

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 28, 1949

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

Prayer by the Rev. Mr. Millard of Hallowell.

The journal of the previous session was read and approved.

The **SPEAKER**: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. **WOODWORTH**: Mr. Speaker, may I inquire if House Paper No. 2097, the order introduced by the gentleman from Cape Elizabeth, Mr. Chase, yesterday, is still in the possession of the House?

The **SPEAKER**: The Chair will answer the gentleman's inquiry by stating that the paper is in the possession of the House.

Mr. **WOODWORTH**: Mr. Speaker, I move, out of order, that this paper be sent forthwith to the Senate.

The **SPEAKER**: The gentleman from Fairfield, Mr. Woodworth, out of order, moves that House Paper 2097 be sent forthwith to the Senate. Is this the pleasure of the House?

The motion prevailed.

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

Report of the Committee on Pensions reporting "Ought not to pass" on Resolve Providing for State Pension for Clarence S. Galleys of Ashland (S. P. 486)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Purchase and Installation of Auxiliary Heating Equipment at the Pownal State School (S. P. 233) (L. D. 347) reporting same in a new draft (S. P.

679) (L. D. 1560) under title of Resolve Appropriating Moneys for Certain Construction, Repairs and Equipment at Certain State Institutions and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Resolve passed to be engrossed.

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

Ought to Pass

Report of the Committee on State Lands and Forest Preservation reporting "Ought to pass" on Bill "An Act Relating to Katahdin Wild Life Sanctuary" (S. P. 621) (L. D. 1337)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

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

Ought to Pass with Committee Amendment Tabled and Assigned

Report of the Committee on Agriculture on Bill "An Act Relating to Harness Horse Racing Meets" (S. P. 445) (L. D. 894) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 445, L. D. 894, Bill "An Act Relating to Harness Horse Racing Meets."

Amend said Bill by striking out all of section 1 thereof and inserting in place thereof the following:

"Sec. 1 R. S., c. 77, §9, amended. Section 9 of chapter 77 of the revised statutes, as amended by chapter 358 of the public laws of

1947, is hereby further amended to read as follows:

'Sec. 9. Rules and regulations. The commission shall make rules and regulations for the holding, conducting and operating of all harness horse races or meets for public exhibitions held in this state and for the operation of race tracks on which any such race or meet is held. No such race or meet shall be held on Sunday. No meeting shall be allowed for more than 6 days in any 28-day period, except that **between the 1st Monday in August and October 20th.** Between the 1st day of July and the 1st Monday of August, a meeting may be allowed for not exceeding 18 days on mile tracks. In the event such an 18-day meeting is held, no further meetings at such mile tracks where pari mutuel betting is permitted, shall be allowed during the same calendar year. **The commission may allow races or meets at any track for not exceeding 12 days in any 28-day period, except between the 1st Monday in August and October 20th.** No part of this chapter shall be construed to apply to any racing whatever except harness horse races.'

Thereupon, Committee Amendment "A" was adopted in concurrence.

(On motion by Mr. Millett of Palmyra, the Report and accompanying papers were tabled pending assignment for third reading and specially assigned for Tuesday, May 3rd, 1949.)

Non-Concurrent Matter

Bill "An Act Relating to Installations in Public Highways" (H. P. 2052) (L. D. 1478) which was passed to be engrossed in the House on April 14th.

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

In the House: The House voted to reconsider its action of April 14th whereby it passed the Bill to be engrossed.

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

SENATE AMENDMENT "A" to H. P. 2052, L. D. 1478, Bill "An Act Relating to Installations in Public Highways."

Amend the Title of said Bill by striking out the word "Public" and inserting in place thereof the words 'State or State Aid'

Further amend said Bill by striking out all that part designated "Sec. 67-B" and inserting in place thereof the following underlined section:

'Sec. 67-B. Installations in state or state aid highways forbidden; penalty. No person shall install, erect or construct, or cause to be installed, erected or constructed any such installations as buildings, gasoline pumps or fences in or upon any state or state aid highway; and such state or state aid highway shall be deemed the full width of the right of way as laid out by the state, the county or the town. This paragraph shall not apply to the installations or other property devoted to the public use of any public utility or district or to the installations or other property now in existence.

Any person found guilty of violating the provisions of this section shall be punished by a fine of not less than \$5. nor more than \$500. and whoever after conviction of such violation unlawfully maintains any such installations as buildings, gasoline pumps or fences for 30 days after such conviction may be punished by a further fine of not more than \$50 for each day upon which such installations as buildings, gasoline pumps or fences are maintained.'

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

Non-Concurrent Matter

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

engrossed in the House on April 21st.

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

In the House: On motion by Mr. Campbell of Garland, the House voted to insist on its former action whereby the Bill was passed without amendment.

Non-Concurrent Matter

Bill "An Act Relating to Aid to the Blind" (H. P. 1550) (L. D. 868) which was passed to be enacted in the House on March 31st, and passed to be engrossed on March 25th.

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

In the House: The House voted to reconsider its action taken on March 31st where it passed the Bill to be enacted.

The House then voted to reconsider its action of March 25th whereby the Bill was passed to be engrossed.

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

SENATE AMENDMENT "A" to H. P. 1550, L. D. 868, Bill "An Act Relating to Aid to the Blind."

Amend said Bill by adding after the title thereof and before the enacting clause, the following:

'Emergency preamble. Whereas, in order for aid to the blind to be granted the applicant therefor must have no relatives liable by law who are able to support such applicant; and

Whereas, because of such requirements many deserving people of Maine are unable to receive such aid; and

Whereas, it is vitally necessary to limit such requirements to relatives able to support who reside in Maine so that many of our blind people will not be penalized by hardship and suffering; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of the constitution of Maine and re-

quire the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend said Bill by adding at the end thereof, the following:

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

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

Non-Concurrent Matter

Bill "An Act Relating to Elevators" (S. P. 664) (L. D. 1495) which was passed to be engrossed in the House on April 25th as amended by House Amendment "A"

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

In the House: The House voted to reconsider its action of April 25th whereby the Bill was passed to be engrossed.

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

SENATE AMENDMENT "A" to S. P. 664, L. D. 1495, Bill "An Act Relating to Elevators."

Amend said Bill by striking out, in the 2nd line of that part designated "Sec. 99-P", the underlined punctuation and word "or" and inserting in place thereof the underlined words 'caused by'

Further amend said Bill by inserting in the 3rd line of that part designated "Sec. 99-P", before the underlined word "damage", and underlined word 'substantial'

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

Non-Concurrent Matter

Resolve Regulating Fishing in Webb Lake, in the County of Franklin (H. P. 917) (L. D. 369) which was indefinitely postponed in the House on April 20th.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Marble.

Mr. MARBLE: Mr. Speaker, I move that the House recede from its former action whereby it indefinitely postponed this bill and concur with the Senate in the acceptance of the unanimous "Ought to pass" report of the committee.

There is a regulation at the present time in the Fish and Game Department, prohibiting the taking of smelts from Lake Webb. This would merely make this regulation permanent. The present regulation only lasts until 1952. At the time I introduced this bill I did not know of the existence of this regulation. At the time of the hearing, at which there was no opposition, I felt that it still should be done by a bill such as this. Since that time, however, there are several people who have felt that it should be left purely as a matter of a regulation in the Fish and Game Department.

At that time I was willing to go along with the motion to indefinitely postpone the bill. However, I have learned since that the stocking program of the department would be jeopardized, and for that reason I move that we recede. Thank you.

The SPEAKER: The gentleman from Dixfield, Mr. Marble, moves, on Resolve Regulating Fishing in Webb Lake, in the County of Franklin (H. P. 917) (L. D. 369) that the House do recede from its former action of April 20th whereby the Resolve was indefinitely postponed and concur with the Senate in the acceptance of the "Ought to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed, and the "Ought to pass" report was accepted and the Resolve, having already been printed, was given its first reading and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Relating to Inspection of Motor Vehicles" (H. P. 1516)

(L. D. 889) which was passed to be enacted in the House on April 5th and passed to be engrossed on March 25th, as amended by Committee Amendment "A".

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to insist on its former action and ask for a Committee of Conference.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Salaries of Somerset County Officers" (S. P. 663) (L. D. 1494) which was passed to be engrossed in the House on April 26th as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence.

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

(In the House, on motion by Mr. DeSanctis of Madison, tabled pending further consideration, and specially assigned for Tuesday, May 3rd.)

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House, of the group from the Senior Class of Corinna Union Academy, with Miss Crane in charge.

On behalf of the House, we bid you welcome. (Applause)

The SPEAKER: The House may be at ease for approximately five minutes.

9:40 E. S. T.

The House was called to order by the Speaker.

House Reports of Committees Leave to Withdraw Tabled and Assigned

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the

City of Portland re Powers of Assessors" (H. P. 1643) (L. D. 955) reported leave to withdraw.

(On motion by Mr. Roundy of Portland, the Report, with accompany papers, was tabled pending acceptance of Committee Report, and specially assigned for Tuesday, May 3rd)

Ought Not To Pass

Mr. Cyr from the Committee on Interior Waters reported "Ought not to pass" on Bill "An Act Relating to Penalties for the Pollution of Waters" (H. P. 1298) (L. D. 631)

Mr. Hayes from the Committee on Legal Affairs reported same on Bill "An Act to Incorporate the Southport Cemetery District" (H. P. 2085) (L. D. 1554)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Thomas from the Committee on Aeronautics on Bill "An Act Relating to Aviation" (H. P. 1862) (L. D. 1259) reported same in a new draft (H. P. 2096) (L. D. 1581) under same title and that it "Ought to pass"

Mr. Cyr from the Committee on Interior Waters on Bill "An Act Relating to the Pollution of Streams by Dumping Rubbish" (H. P. 1151) (L. D. 551) reported same in a new draft (H. P. 2100) (L. D. 1586) under same title and that it "Ought to pass"

Reports were read and accepted and the Bills, having already been printed, were read twice under suspension of the rules and tomorrow assigned.

