 1526)

Resolve in Favor of Frederick C. Osgood, of Cumberland (H. P. 648) (L. D. 1525)

Resolve in Favor of Susan M. Osgood, of Cumberland (H. P. 649) (L. D. 1528)

Resolve in Favor of John P. Clark, of Scarborough (H. P. 974) (L. D. 1527)

Resolve in Favor of Several Academies, Institutes, and Seminaries (H. P. 2073) (L. D. 1534)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

Bill "An Act to Incorporate the Town of Cherryfield School District" (S. P. 353) (L. D. 588)

Was reported by the Committee on Bills in the Third Reading.

Mr. Atherton of Bangor, offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk as follows:

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A"

to S. P. 353, L. D. 588, Bill "An Act to Incorporate the Town of Cherryfield School District."

Amend said Amendment by striking out in the 4th line of the last paragraph thereof the word "or" and inserting in place thereof the word 'and'.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" was then read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 353, L. D. 588, Bill "An Act to Incorporate the Town of Cherryfield School District."

Amend said Bill by striking out in the 3rd line of Sec. 3 thereof the figure "\$40,000" and inserting in place thereof the figure "\$30,000".

Further amend said Bill by inserting after Sec. 6 a new section to be numbered Sec. 7 and to read as follows:

'Sec. 7 Authority to receive property from the town of Cherryfield. The town of Cherryfield school district is hereby authorized to receive from the town of Cherryfield, and said town of Cherryfield is hereby authorized to transfer and convey to said district, any property, real, personal or mixed, now or hereafter owned or held by the town of Cherryfield for school purposes, and any sums of money or other assets which the said town of Cherryfield has raised for school purposes. Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the town of Cherryfield shall be duly authorized to do so by a majority vote of the legal voters present at any annual or special town meeting, the call for which shall have given notice of the proposed action.'

Further amend said Bill renumbering "Sec. 7" to be 'Sec. 8'.

Further amend said Bill by adding after the word "meeting" in the next to the last sentence thereof the following:

': provided that the total number of votes cast for or against the

acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous gubernatorial election'

Thereupon Committee Amendment "A" was adopted in concurrence and the Bill was passed to be engrossed as amended by Committee Amendment "A", as amended by House Amendment "A" thereto, in non-concurrence and sent up for concurrence.

Amended Bills

Bill "An Act to Authorize the Construction of a Combination Highway and Railroad Bridge Across Fore River" (S. P. 267) (L. D. 397)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Tabled

Bill "An Act Increasing Pensions of Retired Members of the State Police" (S. P. 614) (L. D. 1304)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion by Mr. Williams of Auburn, tabled pending passage to be engrossed)

Tabled

Bill "An Act Relating to Salaries of Somerset County Officers" (S. P. 663) (L. D. 1494)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion by Mr. Hill of Bingham, tabled pending passage to be engrossed)

Bill "An Act to Incorporate the Town of Yarmouth School District" (H. P. 1054) (L. D. 469)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Incorporate the Town of Hartland School District" (H. P. 1175) (L. D. 630)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendments "A" and "B" and sent to the Senate.

Bill "An Act Amending the Charter of the City of Brewer High School District" (H. P. 1653) (L. D. 961)

Bill "An Act to Create the Town of Windsor School District" (H. P. 1675) (L. D. 929)

Bill "An Act Requiring Employer Assenting to Workmen's Compensation Law to File Written Assent and Insurance Policy" (H. P. 1723) (L. D. 1080)

Bill "An Act to Incorporate the Old Orchard Beach School District" (H. P. 1839) (L. D. 1198)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Create the Gardiner School District" (H. P. 1841) (L. D. 1200)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Johnson of Gardiner, offered House Amendment "A" and moved its adoption.

House Amendment "A" read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 1841, L. D. 1200, Bill "An Act to Create the Gardiner School District."