Tabled and Assigned

Mr. Eastman from the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Accident and Health Insurance" (H. P. 1963) (L. D. 1348) reported same in a new draft (H. P. 2101) (L. D. 1587) under same title and that it "Ought to pass"

(On motion by Mr. Eastman of Paris, tabled pending acceptance

of Committee Report and specially assigned for Tuesday, May 3rd)

Mr. Brown from the Committee on Ways and Bridges on Bill "An Act to Authorize the Construction of a Bridge Across the Androscoggin River" (H. P. 1672) (L. D. 979) reported same in a new draft (H. P. 2098) (L. D. 1584) under title of Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River and that it "Ought to pass"

Mr. Lackee from same Committee on Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds (H. P. 4) (L. D. 1) reported same in a new draft (H. P. 2099) (L. D. 1585) under same title and that it "Ought to pass"

Reports were read and accepted and the Bill and Resolve, having already been printed, the Bill was read twice under suspension of the rules, the Resolve read once and tomorrow assigned.

Ought to Pass

Printed Bills

Tabled and Assigned

Mr. Thompson from the Committee on Banks and Banking reported "Ought to pass" on Bill "An Act Providing for the Expenses of the Banking Department" (H. P. 1924) (L. D. 1284)

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

(On motion by Mr. Burgess of Limestone, tabled pending assignment for third reading and specially assigned for Tuesday, May 3rd)

Mr. Brown from the Committee on Interior Waters reported "Ought to pass" on Resolve Appropriating Money to Set Buoys in Inland Waters (H. P. 1779) (L. D. 1118)

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

Ought to Pass with Committee Amendment

Mr. Brown from the Committee on Ways and Bridges on Bill "An Act Relating to Method of Issuance of State Highway and Bridge Bonds" (H. P. 1976) (L. D. 1357) 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. 1976, L. D. 1357, Bill "An Act Relating to Method of Issuance of State Highway and Bridge Bonds."

Amend said Bill by inserting in the 11th line of that part designated "Sec. 104-A" after the underlined word "governor" the following underlined punctuation and words ', the treasurer of state'

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Relating to Control of Dogs" (H. P. 1972) (L. D. 1354)

Report was signed by the following members:

- Messrs. BAKER of Kennebec
- BATCHELDER of York
- EDWARDS of Oxford
- of the Senate
- CAMPBELL of Augusta
- ATHERTON of Bangor
- MARBLE of Dixfield
- MARTIN of Augusta
- HAYES of Dover-Foxcroft
- PAINE of Portland
- of the House

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

Report was signed by the following member:

Mr. CHAPMAN of Portland
—of the House

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I note the absence in the House today of the gentleman from Portland, Mr. Chapman, so I ask that these reports and accompanying papers lie on the table and be specially assigned for Tuesday, May 3rd.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that Item 11, Bill "An Act Relating to Control of Dogs" (H. P. 1972) (L. D. 1354), with the accompanying reports, lie upon the table pending acceptance of either report of the committee and that the matter be specially assigned for Tuesday, May 3rd. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Lands and Forest Preservation reporting "Ought to pass" on Bill "An Act Relating to Primary Wood-Using Portable Sawmills, Spark Arrestors and Timber Reports" (H. P. 1739) (L. D. 1093) which was recommended.

Report was signed by the following members:

- Messrs. WILLIAMS of Penobscot
- CROSBY of Franklin
- COBB of Oxford
- of the Senate
- HAYWARD of Machias
- BROWN of Wayne
- LEAVITT of Parsonsfield
- WEBBER of Bangor
- of the House

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

Report was signed by the following members:

- Messrs. WILLIAMS of Topsham
- BENN of Smyrna
- SHARPE of Anson
- of the House

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would move that we accept the minority report and that the matter be tabled and taken up tomorrow morning.

The SPEAKER: The gentleman from Topsham, Mr. Williams, moves, on Item 12, Bill "An Act Relating to Primary Wood-using Portable Sawmills, Spark Arrestors and Timber Reports" (H. P. 1739) (L. D. 1093) that the House do accept the minority "Ought not to pass" report of the committee. The gentleman moves that pending that motion, the Bill and accompanying papers lie upon the table and be specially assigned for Friday, April 29th. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

Passed to be Engrossed

Bill "An Act Defining Agricultural Fair Associations and Societies" (S. P. 676) (L. D. 1550)

Resolve Providing for a Fish Screen at Outlet of Donnell's Pond in the Town of Franklin in the County of Hancock (S. P. 677) (L. D. 1551)

Resolve in Favor of Beatrice Noonan, of Boston, Massachusetts (H. P. 128) (L. D. 1578)

Resolve Relating to the Use of Purse, Drag or Stop Seines in Damariscotta River (H. P. 2072) (L. D. 1524)

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

Tabled and Assigned

Resolve Granting a Pension to Erna G. Adams, of Bridgton (H. P. 2095) (L. D. 1580)

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

(On motion by Mr. Cook of Bridgton, tabled pending passage to be engrossed and specially assigned for Monday, May 2nd)

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

Amended Bills

Bill "An Act to Create the Town of South Berwick School District" (H. P. 1172) (L. D. 628)

Bill "An Act to Authorize the Construction of a Wharf in Maranacook Lake at Winthrop" (H. P. 1629) (L. D. 982)

Bill "An Act Relating to Hairdressers and Beauty Culture" (H. P. 1954) (L. D. 1327)

Bill "An Act to Incorporate the Town of Sebago School District" (H. P. 1946) (L. D. 1318)

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 Relating to Compensation for Members of the Boxing Commission" (H. P. 756) (L. D. 293)

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" as amended by House Amendment "A" thereto and sent to the Senate.

Passed to be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Town of South Thomaston School District (H. P. 486) (L. D. 161)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Appropriating Moneys for Anticipated Overdrafts in the Department of the Adjutant General Due to Insufficient Appropriations (H. P. 1947) (L. D. 1320)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

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

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

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

An Act to Incorporate the Town of Searsport School District (H. P. 1171) (L. D. 627)

An Act to Incorporate the Town of Winthrop School District (H. P. 1258) (L. D. 559)

An Act to Create the Town of Orland School District (H. P. 1712) (L. D. 1014)

An Act Relating to Boards of Registration (H. P. 1759) (L. D. 1031)

An Act Relating to Quantity in Purchasing Herring (H. P. 1990) (L. D. 1372)

An Act Relating to the Salary of the Sheriff of Waldo County (H. P. 1074) (L. D. 480)

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

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

An Act Relating to the Salary of the Clerk of Courts of Waldo County (H. P. 1732) (L. D. 1086)

An Act Amending the Charter of the City of Calais (H. P. 1840) (L. D. 1199)

An Act to Incorporate the Town of Masardis School District (H. P. 1875) (L. D. 1253)

An Act Relating to Unfair Methods of Competition and Practices in the Business of Insurance (H. P. 1937) (L. D. 1317)

An Act Relating to the Salary of the Judge of the South Portland Municipal Court (H. P. 1941) (L. D. 1314)

An Act Relating to Pollution of Tidal Waters (H. P. 2054) (L. D. 1483)

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

An Act Relating to Funeral Directors and Embalmers (H. P. 2075) (L. D. 1535)

Finally Passed

Resolve Relating to Unexpended Balances for Lobster Rearing Station (S. P. 88) (L. D. 74)

Resolve in Favor of Caswell Plantation (H. P. 334) (L. D. 1510)

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.

Placed on Special Calendar

Resolve in Favor of Caswell Plantation (H. P. 541) (L. D. 1517)

Resolve Providing for an Increase in Retirement Pension for Harry H. Watson of Prospect (H. P. 304) (L. D. 1424)

(On motion by Mr. Brown of Unity, he being a member of the Committee on Appropriations and Financial Affairs, L. D. 1517 and

L. D. 1424 were placed on Special Calendar)

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Placed on Special Calendar

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)

(On motion by Mr. Brown of Unity, he being a member of the Appropriations and Financial Affairs Committee, L. D. 1525, L. D. 1528, and L. D. 1527 were placed on Special Calendar.)

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Mr. PHILBRICK of Woodland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. PHILBRICK: To reconsider, Mr. Speaker, to reconsider an item whereby we took action the other day.

The SPEAKER: The gentleman may make his motion.

Mr. PHILBRICK: Mr. Speaker, I move that we reconsider our action taken on Item 5, H. P. 2052, L. D. 1478, whereby the House adopted Senate Amendment "A". If I am granted this privilege, I will then move to table the matter for the purpose of offering House Amendment "A" to Senate Amendment "A".

The SPEAKER: The gentleman from Woodland, Mr. Philbrick, moves that the House do reconsider its action taken earlier in the morning whereby the House passed the Bill to be engrossed as amended. Is it the pleasure of the House to reconsider its action whereby it passed the Bill to be engrossed as amended?

The motion prevailed.

The SPEAKER: The same gentleman now moves that the House do reconsider its action also taken earlier in today's session whereby it adopted Senate Amendment "A". Is it the pleasure of the House to reconsider its action whereby it adopted Senate Amendment "A"?

The motion prevailed; and on further motion by Mr. Philbrick, Senate Amendment "A" to Bill "An Act Relating to Installations in Public Highways", with accompanying papers, was tabled pending adoption of Senate Amendment "A" and the matter was specially assigned for Friday, April 29th.

Mr. Bucknam of Whiting, was granted unanimous consent to address the House.

Mr. BUCKNAM: Mr. Speaker and Members of the House: I have a bill here, in regard to the tax on sardines which is to be paid by packers. It says Bill "An Act to Provide a Tax on Sardines." This involves an amount of approximately \$230,000 a year. They have asked me to present the bill and I ask for unanimous consent that it be received.

The SPEAKER: The gentleman from Whiting, Mr. Bucknam, presents a Bill and requests unanimous consent for its introduction. The Clerk will read the title.

The CLERK: (reading) Bill "An Act to Provide for a Tax on Sardines."

The SPEAKER: Is there objection to the reception of the Bill?

The Chair hears objection and the Bill has not been received.

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

Mr. BURGESS: Mr. Speaker, I move to take from the table the thirty-fifth tabled and unassigned matter, Bill "An Act Relating to the Banking Department" being H. P. 1969, L. D. 1352.