Amend said Bill by striking out in the 8th line of section 1 the word "high"

House Amendment "A" was adopted, and the Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Create the City of Bangor School District" (H. P. 1845) (L. D. 1203)

Bill "An Act to Incorporate the Town of Orono High School District" (H. P. 1901) (L. D. 1224)

Resolve in Favor of Eugene Jorgensen, of South Windham (H. P. 737) (L. D. 1537)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Incorporate the Town of Whitefield School District" (H. P. 1173) (L. D. 629)

Bill "An Act to Incorporate the Town of Monroe School District" (H. P. 1256) (L. D. 561)

Bill "An Act to Incorporate the Town of Corinth School District" (H. P. 1259) (L. D. 558)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendments "A" and "B" and sent to the Senate.

Tabled

Bill "An Act Relating to Fishing Contests on Inland Waters" (H. P. 2058) (L. D. 1487)

Was reported by the Committee on Bills in the Third Reading.

(On motion by Mr. Castonguay from Waterville, tabled pending third reading)

Passed to be Enacted

An Act Relating to Qualification for Liquor Licenses (S. P. 450) (L. D. 798)

An Act to Provide for Equal Pay for Equal Work (S. P. 656) (L. D. 1466)

An Act Relating to Old Age Assistance (H. P. 865) (L. D. 332)

An Act to Amend the Charter of the Yarmouth Water District (H. P. 1068) (L. D. 474)

An Act Relative to Closed Time on Deer in Oxford County (H. P. 1137) (L. D. 599)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, signed by the Speaker and sent to the Senate.

Tabled

An Act Relating to Running Horse Racing (H. P. 1260) (L. D. 562)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Greene, Mr. Sanderson.

Mr. SANDERSON: Mr. Speaker, I will move that Item 6, "An Act Relating to Running Horse Racing" H. P. 1260, L. D. 562, be indefinitely postponed, and I would request a division of the House on the question.

The SPEAKER: The gentleman from Greene, Mr. Sanderson, moves that Item 6, Bill "An Act Relating to Running Horse Racing" H. P. 1260, L. D. 562, be indefinitely postponed, and the gentleman has requested that when the vote is taken it be taken by a division.

The Chair recognizes the gentleman from Stratton, Mr. Carville.

Mr. CARVILLE: Mr. Speaker and Members of the House: I was not quite expecting this, but I do think this is a nice way to get this to an end.

I am not going into any further discussion. We certainly have talked horses here long enough. I just hope that the vote carries as it has through the other stages of this bill. That is all I have to say.

The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. MCGLAUFLIN: Mr. Speaker, just a word. Since we discussed this bill I happened to meet on the streets in Portland Mr. Justice Nulty, who has just been appointed to the Supreme Court and who has been spending some time vacationing in Florida. He said to me, "It would pay the State of Maine to send a delegation to Florida to investigate the effect upon that state of the running horse racing." He said that he himself was no moralist, that he was very much in favor of the harness racing, but he

said that the running races bring with them the scum of the earth, and that it is most undesirable and that it is not a good thing for the State of Florida.

I think it is a very bad thing for the State of Maine to go into the running horse races for the sake of raising money, and I think it is a very bad thing to have the scum of the earth chasing these races coming to Maine.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker and Members of the House: I hate to differ with the gentleman from Portland, Mr. McGlaulin.

In Florida, at Miami, during the Hileah meet, I can assure him and the members of this House that we do not have to send a delegation from Maine down there because there is a delegation from Maine down there every winter. They are not the scum of the earth. They are some of the finest citizens from not only my city but from our State. It is true, in many instances in the State of Maine, the so-called scum of the earth, due to the fact we have illegal gambling here, might be able to go to Miami and pay the rates that are charged during the time that the Hileah meet is open. The hotel rates then are anywhere from twenty-five to fifty dollars per day. That can very easily be verified by anyone who has ever been to Miami.

The running race meet at Hileah closes in March, and Miami is a very quiet place after March as far as these hotels are concerned. And I do not believe that because a man wants to witness a harness race or a running race that he should be branded, as one member has referred to him, as the scum of the earth.

The SPEAKER: The question before the House is on the motion of the gentleman from Greene, Mr. Sanderson, that Bill "An Act Relating to Running Horse Races" (H. P. 1260) (L. D. 562) be indefinitely postponed.

The Chair recognizes the gentleman from Orient, Mr. Maxell.

Mr. MAXELL: Mr. Speaker and Members of the House: I have long since been convinced that we cannot drink ourselves into prosperity, and also I am thoroughly convinced that we cannot gamble ourselves into prosperity, therefore I am opposed to this bill.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I merely want to state that I am opposed to this bill and am in favor of the motion to indefinitely postpone it. My reasons, which I would like to state at this time, are as follows:

We have our harness racing at the fairs; we have authorized long harness racing meets. If we have long meets at Lewiston, long meets at Gorham, and long meets at Old Orchard, and include a running track in the same locality, we would have four long race meets. There is just so much money earned in the State of Maine and in that vicinity, and nearly every dollar that goes through the pari mutuel window in that area will be one dollar that does not go into ordinary business channels.

I am sure that if this bill passes and if those tracks are established, any of us who live in that general vicinity will hear complaint after complaint from our local business men.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Greene, Mr. Sanderson, that Bill "An Act Relating to Running Horse Races", H. P. 1260, L. D. 562, be indefinitely postponed. The same gentleman has requested that when a vote is taken it be taken by a division.

All those in favor of the motion of the gentleman from Green, Mr. Sanderson, that the bill be indefinitely postponed will kindly rise and remain standing until the mon-

itors have made and returned the count.

A division of the House was had.

The **SPEAKER**: Thirty-nine having voted in the affirmative and seventy-six having voted in the negative, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the **Speaker** and sent to the Senate.

Passed to be Enacted (cont'd)

An Act Relating to Permits for Interstate Carriers (H. P. 1527) (L. D. 858)

An Act to Dissolve Portland Bridge District and Transfer Property to State (H. P. 1673) (L. D. 980)

An Act Relating to the Use of the Prefix "Dr." by Dentists (S. P. 85) (L. D. 73)

An Act Relating to Applications for Liquor Licenses (S. P. 449) (L. D. 799)

An Act Relating to Contract Carriers (S. P. 552) (L. D. 1175)

An Act Relating to Advice by Public Utilities Commission to Towns Concerning Water and Sewage Systems (S. P. 553) (L. D. 1172)

An Act Relating to Castle Hill-Chapman-Mapleton School District (H. P. 658) (L. D. 212)

An Act to Ratify and Make Valid the Incorporation of Second Congregational Society of Searsport Harbor, in Searsport, Maine (H. P. 2050) (L. D. 1476)

Finally Passed

Resolve in Favor of the Town of Sangerville (S. P. 242) (L. D. 1467)

Resolve to Establish Working Capital for Institutional Farms (S. P. 477) (L. D. 941)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the **Speaker** and sent to the Senate.

Orders of the Day

On motion by Mr. McGlauffin of Portland, the House voted to take

from the table the 88th tabled and unassigned matter, Senate Report "Ought to pass in New Draft" (S. P. 660) (L. D. 1480) on Bill "An Act Relating to Road Equipment on Private Ways" (S. P. 330) (L. D. 518) tabled on April 19th by that gentleman pending acceptance in concurrence.

The **SPEAKER**: The Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. **McGLAUFFLIN**: Mr. Speaker and Members of the House: I now move to indefinitely postpone this bill. It is very short, and I will read it to you:

"Use of Highway Equipment on Private Ways. The inhabitants of any town, at a legal town meeting, may authorize the selectmen of the town to use its highway equipment on private ways within such town whenever such selectmen may deem it advisable in the best interest of the town and for fire and police protection."

Now the reason that I move to indefinitely postpone it is because the measure is unconstitutional.

Under the provisions of Section 8 of Article VIII of the Constitution, it says: "All taxes upon real and personal estate assessed by authority of the State shall be apportioned and assessed equally."

Under that, our courts have rendered many decisions, one or two of which I am going to read you, just to show you that I know what I am talking about.