The SPEAKER: The Chair is obliged to state that we have not taken up the matters specially assigned for today, and is unable to entertain a motion to take up an unassigned matter at this time.

Mr. BURGESS: I beg your pardon, Mr. Speaker.

The SPEAKER: Thank you.

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Mines and Mining on Bill "An Act Relating to Mining" (H. P. 487) (L. D. 162) tabled on April 25th by the gentleman from Wilton, Mr. Maxwell, pending acceptance of report; and the Chair recognizes the gentleman from Wilton, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: I now move to substitute the bill for the report. We had quite some discussion yesterday, and one gentleman made a statement that certainly set well with me. He said it seems that we should do something in this Legislature, and I agree with him.

Now I feel that we have something here which is a bill of major importance, regardless of whether I present it or someone else presents it. I think it is something which frankly the geologists throughout the entire State whom I have contacted have given their approval of, and that the prospectors have stood solidly behind. In fact, there is only one group that I know of who has opposed it, and that is the large lumber companies.

Now I would like to bring to your attention that there is a House Amendment "A" on your desks and it strikes out the entire old legislative document and offers you a new document. The old legislative doc-

ument, 162, provides that a prospector would receive, upon finding minerals, a lien on the minerals that he did find, and he had a hold on those for some fifty years.

I did that principally because I had been informed by one of the State Departments that they definitely felt that many minerals were laying now, already found, simply because no deal could be made. I am doing away with that because there would seem to be quite a good deal of opposition, so I have now the new act which provides simply for a license. It simply allows the prospector to enter upon unimproved lands and wild lands, and it definitely states he shall not commit any damage upon said lands.

I should probably remind you that the opposition voiced was one simply against the danger of fire. Therefore, within Section 13 of this new act that I am presenting, I made certain that the moral character of the gentleman to receive a license was taken into consideration, and I did that to remove any doubt in anyone's mind that someone who might be a hobo or otherwise would go out upon the land and prospect. My own experience is that at least every prospector, I think, that I have contacted, including several State employees, have been men or women who have a character that I do not believe could be questioned. In fact I believe, without any question, that they would be fire wardens rather than firebugs, and they would in that way certainly save the State some money.

Now I was in hope to have more detailed information today, and thanks to one professor of geology—he sort of slipped on me a little bit and I haven't got that at this time. But even if this has laid upon the table a long time, I want to settle it today, and I hope that you can bear with me and accept my motion to substitute the bill for the report.

We have in the State several minerals that we know are in quantity. One of them is feldspar. Now

off-hand feldspar seems just another rock to most people, and it doesn't mean too much, but from feldspar we obtain mica, and let me remind you that our one most famous weapon in the last war was radar, and in that radar we had to make use of feldspar. In other words, we made use of the mica that went into the condensers on the radar sets, and that is something that we have in large quantities in the State of Maine. And it seems, therefore, that it certainly is important that we should develop that field that we know we have, and unless we can allow the prospectors to enter upon these lands, we certainly will never develop feldspar.

The second one which I know we have in quantity, and I believe most everyone else probably knows we have in quantity, is lime, and lime is used in cement and also of course lime is a fertilizer, and that also, as I have already stated, is in large quantities in the State of Maine. I know myself where several deposits could be found, and I feel that undoubtedly there are certainly large quantities throughout the entire State, at least I am told so by geologists.

We have also been reminded, and I think probably most of you have noticed in the papers during the last year, that there has been peat found in quite some quantities, and certainly, in case of war once again, that would be of vital importance if we should have a shortage of coal or something of that nature.

Now I could go on and cite you twenty or thirty various minerals that we have at least in some quantity, but I have given you those two, or rather three, which I feel that we have in quantity and which have large commercial value.

I also know that we have in some quantity, iron. We know that because it is being mined in the State today, and we recognize iron as being one of the most important minerals that we have within the country, and certainly we would be doing

well if we could encourage the finding of more iron within the State.

Secondly, the one which is probably the most important, that we know we have in some quantity, is tin. Now the New England states, and I think any geologist will bear me out on this, is the only area within the country that is liable to have any quantity of tin, and so that reason, that, and that alone, if we had nothing else within the State, should be sufficient to warrant the passing of some such measure as that I have. Now tin, as you know, has been found in some quantity already and there certainly is a national shortage of tin, and so for that reason I think that it is the one thing that would make the State of Maine, if we can find it in any quantity, and I think we probably will.

Now, economically speaking, the lumber industry has definitely stated that they are fading. In talking to Mr. Nutting, the Forestry Commissioner, he has told me that practically all of our white birch has been wiped out. I remember the hearings held in the session here, when the lumber industries were represented, they said that something was going to have to be done; they were going to be moving south shortly, and so that is one other reason, I believe, that we should go into this field, because this is one way of taking up the gap of unemployment that could result from the lowering of the industrial field in lumber.

Now more than anything else, we all know that we are standing pretty closely to the brink of war today, and such a war could perhaps even happen over night, or could be brought about. I think it is only right that the people of the State of Maine and the people of the nation have some protection in a form, at least, that we could go out and develop the minerals that we have, so that in case of war, whether we have a lien on those minerals or whatever we have, we will know where they are — at least we will have men that may

have found strategic minerals as far as a national emergency is concerned, and then the national government can step in and say: "Boys, we want this; we are going to have it." And it certainly would be for the welfare of the nation if we did do something of that nature.

There are some quantities of uranium in the State of Maine. Now I do not know how much, but the geologists have told me that the supply is certainly shortening in the nation, and the fact that we have some within this State certainly is reason enough to go out and search for it.

I missed one when I was covering the former ones that we know we have, and that is the gems. I believe almost all of you noticed in the hallway this past session or this past winter the collection of Mr. Snyder, and also I believe one other collection which was shown, and the gem industry has potential strength in the State of Maine.

I think that is enough. I believe that I have covered the fact that we have minerals in Maine. I say that you can go to any geologist and he will tell you practically the same things, only he will probably give you more detailed explanation. I am sorry that I don't have some of that material today, as I expected to have it. I definitely believe that the national emergency should come first, and I think that we can help to do something about it. I also believe that in the State if there is one thing that we can do to bring about industry, or bring about any new field, then we will be doing something there, something that the Legislature can be proud of.

And so, in closing, I would simply like to say that this is strictly a license, nothing else. It doesn't give any liens; it only allows the men, the prospectors of good moral character, to enter upon unimproved lands and wild lands. It isn't giving him too much ground; he cannot do any digging around; he has to be a surface prospector, and at least it will provide a slight amount of revenue for the towns,

and I believe it will provide a new field of industry for the State of Maine. So I hope my motion prevails that we substitute the bill for the report.

The SPEAKER: The question before the House is on the motion of the gentleman from Wilton, Mr. Maxwell, that Bill "An Act Relating to Mining" (H. P. 487) (L. D. 162) be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bangor, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: I would like to say, at the outset, that I go on record for any measure which would encourage mining and which would also help develop our natural resources. However, if you analyze this bill, you will find that it is the wrong approach to solving the problem, and in my estimation it is unconstitutional.

You will notice that in House Amendment "A", as submitted this morning, Section 14, "Permission to prospect. Any person to whom a prospector's license has been granted, as provided in Section 12 and 13, may enter upon any of the wild lands or unimproved lands in the state". . . . Since when can the Legislature give a right to any person or persons to enter upon private property without the consent of the owners? That one provision right there, I am very sure, would be declared unconstitutional if it were taken to the courts.

Going beyond, in Section 15, it says "Percentage of profits to the prospector. . . If the owner of said land develops the claim discovered and recorded, he shall be obliged to pay to the prospector ten percent of the net profits derived from the operation of the claim." Is this Legislature going to give the power and the right to prescribe the amount of net profits to be given? It is written right down there, ten percent of the net profits will be given to the prospector. That one provision there is unconstitutional.

Going further than that, in the last paragraph: "For fifty years

after the date of recording the claim, no conveyance of land in fee simple, fee tail, or for life, or lease for more than six months or for an indefinite term shall be effective against the prospector's right to claim his proportion of the net profits as provided in this section." In other words, the prospector would have a claim for fifty years. I am quite sure that any of these lawyers in this House would tell you right offhand that this thing is unconstitutional.

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

Mr. PARKER: Mr. Speaker and Members of the House: As a member of the Committee on Mines and Mining, I feel it is my duty to explain the attitude which was taken by that committee, which on the original bill was unanimous "Ought not to pass". If I understand this amendment, the old bill, which was Legislative Document 162, is entirely stricken out, and this new bill, "An Act to License Prospectors for Minerals and Metals," is presented in its place.

Under the old bill, Legislative Document 162, the committee held a hearing which was very well attended. We certainly received a lot of points from both sides. The committee, not being sure of whether it was constitutional, secured a ruling from the Attorney General's department, which I would like to read to you:

"I regard the terms of this bill as obnoxious to the constitution. Private property may not be invaded and trespassed on without the consent of the owner, whether the trespasser does any damage or not.

"The right of each individual is to be secure in his own property, and no one can enter upon it without his permission, express or implied."

Now, Members of the House, I believe that the State of Maine would be in a much better position, if we knew what we had for minerals beneath the surface and on the surface of our land. The only ques-

tion I want to bring to your mind is this: In Section 13 of this amended bill, under "Prospector's License" it still gives the applicant the privilege of entering upon lands that are owned by private individuals. Now I am just wondering if it wouldn't be wise to find out whether we are doing something here that is going to be upheld by our courts or whether we are doing something that will not. That is the only question that I bring up. I think we should consider this very carefully. Thank you.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Eighth Grade of the Windham High School. In charge of the group are Mrs. Hodgdon and Mrs. Simmons. On behalf of the House, we bid you welcome. (Applause)

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

Mr. EASTMAN: Mr. Speaker and Members of the House: I did not intend to get up on this bill, but coming from a section which produces probably some of the best minerals in the State, and knowing the feeling of some of the prospectors and being a landowner myself, and knowing the feeling of the landowners, I am definitely opposed to it and I hope that the motion of the gentleman from Wilton (Mr. Maxwell) does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Wilton, Mr. Maxwell, that Bill "An Act Relating to Mining" be substituted for the "Ought not to pass" report of the committee.