In the case of Brewer Brick Company vs. Brewer, in 62nd Maine, it says: "The expenses for which assessments are made shall be public; those appertaining to the public service. No authority is given, either expressly or by implication"—that authority is referring to the Constitution—"to assess for merely private purposes, as to give away or to loan to individuals.

"Taxation having for its only legitimate object the raising of money for public purpose and the proper needs of government the exaction of money from the citi-

zens for other purposes is not a proper exercise of this power and must therefore be unauthorized."

In another place, it says: "It can never be admitted that the Constitution of the State permits or allows the taxation of a portion of its citizens for the private benefit of a chosen few."

In *Laughlin vs. City of Portland*, 111 Maine 487, it says: "The power of taxation rests upon two elements in order to be permitted by the Constitution: First, a public use, and, second, a public emergency."

There is cited in 62nd Maine at Page 71: "In *Commercial Bank the City of Iola*, 2 Dilliom 553, 'that the legislatures of state had no authority to authorize taxation in aid of private enterprises and objects.' "

In *State vs. Telegraph Company*, 73 Maine 526, it says: "It cannot be claimed that taxes can be imposed for other than public purposes."

I say to you, gentlemen, if the Legislature itself cannot authorize the use of public funds for private purposes, neither can it delegate it to the selectmen of any town.

They have tried to inject into this thing police power. It says they can authorize the selectmen if it seems advisable, to use public equipment for private purposes, for fire and police protection.

How can the Legislature give the selectmen of any town power when the Legislature has not got that power itself? And when it comes to the matter of trying to better this by calling it police power or fire protection, where did you ever hear of a Legislature conferring police power upon anybody?

Here is the definition of police power. I quote from *State vs. Sharkey* in 112 Maine, Page 12: "The police power of the state is co-extensive with self-protection, and is not inaptly termed the law of over-ruling necessity."

Now you cannot confer police power just by saying so. That arises, as I just state, out of exigencies. If there are cot-

tages along the shores of any of these lakes where a town wants to get to a fire, there is not any question at all but what the town can put out that fire; that is an emergency. But to give the selectmen the power, to let them determine whether an emergency arises, all you would have to do is to have somebody start a bonfire, and then they would say that an emergency has arisen and they have got to use this equipment to clear out the roads to these summer places so they can get up to that fire.

I hope that there is nobody in this Legislature that will think that they know more about constitutional law than the judges of the Supreme Court of Maine that I have just quoted.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Jewett.

Mr. JEWETT: Mr. Speaker, I do not profess to know anything about law. However, the gentleman from Portland (Mr. McGlauffin) has said that this Legislature has no authority to give a town permission to grant money for private purposes. However, in this very same Legislature, we have made it legal for a town to donate money to a volunteer fire department. We have one in our town which is wholly owned by the townspeople, individual citizens, and not by the town as a whole, and which I would say was a valid purpose so far as the interpretation and intent of the law.

This bill has been kicked back and forth all winter and the last I knew of it, the committee was to give an "Ought to pass" report on the advice of the Attorney General's office, therefore I believe that such advice must have been received. However, if it is in order, I would like to move that this matter be retabled so that we can wait until we can get the advice from the Attorney General's office.

The SPEAKER: The gentleman from Manchester, Mr. Jewett, moves that the bill and accompanying report lie upon the table pending the motion of the gentleman from

Portland, Mr. McGlauffin, that the bill be indefinitely postponed. Is this the pleasure of the House?

Mr. DOW of Falmouth: Mr. Speaker—

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow. The Chair will have to remind the gentleman that the motion to table is not debatable. The pending motion before the House is that the matter lie upon the table pending the motion of the gentleman from Portland, Mr. McGlauffin, that the bill be indefinitely postponed.

As many as are in favor of the motion to table will say aye; those opposed will say no.

A viva voce vote being taken, the motion to table prevailed.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I move that the House do now adjourn until 9:30 tomorrow morning, April 22nd.

The SPEAKER: The Clerk will read the notices.

The motion before the House is the motion of the gentleman from Limestone, Mr. Burgess, that the House do now adjourn until 9:30 tomorrow morning. Is this the pleasure of the House?

The motion prevailed and the House so adjourned.