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

Mr. MAXWELL: Mr. Speaker, I would like to remind the members that we do now issue hunting licenses, and if this license is illegal, unconstitutional, then so are our hunting licenses.

I would also like to say, remind Mr. Webber, that my amendment does cut out Section 15 and that is certainly no longer an objection.

As to the area which was cited that we had a number of prospectors and this Representative says there is opposition, I am sorry that I do not have with me, but I have had several letters from some of the best prospectors in the State of Maine from that area, and I would be glad to show them to him later on, and they have definitely taken a stand for this bill.

Now, I would like to know whether we are going along with tradition and be one of the most backward states that we have in the nation. It is about time that we woke up and did something about the minerals that we have. In other words, it is about time that we did something about our own national security. I think we have been sleeping long enough. Now, let's wake up and pass something which will do something about that.

The SPEAKER: The question before the House is on the motion of the gentleman from Wilton, Mr. Maxwell, that Bill "An Act Relating to Mining" (H. P. 487) (L. D. 162) be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bangor, Mr. Webber.

Mr. WEBBER: Mr. Speaker, I move that when the vote is taken, it be taken by division.

The SPEAKER: The gentleman from Bangor, Mr. Webber, moves that when the vote is taken, it be by division.

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

Mr. SANDERSON: Mr. Speaker and Members of the House: I did not have the slightest idea of speaking on this question and I think it will be as great a surprise, perhaps, to the gentleman from Wilton, Mr. Maxwell, as it is to the rest of you. I am free to admit that I am not prepared to speak on it. Regarding the constitutionality of the proposed law, I know nothing. However, it seems to me that the en-

actment of this measure, if constitutional, might prove of great advantage to the State of Maine and, there being doubt on this point, I think that we should satisfy ourselves and, if it be constitutional, and as has already been pointed out by the gentleman from Wilton, Mr. Maxwell, it would seem to be as nearly constitutional as certain other practices that are quite generally followed. If it be constitutional, it seems to me it is a worthy measure and I want to go on record as being heartily in favor of it if it found to be within the requirements of our Constitution.

It would seem to me that the operation of this bill might open up great opportunities for development of industries in our State and it might prove of great aid in any defensive measures which might later become necessary.

I regret very much that the gentleman from Wilton (Mr. Maxwell) does not have today to exhibit to the members of this House certain specimens which he had expected. In fact, I rather tentatively advised him to try to secure a postponement of his presentation that he might present these items. However, in deference to the fact that he with the rest of us wished to conserve the time and improve the time of this body to the greatest possible extent, he chose to sacrifice this possibility of strengthening his own case by attempting to settle the matter this morning, although he is not in a position to make as strong an argument as he would be with this exhibit. I'll send it along because I want to conserve the time of this House, but I definitely wish to go on record as favoring this bill providing it shall be found to be constitutional.

The SPEAKER: The question before the House is on the motion of the gentleman from Wilton, Mr. Maxwell, that the Bill be substituted for the "Ought not to pass" report of the committee. The gentleman from Bangor, Mr. Webber, has requested that when the vote is taken, it be by division. All those in favor

of the motion of the gentleman from Wilton, Mr. Maxwell, that Bill "An Act Relating to Mining" (H. P. 487) (L. L. 162) be substituted for the "Ought not to pass" report of the committee will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-two having voted in the affirmative and forty-six having voted in the negative, the motion to substitute the Bill for the "Ought not to pass" report did not prevail.

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 2nd tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Welfare on Bill "An Act Relating to Chiropractic Services under the Aid to Dependent Children and Dependents of Veterans' Law" (H. P. 1755) (L. D. 1128) tabled on April 26th by Mr. McGlaufflin of Portland pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. McGLAUFFLIN: Mr. Speaker, I have learned that it would be useless for this measure to go through so I go along with the "Ought not to pass" report.

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 3rd tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Claims on Resolve in Favor of Marjorie Heald, of Yarmouth (H. P. 1375) tabled on April 27th by the gentleman from Brunswick. Mr. Lacharite pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Lacharite, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 4th tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Pensions on Resolve in Favor of John E. Mitchell, of Patten (H. P. 1879) tabled on April 27th by the gentleman from Stacyville, Mr. Boulier, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Boulier, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 5th tabled and assigned matter, House Report "Ought not to pass" of the Committee on Pensions on Resolve Providing for State Pension for Elmira A. Brown, of Lewiston (H. P. 939) tabled on April 27th by the gentleman from Auburn, Mr. Jacobs, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. JACOBS: Mr. Speaker and Members of the House: I move that the Resolve be substituted for the report. In supporting my motion, I wish to call the attention of the Members of the House that this resolve for Miss Elmira Brown is not a new pension; it is a resolve proposing an increase in the pension she already has and which she has enjoyed for several years.

Miss Brown is the daughter of a Civil War Veteran. She was a teacher in the schools of our State for twenty years but not teaching long enough, she could not avail herself of the privileges of the pension in that department. However, several years ago, I presented a resolve in the Legislature at that time for a pension for this Miss Brown. Her father, a Civil War Veteran, was taken sick several years ago and it necessitated care from someone; his wife had died and the only person available at that time was the daughter. Consequently, she left the teaching of school which she wanted to continue but felt the need of her father—of giving attention to her fa-

ther—at that time, left teaching school and devoted her life as long as her father lived to his care.

Now, this lady is seventy-four years of age. She lives in one room and has been enjoying a \$30 a month pension for several years. Due to the expenses and medical care and doctor's care, she finds that she cannot get along with this \$30 a month pension which is all she has to live on. Several years ago, she tried to maintain the old farm. A mortgage was placed upon it and she finally lost it. She did realize something like \$200 but that has gone.

Now, I believe it is justice, not pity or sympathy, to allow this lady in her declining years, the extra \$10 a month which is only \$120 a year that she may enjoy the few years which she has left. She has arthritis, cannot work. A lady friend of hers, in the next room where Miss Brown stays, has been receiving \$40 a month old age assistance and she was promised a short time ago on the bill we passed here, the resolve, she was promised \$50 a month for her care and she is in about the same condition physically.

Now, I believe, members of the House, it is justice to this Miss Brown at this time, a daughter of an old Civil War Veteran, that she be allowed this \$10 a month that stands between her and the City Farm of Auburn and I move that this resolve be submitted for the report.

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

Mr. McGLAUFFIN: Mr. Speaker, I want to go along in support of Mr. Jacob's motion but I want to remind him that we need more taxes to do it. (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that Resolve Providing for State Pension for Elmira A. Brown of Lewiston (H. P. 939) be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker and Members of the House: In answer to that, I will say that the reason why the committee voted "Ought not to pass" was because she could receive old age assistance and the federal government pays half of that and we are trying to save as much as we can. It seems to me she could receive the old age assistance if she applied for it and that would be \$40 or \$50.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that the Resolve be submitted for the "Ought not to pass" report of the committee.

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

Mr. JACOBS: Mr. Speaker, in reply to that, Miss Brown has been told by the lady in charge of the old age assistance in our area that she could not receive two pensions, that she is already receiving a State pension and could not get old age assistance.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that the Resolve be submitted for the "Ought not to pass" report of the committee. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote was had and the motion prevailed.

On further motion by Mr. Jacobs, the Resolve, not having been printed, was tabled pending printing under the Joint Rules.

The SPEAKER: The Chair now lays before the House the 6th tabled and today assigned matter, Bill "An Act Providing for a Standard of Electrical Installations" (S. P. 652) (L. D. 1451) tabled on April 27th by the gentleman from Garland, Mr. Campbell, pending his motion to indefinitely postpone; and the Chair recognizes that gentleman.

Mr. CAMPBELL: Mr. Speaker and Members of the House: As I said yesterday morning, I would withdraw this motion if I could be shown that I was wrong and I

admit that I was. I misinterpreted the section which I referred to. Therefore, I will withdraw the motion to indefinitely postpone.

Thereupon, the motion to indefinitely postpone was withdrawn, the Bill was given its third reading and passed to be engrossed in concurrence.

The SPEAKER: The Chair lays before the House the 7th tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to Itinerant Vendors" (H. P. 1652) (L. D. 960) tabled on April 27th by the gentleman from Houlton, Mr. Robbins, pending acceptance of the report of the committee; and the Chair recognizes that gentleman.

Mr. ROBBINS: Mr. Speaker, after two false starts, yesterday, I would like to take a couple of minutes to explain this bill to the House. Then I am going to move to substitute the bill for this report.

This bill is the product of a year and a half's work by a committee representing the Chambers of Commerce of the State of Maine. This bill does two things: It amends the present itinerant vendors' law to include itinerant photographers and to include those who come into a town, rent temporary quarters, sell goods by sample and then go away without any guarantee that the goods will be delivered. It applies only to those people who have no established business within the State of Maine.

As far as the photographers are concerned, this is the Vermont law—Vermont is a rather conservative state, and it has been working over there satisfactorily for many years. The only important change is that we propose that itinerant photographers pay a license fee to the State of only \$100 instead of \$500 as required in Vermont. The figure of \$100 is the figure which is required of any itinerant vendor, but not photographers.

The next section does not include the ordinary traveling salesman; they are exempt under another

section of the law which says that these provisions do not apply to sales made by commercial travelers or selling agents in the usual course of business. We are only seeking to protect the public from fly-by-night operators in the field of photography and the field of itinerant vending. I understand that no one on the Legal Affairs Committee questions the need of some kind of remedial action.

I have here a booklet on "Focusing on Ethics" which was put out last year by the National Photographers Association. I think that you will all agree with me that unless there is some necessity for action, the photographers, themselves, would not publish a book with that title. It takes up one by one the various abuses that have crept into the itinerant photographers' business and it starts off by saying: "The public is defrauded in many ways. Often there are overcharges or deliveries of photographs not in conformity with the samples or offers submitted. Or again, it may be a carelessly finished product, lacking permanence and fading at an early date or becoming stained in a comparatively few months."

On another page, it says that these unethical photographers "have resulted in so many complaints by their victims that the Federal Trade Commission has taken cognizance of conditions in the photographic profession. As a result, many cease and desist orders have been issued."

And, just in passing, I notice on the next page among those studios against which a cease and desist order has been issued is the Olan Mills Studio, which has been holding forth in the Augusta House ever since this Legislature started. They came and opposed this bill and naturally they would. A cease and desist order was issued against them for the misleading use of the word "free". I think you all know that there isn't any such thing as free photography.

Here is a bulletin from the Better Business Bureau of Roanoke, Virginia, in which they describe

the operations of two or three men who came in and promised free photographs and collected a dollar for same and got out. I have some letters from the Portland Better Business Bureau on this subject. I am not going to read them to you but they are about the activities of one man from Peaks Island. This gentleman, Mr. Clough, visited Boothbay Harbor, Saco, Gorham and Freeport last summer. He collected \$1 for photographic sittings which never materialized.

And, finally, here is an article from the Magazine Digest of September, 1948, titled "Photo Grafters Will 'Take' You if You Don't Watch Out". "Your face may become someone else's fortune if you win a 'prize' from the bargain cameraman."

Now, Mr. Speaker and Members of the House, it is the feeling of the Chambers of Commerce in this State that even though the itinerant vendors' law may be unsatisfactory as at present drafted, that is no reason why we should not afford as much protection as we can to the public from acknowledged grafters, and for my part, I would be perfectly willing to obtain a redraft of the statute to be presented at the next session. In the meanwhile, these people are going around the State of Maine, collecting money under false pretenses.

It is my opinion that the public should be protected. I, therefore, move that the bill be substituted for the report.

The SPEAKER: The gentleman from Houlton, Mr. Robbins, moves that Bill "An Act Relating to Itinerant Vendors" be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Dixfield Mr. Marble.

Mr. MARBLE: Mr. Speaker and Members of the House: As Mr. Robbins has told you, this bill really does two things. In the first place, it makes minor changes in the present law dealing with itinerant vendors. In the second place, it adds a special section dealing with itiner-

ant photographers which is based more or less on the same general principles as now govern the maneuverings of itinerant vendors.

Your Legal Affairs Committee does recognize the general problem which this bill seeks to meet as so ably outlined by Mr. Robbins. The reasons for our unanimous "Ought not to pass" report on this bill is that the present itinerant vendors law is quite complicated; it is unenforced and unenforceable. We believe that the proper approach to this whole situation should be to wipe the book clean as they now deal with itinerant vendors and write in a new law. This bill certainly does not do this.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Robbins, that the Bill be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bangor, Mr. Atherton.

Mr. ATHERTON: Mr. Speaker and Members of the House: I regret having to rise to oppose my good friend from Houlton, Mr. Robbins. However, also as a member of the Committee on Legal Affairs, I wish to make a few remarks on this although the gentleman from Dixfield, Mr. Marble, has quite well stated the objections, or some of the objections, of the committee.

First of all, I regret having to take exception to one statement made by the gentleman from Houlton. That is, I feel the committee does question that this is illegal legislation in this respect. However, the committee is cognizant of the fact that certain frauds are practiced upon people by certain itinerant vendors. However, we do have, at the present time, on our statutes, certain criminal laws and also certain remedies. I would also like to state that two years ago, I, myself, introduced a bill in behalf of the Photographers Association, who wished to correct some of these frauds and apparently eliminate some of the competition that was coming into certain localities from outside the State. I, myself, was not

very enthusiastic about the bill at that time. It was heard before the Committee on Judiciary and they unanimously reported it "Ought not to pass" and the bill was killed by the acceptance of the report by the Legislature.

Another objection which was raised before the committee was that some of the license fees called for in the bill were so high that they were actually prohibitive. For these reasons and others which I feel do not need to be stated at this time and on behalf of my Committee on Legal Affairs, I hope that the motion of the gentleman from Houlton (Mr. Robbins) does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Robbins, that the Bill be substituted for the "Ought not to pass" report of the committee. All those in favor of the motion of the gentleman from Houlton, Mr. Robbins, that Bill "An Act Relating to Itinerant Vendors" (H. P. 1562) (L. D. 960) be substituted for the "Ought not to pass" report of the committee will say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had. Eighty-one having voted in the affirmative and thirteen having voted in the negative, the motion to substitute the Bill for the report prevailed. The Bill, having already been printed, was given its two several readings under suspension of the rules and assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the 8th tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Claims on Resolve in Favor of George V. Jordan, of Waldoboro (H. P. 1029) tabled on April 27th by that gentleman pending acceptance of report; and the Chair recognizes that gentleman.

Mr. JOHNSTON: Mr. Speaker, I have checked with the Chairman of the Claims Committee, also other members of the committee, and find that perhaps there is a misunderstanding as to the facts pertaining

to this case. I also find that the House Chairman would not be opposed to having this bill recommitted. Therefore, I move that this resolve be recommitted to the Committee on Claims.

The SPEAKER: The gentleman from Jefferson, Mr. Johnston, moves that Resolve in Favor of George V. Jordan of Waldoboro (H. P. 1029) be recommitted to the Committee on Claims. Is this the pleasure of the House?

The motion prevailed and the Resolve was recommitted to the Committee on Claims and sent up for concurrence.

The SPEAKER: The Chair lays before the House the 9th tabled and today assigned matter, Bill "An Act Relative to Trapping Season on Fur-Bearing Animals" (H. P. 2043) (L. D. 1468) tabled on April 27th by the gentleman from Bangor, Mr. Wight, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Wight, under suspension of the rules, the House voted to reconsider its action where-by it adopted House Amendment "A".

On further motion by the same gentleman, House Amendment "A" was indefinitely postponed.

Mr. Wight then presented House Amendment "D" and moved its adoption.

House Amendment "D" was read by the Clerk as follows:

HOUSE AMENDMENT "D" to H. P. 2043, L. D. 1468, Bill "An Act Relative to Trapping Season on Fur-Bearing Animals."

Amend said Bill by striking out, in the 5th and 6th lines of section 2, the underlined words:

"except as provided in the following 2 paragraphs"

Further amend said Bill by striking out all of section 3 thereof.

Further amend said Bill by renumbering sections 4 and 5 to be sections 3 and 4.

House Amendment "D" was adopted and the Bill was passed to be

engrossed as amended and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, I now move that we recess until 1:00 P.M., Eastern Standard Time.

The SPEAKER: The gentleman from Gardiner, Mr. Johnson, moves that the House recess until 1:00 P.M., Eastern Standard Time.

As many as are in favor of the motion of the gentleman that the House recess until 1:00 P.M., Eastern Standard Time will say aye; those opposed will say no.

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

The SPEAKER: Forty-nine having voted in the affirmative and fifty-two having voted in the negative, the motion does not prevail.

On motion by Mr. Burgess of Rockland, the House voted to take from the table the 89th tabled and unassigned matter, "An Act Relating to Jurisdiction of Divorce Actions by Justice of Superior Court in Vacation (H. P. 2062) (L. D. 1491) tabled on April 26th by that gentleman pending passage to be enacted; and on further motion by the same gentleman, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion by Mr. Atherton of Bangor, the House voted to take from the table the 45th tabled and unassigned matter, House Report "Ought to pass in New Draft" (H. P. 2048) (L. D. 1474) under title of "An Act to Create the Bangor Water District" of the Committee on Public Utilities on Bill "An Act Relating to the Bangor Water District" (H. P. 1989) (L. D. 1371) tabled on April 13th by that gentleman pending acceptance of report.

On further motion by the same gentleman, the House voted to accept the "Ought to pass in New Draft" report of the committee.

The new draft having been printed, under suspension of the rules

the Bill was given its two several readings.

Mr. Atherton then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 2048, L. D. 1474, Bill "An Act to Create the Bangor Water District."

Amend said Bill by striking out in Sec. 8 thereof, after the words "but not exceeding" the words 'at any one time outstanding'

House Amendment "A" was adopted and the Bill was tomorrow assigned for third reading.

On motion by Mr. Atherton of Bangor, the House voted to take from the table the 31st tabled and unassigned matter, House Divided Report of the Committee on Legal Affairs on Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse" (H. P. 1786) (L. D. 1125), Majority Report "Ought to pass in New Draft" (H. P. 2035) (L. D. 1449), Minority Report "Ought not to pass," tabled on April 7th by that gentleman pending acceptance of either report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Atherton.

Mr. ATHERTON: Mr. Speaker and Members of the House: As you all know, yesterday we disposed of the sewerage in a very satisfactory manner, and I hope that we will dispose of the garbage and rubbish in the same manner today. I also hope that history more or less repeats itself, as this is more or less a companion bill with the bill authorizing sewer assessments introduced two years ago, heard by the Committee on Legal Affairs in the same manner, and subsequently a minority report "Ought not to pass" was accepted by the 93rd Legislature.

This is also subject to substantially the same objections as the sewer bill yesterday. I feel that it is unconstitutional, another nuisance tax, will entail a great deal of

expense for records and bookkeeping on the part of the assessors, and make more work for them. I therefore move the acceptance of the minority "Ought not to pass" report of the committee.

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

Mr. McGLAUFFLIN: Mr. Speaker, I support the minority "Ought not to pass" report of the committee. This is another nuisance tax. In the City of Portland they have nothing whatever to do with the removal of rubbish or refuse; we pay for that ourselves. The City does have a team come around once or twice a week and get the garbage which for years they have used to feed the city hogs. I think there are two men in the city that are hired to do this work, and I suppose that if a tax was imposed it might possibly amount to ten or fifteen cents per inhabitant. I say it is a perfect nuisance tax, but the object of this does not appear on the face of it.

I understand that the City Council or the City Manager or someone down there wants this bill, but I further understand from the inhabitants that one of these garbage removers is a client of mine, and he informs me that they would very much like to get an incinerator at a cost of one or two hundred thousand dollars, and that is why they would like to have a tax. I am opposed to it.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Atherton, that the House do accept the minority "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Dixfield, Mr. Marble.

Mr. MARBLE: Mr. Speaker, the majority of the Committee on Legal Affairs seems to be in considerable disrepute these days. Perhaps it is the "Green Republicans" which the "Judge" so aptly referred to yesterday.

In connection with this bill, I just want to point out again that it is an enabling act only; it is

permissive legislation; any city or town can take advantage of it if they so desire.

As I understand it, the situation today in most towns is that garbage and refuse disposal is taken care of by private contractors whereby some sort of a tax is figured into the local tax rate. I certainly cannot imagine the local assessors being able to arrive at a fair valuation to take care of this added small cost to the various houses which may come under the delivery arrangements. In other words, just about everybody pays for the garbage and refuse disposal even though only a few or perhaps a majority take advantage of it. This bill does apply for charges only where there are improved lots and houses and lots where there are buildings.

I hope that the motion of Mr. Atherton does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Atherton, that the House do accept the minority "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker and Members of the House: I heartily dislike to disagree with my seatmate, but he and I seem to disagree on everything; we vote on opposite sides on every subject, and I seem to be in the minority every time anyway; and I do not see any reason why at this late date we should try to upset that custom and agree.

Mr. Marble has pointed out most of the facts and I do not need to explain much further. I just want to point out that this is a permissive bill, and it is dependent on the taxpayers and voters in any city, town or plantation to decide whether they want it. If this bill is accepted, it permits them to set up a collection system and to make a charge for doing so. In this way they can determine and control the disposal of this rubbish. In other words, if it is left to a private con-

tractor he can and probably does dump it wherever he sees fit. If it is left to the municipal officers, it is probably disposed of in a fit and proper manner.

If this is adopted, the charge probably would not equal, or in no case would it be in excess of the charge that is already paid by the individual to have his rubbish removed. We are all familiar with the financial condition of most of the cities, towns and plantations in the State of Maine. They are badly in need of added revenue, and there does not seem to be any way of getting that additional revenue other than socking the real estate taxpayer, and I believe, and I think everyone in this House will agree with me, that he is paying much more than his share of the burden. This is a small way to give them a chance to relieve him of some of that cost.

I hope, Mr. Speaker and Members of the House, that history at this time will not repeat itself, and I think we should write some new history, and I hope this motion does not prevail.

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

Mr. SPEAR: Mr. Speaker and Members of the House: I do not understand why there is so much reluctance to grant enabling measures to cities and towns where they can decide themselves as to what they would like to have. I do not care to discuss this matter from a legal standpoint. As I have said previously, I can only see some of these things from a practical standpoint.

In my city they have a clean-up once a year in the spring at the expense of the taxpayers, but throughout the winter we have numerous fires, and the men in the fire department carry on inspections from house to house, and we find some pretty sordid conditions existing, rubbish in the cellars that creates an unhealthy condition, a menace which probably would not exist if a system were available to dispose of this rubbish.

I realize, of course, that it can be carried on from our expense of general taxation; but we do have some large taxpayers in the City of South Portland who take care of their own rubbish, and I do not think that it is fair to saddle them with an extra property tax to take care of the condition that is resultant from the ordinary householder.

In the spring, when the snow leaves the ground, we have a condition on our roadsides, not in all of our thickly-settled sections, but in some of our thickly-settled sections we have people who go along and carelessly throw refuse from automobiles, and beer bottles and tin cans are laying side of the road in the spring and it is necessary to take care of them in some manner. Generally in our city we have organized Boy Scouts to go out and pick up this refuse off of private property and deposit it side of the road, and the Public Works Department has picked it up and cleaned it up.

I know these conditions exist and they should be corrected, and I think this is a step to help keep our city at least clean and healthful. And I do not see where it concerns the State so much as it does the citizens of our town. I do not see why the citizens in other sections of the State should care what we do in South Portland. I am entirely in favor of this enabling legislation, at least to allow my people to say what they would like to have.

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

Mr. McGLAUFFLIN: Mr. Speaker, they say that this is merely a permissive act, but I have already pointed out to you that apparently in the City of Portland with some of the persons that are in a position to do the "permissing" I do not have a chance to say anything about it. They want to spend a large sum of money and make us pay for it when there is no need of it. I still am opposed to this nuisance tax.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Atherton, that the House do accept the minority "Ought not to pass" report of the committee.

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

Mr. PAINE: Mr. Speaker and Members of the House: In answer to the statement by my colleague, Mr. McGlauffin, of Portland, that he would have to pay for this service whether or not he used it, I will say that is not the case; he would not have to pay for this service unless he took advantage of it.

As it works now in Portland, you have to pay twenty-five cents a barrel to get your ashes removed, and it usually runs up over a period of a month about three dollars. Reports from other cities throughout the nation indicate that this can be accomplished by the city for fifty cents a month, so it would be a considerable saving to all citizens of the municipality.

The gentleman from Bangor, Mr. Atherton, has brought up the question of the constitutionality of this measure. You probably all have had "The Glossary" and read the definitions of some of the terms used in this Legislature. I would just like to point out this one: "I entertain grave doubts as to the constitutionality of this measure." That means "I am personally opposed to the bill but I can't think of any sensible argument against it." (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Atherton, that the House do accept the minority "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bangor, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: I rise in support of the majority report "Ought to pass."

As it pertains to the City of Bangor, it does not mean a great deal one way or another as at the present time we have a contract under which we collect garbage

once a week and once every three weeks we collect rubbish and refuse. There are a great many towns and cities in the State of Maine that are hard-pressed financially, and I would like to see this enabling legislation passed, which would enable them, if they see fit, to collect it in this particular way by assessing a special charge. I have been told on good authority that about twenty-five per cent of the cities of the United States have this particular method of a special assessment, and I would like to see this one go through.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bangor, Mr. Atherton.

Mr. ATHERTON: Mr. Speaker and Members of the House: I was hopeful that I would not have to take much of the time of the House this morning to discuss this measure. After we disposed of the sewerage yesterday in a satisfactory manner, I thought that we could do this in short order. However, it appears necessary to make some more comments upon the bill.

As I said yesterday, if we are going to assess people for certain services, only those that use those services, why don't we assess those people who have children in school for the operation and maintenance of our educational system? Why don't we assess the people who live in rural areas and have school children transported on school busses, assess them for the operation and maintenance of those school busses? Of course we do not and we probably never will. I think it is pretty generally agreed that everybody should pay for the maintenance of our educational system.

I have read this bill a number of times, and frankly I am somewhat confused on the interpretation of it, but I am fearful of some possible interpretations. That is, a man, say a landlord, owns a house and lot which he rents to someone else and the tenant takes advantage of the garbage and rubbish collection that the city may have,

that thereby there may be created a lien upon that property, and, through no desire of the owner of the property, he may be forced to pay for something for which he did not contract. I am also fearful that it could possibly be interpreted to mean that whether or not the owner of a lot of land with buildings upon it took advantage of the rubbish collection or garbage collection that he would still be assessed for it. I still feel that it is unconstitutional and that it is double taxation and contrary to the provision of the Constitution which I read to you yesterday in regard to equal apportionment and assessment of taxes on real estate according to the just value thereof.

I do not believe that this is desirable in the City of Bangor. We already have a very satisfactory garbage and rubbish collection which operates in a very fine manner. The Mayor of Augusta has informed me that it is not particularly desired here in Augusta. As for the further burden upon the real estate taxpayer, I pay a fair-sized tax myself, as a matter of fact in the City of Bangor I will have to pay a real estate tax of five or six hundred dollars for this coming year. I feel that this should be taken out of the general funds of the city as it has been in the past for a long time and that garbage or rubbish collection should be under contract by the city of Bangor.

For these reasons, I hope my motion does prevail, and when the vote is taken, I request a division.

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

Mr. JEWETT: Mr. Speaker, I cannot just understand what this bill means. There are four ways, as I see it, that this tax can be assessed. The bill reads: "against the owner thereof, or person in possession, or against whom the taxes thereon shall be assessed, whether said person to whom the assessment is so made shall be the owner, tenant, lessee or agent."

Now as owner of property in Au-

gusta, I do not want to have four ways to collect that tax, therefore, I cannot see why, if they want to have this service in any town or city, they should not add a little bit to the real estate tax in the area where they are going to have this service.

If it is in order, I move the indefinite postponement of the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Manchester, Mr. Jewett, that Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse" be indefinitely postponed.

As many as are in favor of the motion of the gentleman from Manchester, Mr. Jewett, that the bill be indefinitely postponed will say aye; those opposed, will say no.

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

The SPEAKER: Sixty-nine having voted in the affirmative and twenty-nine having voted in the negative, the motion to indefinitely postpone prevails.

On motion by Mr. Palmer of Nobleboro,

Recessed until 2:00 P. M., E. S. T.

After Recess

The House reconvened and was called to order by the Speaker at 2:00 P. M., E. S. T.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I move that we take up out of order a paper from the Senate bearing Supplement No. 1 of the House Advance Journal.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that the House take up out of order an additional paper from the Senate being the item appearing on Supplement No. 1 of the House Advance Journal for this afternoon.

The motion prevailed.

Bill "An Act Imposing a Personal Income Tax and an Additional Corporate Franchise Tax" (H. P.

1821) (L. D. 1130) on which the House accepted the Majority Report of the Committee on Taxation reporting "Ought not to pass"

Comes from the Senate with the Minority Report of the Committee reporting same in a new draft (H. P. 2046) (L. D. 1481) under title of "An Act Imposing a Personal Income Tax" and the new draft passed to be engrossed as amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G", "H", "I", and "K" in non-concurrence.

Senate Amendment "A" is L. D. 1568

Senate Amendment "B" is L. D. 1569

Senate Amendment "C" is L. D. 1570

Senate Amendment "D" is L. D. 1571

Senate Amendment "E" is L. D. 1572

Senate Amendment "F" is L. D. 1573

Senate Amendment "G" is L. D. 1574

Senate Amendment "H" is L. D. 1575

Senate Amendment "I" is L. D. 1576

Senate Amendment "K" is Filing Number 405

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Members of the House: I now move that the House recede from its former action and concur with the Senate in the acceptance of the minority "Ought to pass" report.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that the House do recede from its former action and concur in the acceptance of the minority "Ought to pass" report of the committee. (Cries of "No")

The SPEAKER: The Chair will state that the House has under consideration Bill "An Act Imposing a Personal Income Tax and an Additional Corporate Franchise Tax" (H. 1821) (L. D. 1130), which is the minority report of the Committee reporting the same in a new draft

(H. P. 2046) (L. D. 1481) under the title of "An Act Imposing a Personal Income Tax". That is the matter now under consideration. The gentleman from Nobleboro, Mr. Palmer, moves that the House do recede from its former action and concur in the acceptance of the minority "Ought to pass" report of the committee.

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

Mr. JACOBS: Mr. Speaker and Members of the House: You all have before you this mutilated bill, and if anyone in the House can tell where we stand or how this stands, I would like to know. It has Senate Amendments "A" to "K"—nine amendments—and they have left out "J"; guess they thought that my name began with "J" so they thought they couldn't be caused the trouble to put that in there. (Laughter)

However, we definitely took a stand here a few days ago on this problem, on this bill, and it does not seem to me possible that at this time we would accept a movement to accept the minority report when the vote stood, I think, 98 to 35.

The situation is just the same, today, in my opinion as it was the day that we took this vote. I believe there is no need of any more money for the State to spend. I believe that we have ample funds to take care of all the needy and the distressed persons whom we have to care for. True, we may not have all we need but sufficient to take care that no one will suffer in consequence.

Reference was made, yesterday, on the floor of the House regarding the hospital across the river that it costs forty-six cents a day to take care of those unfortunate people. Taking the cost of the material furnished, foodstuff, dividing it by the number of patients in the hospital, notwithstanding all the cost to make and prepare and take care of them, just the cost of the food is forty-six cents a day. I think someone said a miserly amount.

Now, in the City of Auburn, we have an Odd Fellows Home and the thirty-five to forty residents in that

home, taking the cost of the food only, and dividing it by the number of residents in that home, it costs us thirty-three cents a day. Now, if our people in the Odd Fellows Home—and I ask any of you to go there any time and say that Mr. Jacobs sent you there to have a lunch or dinner or breakfast—if you will say that they are not carefully taken care of, I am awfully mistaken. I eat that food every month of my lifetime, the last fifteen years, the same as the residents do, and it cost, when we first started that institution, twenty years ago, six cents per meal. Now it has gone to thirty-three cents a day. Now, we are not starving these people and the people across the river are not being starved. But don't be misled on this forty-six cents per day, that is the cost of the food divided by the number of people who eat it.

We have a large surplus to expend these coming two years, \$3,580,000, and we have increasing all the time an income from this State. I believe at this time that with the economic conditions throughout the State as they are, we are fully justified in standing to our vote that we made a week ago, only a few minutes after the Governor of Maine advocated an income tax. Gentlemen and ladies of the House, I hope that the minority report will not prevail at this time.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House recede from its former action and concur in the acceptance of the minority "Ought to pass" report of the committee.

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

Mr. **WHITE**: Mr. Speaker and Members of the House: When I came here to the first session of the Legislature, I was quite certain that I did not want new taxes and was quite certain that our services could be rendered with the Budget Committee appropriations properly administered. I still think so.

We have had so many figures given to us and so many different set-up of figures given to us that I don't think any of us know where we really stand today. But there are some things that are so definitely certain in my mind in connection with an income tax that I am definitely and absolutely opposed to it. I can't see how any of us can believe that we can start an income tax this year at a given rate, two or three percent or whatever it may be and hope that over the years that rate will continue on the same basis. We know that pressure groups will be in here two years from now; we know that those pressure groups will say: "Well, the people who can afford to pay can pay so much, stick on two percent more or four percent more," whatever it may be, and I predict and believe that within a very short time we may have an income tax rate which may run up to ten, twelve, or fifteen percent.

I don't like that proposition and I don't see any way possible that you can tie an income tax down to a given figure. Believing as I do that we have a sufficient amount of money in all probability to take care of our needs; that we have two race bills that may produce other funds, I am going along against the income tax.

Many of you, perhaps, have read this article in the last Readers Digest. It won't take me but a moment and it is well worth refreshing your minds concerning it because I think it is very pertinent to our situation here and should have great bearing upon your votes.

This was written by A. Willis Robertson, a good Democrat—Senator from Virginia. It is frankly conceded that in many cases you will have to paraphrase this as the State of Maine instead of America, the United States, or the government.

"Frankly conceding we are now paying for past wars and future defense, the fact remains that what the Government took away from us

in 1939 amounted to \$37 for every man, woman and child in the country. Last year it took more than seven times that much. Did our national income, in those ten years go up by seven times? Not at all. It increased by only three times. Thus, for every additional dollar we earned, the Government took two and one-third dollars. Its spending of our money, in other words, was increasing at a rate of two and one-third times faster than our earnings.

"The Government's biggest slice of what we make comes from personal income taxes. There the Government is gaining on the citizen with truly giant strides. Almost half of our income taxes come out of those whose annual earnings are under \$6000. For every dollar paid in income taxes in 1940, the Government this year will take about \$14. The federal budget this year will almost equal the total 1947 earnings of all the people living in the 17 states comprising the western half of the United States and including California and Texas.

"Thus the boundaries of our economic freedom and of our right to the pursuit of happiness are shrinking. Each year less and less is left to us to use as our own, to buy a home or a life-insurance policy, to invest, set up a business or save for the rainy day. The figures reveal a startling story of the draining of the springs of increased production and prosperity.

"As the Government takes more and more of our total earnings, each year the amount of money which is left over and can be productively employed for the maintenance and expansion of our economy is dangerously diminishing. Out of our total income in 1944, the American people had 34 billion dollars left—after taxes and the tax-inflated cost of living—to save and put to productive use. In 1945 we had the same income but the amount left over had been cut to \$26,500,000,000. In 1946, it was down to \$11,800,000,000. In 1947, though our income was the highest in our

history, an even smaller amount of it—\$8,800,000,000—was left over to save, invest, to expand production. . . .

"But what a spur it would be to America's confidence," (or to Maine's confidence, if you will) "energies and productive genius if our national administration were to announce its determined purpose:

"1. To make the saving of the people's money a major objective of government;

"2 (And this is important) To spend, henceforth, solely for projects which are demonstrably necessary, which cannot be postponed or done for less, and which only the federal government can undertake."

I think the quotation from the Readers Digest is very, very important. We are all tax burdened. I have been figuring up in my own little business. I have a small insurance agency in Lewiston. I pay fourteen different taxes to the State or Federal Government, not unseen taxes, but direct taxes: Personal income tax, my home tax, tax on my furniture, on my office equipment, the excise and registration of two cars used in the business and one my personal, Social Security, Unemployment Tax, and so on, totaling fourteen taxes. I say it's enough; let's get along somehow without these additional taxes. And if we must have taxes, let's cut it to the bone and cut our own economy first.

The SPEAKER: The question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House do recede from its former action and concur in the acceptance of the minority "Ought to pass" report. Is the House ready for the question?

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

Mr. CHASE: Mr. Speaker, throughout this Legislature, in my humble way, I have tried to forward the spirit of compromise and to do what I could to help produce a constructive tax measure. I made a proposal here yesterday which won in this House more

votes than any other tax measure has obtained. This particular bill which we have before us, in my opinion, has less genuine support on what may be deemed to be its merits than any other tax measure which we have considered. I have done what I could to demonstrate what I feel to be the financial needs of the State. I recognize that there are such needs but we are discussing, nevertheless, taxation, and it is still my hope and faith that if the spirit of compromise shown yesterday by this House should be shared by only a few others that we can still have a tax bill which will pass both branches of this Legislature, with a majority in each branch voting for it, on conviction and on its merits. When this bill was here before, I pointed out certain technical defects, the minor ones have been corrected. The major defect, which I pointed out in it as an income tax, was that it did not include corporations and that that omission of corporations set up a method by which the tax could be avoided. But that, on the other hand, it was unfair because the corporation which makes money can more fairly be taxed than a group which is already heavily taxed and may be actually operating in the red in their family budget.

If this bill should assume the vitality in this House, which I hope it will not, I shall certainly ask for an opportunity either by motion or amendment to move that corporations shall be included in it. But I still come back to the hope that those few who seem determined to have their own way, regardless of what appears to be the considered conviction of the majority, will eventually come to see that that is not the type of government in which we want to participate. I believe in aboveboard methods and honest procedure, in open compromise, and in that I will rest my hope, and for that reason I am not going to vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Boothbay, Mr. Stevens.

Mr. STEVENS: Mr. Speaker, I would like to request that a ye and nay vote be taken when we vote.

The SPEAKER: The Chair recognizes the gentleman from Boothbay, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, this is the same old pig in a bag only this time they have a little more grease on it in the hope that it will slip through you more easily.

I was against it then and I must be against it now. I still believe that we must have more money. I stand with my brother, Mr. O'Connell, in the stand he took in Van Buren, yesterday. How am I going back to my people and have these old people meet me and say: "Ben, you promised but you haven't done anything for us." How am I going back to some of these children who want an education but their fathers and mothers are not able to send them to private schools? How am I going back to those little fellows sitting in that crowded room, not properly ventilated, on those wooden benches and trying to get an education but are discouraged? They will say: "You promised to do something for us and you haven't." How am I going to do it? When this greased pig was in here before, it didn't have so much grease on him then.

I tried for two amendments. I tried for the corporation amendment and I tried for an amendment to put some more tax on liquor. I couldn't get either one of them. Here this thing is back again a' squealing, just as hard as he did before. (Laughter) I have to go back to my people and give some kind of an answer. "Why did you spend three or four months down there and not do a thing?" Heaven knows I tried to do something and I want to be fair and I want to be honest. I want to have a clean conscience and a good will toward God and man.

I can't support this bill; I can't. Let them bring in something near right and we will support it. I am in favor of giving this thing the

last kick and sending it so far that it will land in the Kennebec River and go out to sea.

I am going to vote "No" because I want to be honest with myself and the boys who had faith enough in me to send me down here. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House do recede from its former action and concur in the acceptance of the minority "Ought to pass" report of the committee. The gentleman from Boothbay, Mr. Stevens, has requested that when the vote is taken, it be by the yeas and nays.

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

Mr. PARKER: Mr. Speaker and Members of the House: I rise for one purpose only. I know there are many of us here this afternoon perhaps who feel that unless we support this bill that is before us, it is our last opportunity to vote for more revenue. I have been led to believe that this is not the case. That, if this income tax law is defeated here, at this time, there is still an opportunity for a committee to be appointed from both branches that can bring us in a bill that we can all support from both branches that will do what we want to do. If I am in error, I wish to be corrected. Otherwise, I think we should know that before we vote on this motion. Thank you.

The SPEAKER: The gentleman from Boothbay, Mr. Stevens, has requested that when the vote is taken it be by the yeas and nays.

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

Mr. SILSBY: Mr. Speaker and Members of the House: I wonder how many of you have examined and read the present tax bill before us. I am sure that if you have you are satisfied beyond any reasonable doubt that it is an identical twin to the federal government tax bill and, with that in mind, I am sure that when I pick up this special government income tax return

it gives every one of you some sort of a funny feeling, because along about the first of each year we are obliged to disclose our affairs and try to dig up money enough to pay the federal government what we owe them, or at least part of it.

There is one point that I would like to make because I have heard here in the corridors of this Hall that the tax we pay on our State income tax would be deductible from our federal tax. Now, if you will examine the federal tax law and also the code that applies to it, the exemption you get is in the taxes that appear on the back of the sheet if you list your deductions but, how many of us list our deductions in the matter of our personal undertakings? We usually take the ten percent and with the ten percent how much credit are we going to get from our State income tax? We are not getting a bit, not a particle. The majority of the people make that sort of a return. Now, in the matter of the necessity of this particular bill, I think that the people of the State of Maine have had so many experiences with income taxes that they would much rather go without the benefits than to be put through the paces of this everlasting making of returns and being investigated and some revenue clerk telling you you stole so much money from the State of Maine. I don't think they want that at all.

It might be of interest to you people for just a moment if I read a little poem that I cut out of the paper a few days ago and this is the the form which will probably exist if the tax is passed, and it starts off:

"Dear Lord, please help me in my plight,
To make this income tax out right;
To add line A, plus B, times C
The whole darned thing is Greek
to me!

Please give the Congress of our land
Some sense, so maybe they can plan
A tax report for a simple man,
That even I can understand!"

Now, gentlemen and ladies of this House, in consideration of the ex-

periences we have already had, I don't think I need to take any more of your time because I am sure that we will adhere to our former action. Thank you.

The **SPEAKER**: The gentleman from Boothbay, Mr. Stevens, has requested that when the vote is taken it be taken by the yeas and nays. The yeas and nays are in order at the desire of one-fifth of the members present. Those desiring that the vote be taken by the yeas and nays will kindly rise.

Obviously more than one-fifth present having arisen, the yeas and nays are in order.

The question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House do recede from its former action and concur in the acceptance of the minority "Ought to pass" report of the committee.

The Bill under consideration is Bill "An Act Imposing a Personal Income Tax", new draft being H. P. 2046, L. D. 1481. Those who are in favor of the motion will say yes when their names are called; those opposed to the motion will say no, when the Clerk calls the roll. The Clerk will call the roll.

Roll Call

YEA—Bates, Brown, Unity; Burgess, Limestone; Campbell, Garland; Campbell, Guilford; Carle, Chapman, Cobb, Cole, Cook, Cormier, Cyr, Dostie, Winslow; Dudley, Farley, Fuller, Gates, Gauthier, Hanson, Jalbert, Johnson, Johnston, Kelly, Kent, Labbe, Lacharite, Latno, Lessard, Letourneau, Marsans, Martin, Frenchville; Maxwell, Millett, Muskie, Paine, Palmer, Payson, Plummer, Ricker, Robbins, Roundy, Thompson, Brewer; Webber, Williams, Auburn.

NAY — Albee, Ames Atherton, Bearce, Benn, Bennett, Berry, Bird, Boothby, Boulier, Brown, Bangor; Brown, Durham; Brown, Robbinston; Brown, Wayne; Bubar, Bucknam, Burgess, Rockland; Campbell, Augusta; Carter, Carville, Castonguay, Charles, Chase, Chute, Clapp, Clements, Dennett, DeSanctis, Dorsey, Dow, Dufresne, Dunham, Duquette, Eastman, Faas, Fay, Fitch, Foley, Gauvin, Gerrish, Grant, Gray, Hall, Hayes, Hayward, Hill, Hobbs, Acton; House, Jacobs, Jamieson, Jennings, Jewett, Jones, Knapp, Lackee, Larrabee, Bath;

Larrabee, Westbrook; Laughton, Leavitt, Littlefield, Longstaff, Ludwig, Malenfant, Marble, Martin, Augusta; Martin, Eagle Lake; Maxell, McClure, McEnery, McGlauffin, McGown, Merrill, Merritt, Nadeau, O'Connell, O'Dell, Parker, Patterson, Philbrick, Phillips, Prince, Pullen, Sanborn, Sanderson, Sargent, Silsby, Spear, Spring, Stevens, St. Pierre, Taylor, Thomas, Tyler, White, Auburn; Wight, Bangor; Williams, Topsham; Winchenpaw, Woodworth, Wormwood.

ABSENT—Arthur, Brown, Baileyville; Dostie, Lewiston; Hobbs, So. Berwick; McKeen, Sharpe, Stanley.

Yes 44, No 99, Absent 7.

Forty-four having voted in the affirmative, ninety-nine having voted in the negative, and seven being absent, the motion did not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Union, Mr. Payson.

Mr. **PAYSON**: Mr. Speaker and Members of the House: We have, for the second time, defeated the Income Tax. The Senate has defeated the Sales Tax. Our preference, here in the House, so far, has been for the Sales Tax. The Senate's preference has been for the Income Tax.

I have heard expressions here among the members that they thought that there was a need for new money, and that some new tax should be devised. I therefore, Mr. Speaker, would move that the House insist on its former action and ask for a Committee of Conference. I do this, with the idea in mind, that a committee from the House and a committee from the Senate, if representative of the opinions of the branches of the two bodies, might be able to come up with a tax acceptable to both branches.

The **SPEAKER**: The gentleman from Union, Mr. Payson, moves that the House do insist and ask for a Committee of Conference.

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

Mr. **BURGESS**: Mr. Speaker and Members of the House: I hope that this House will vote unanimously on the motion and in favor of it, and I will very briefly state my

reasons. It is my firm conviction that this House is absolutely fair, and is willing to sit down and discuss at any time measures for the welfare of the State. It is true that there are those in the House who are definitely opposed to any form of taxation; there are also many others who believe in the necessity of it at this time. I therefore hope that you will vote unanimously for the Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: We have just voted on the question of receding and concurring. The vote has been very emphatically not to recede and not to concur. That is what I call insisting on its former position. I think, that when the House voted not to concur with the Senate, we did insist on our former position, and this motion is designed for no other purpose than to keep this bill alive.

The gentleman from Union, Mr. Payson, voted in favor of receding and concurring. He voted against a great majority of the House. The gentleman from Limestone (Mr. Burgess) did likewise. I think that if the will of the House is to be carried out, the House should vote exactly as it did on the preceding motion against it, and I hope that the motion may be defeated.

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

Mr. McGLAUFFLIN: Mr. Speaker, I cannot agree with my friend, the gentleman from Fairfield, (Mr. Woodworth). I voted "No", but that doesn't mean that I won't vote for some tax or some income tax. I didn't want this thing thrust down our throats from another body without having a chance to give it further consideration, but I say we do not want to kill everything in sight, burn all our bridges behind us. This is a fair proposition to have a Committee of Conference. I think, in all fairness, this House

should show, as it did yesterday, that it is willing to use every effort to do something worthwhile.

Now a Committee of Conference doesn't mean that we are going to agree to an income tax. You don't know what will come back from it, but it would give us every chance to get something that we can agree on. I hope that the motion does prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Union, Mr. Payson, that the House do insist and ask for a Committee of Conference.

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

Mr. McCLURE: Mr. Speaker and Members of the House: It seems to me that we have looked after the welfare of the State of Maine. Our Majority Floor Leader, the gentleman from Limestone, Mr. Burgess, just stated that we should look after the interests and the welfare of the State. I think that we can better look after the welfare of the people of our State and of our party by not, at this time, voting and saddling new taxes upon the people of our State when it has not been proved that it is needed. I really feel that we can do and live within our income without causing our educational program, our aged or our children to suffer in any way. If I did not believe this, I would be the first one to stand up here and state that I was wrong. You members know me well enough—whether you like me politically or not, that doesn't matter—you know me well enough to know by now that I will take a stand and support my convictions, and it has not been proved to me that the State cannot run.

Two years ago, in the closing hours of our Legislature, this same thing was told, as you all know, and what happened? We had a surplus of six million dollars. No department suffered. In fact, it is my belief that we could consolidate many of those departments for the best interests of the citizens of Maine.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker and Members of the House. It is certainly interesting to see some of the political maneuvering here and I am learning a lot of things. I still want an opportunity to vote for that combination bill, but through the political maneuvering here, I don't seem to be able to have a chance. Then they threw that order over into the Senate, where they could kill it so they could pass the Income Tax back to us. I certainly am not going to vote, and I haven't, after they killed my "nigh" ox, for an "off" ox. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. St. Pierre.

Mr. ST. PIERRE: Mr. Speaker, I move that when the vote is taken, it be taken by a division.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I can assure you that the reason behind the motion for a Committee of Conference is only in the hope that that committee can compromise to such an extent and present to this House a tax bill which will do the things which you have decidedly voted on several occasions you think should be done, namely, to revise the tax structure of Maine and take the State out of the property tax field. You have demonstrated that in your party caucus; you have demonstrated it on the floor of the House. This, in my opinion, is the best opportunity to avail ourselves of a last chance to accomplish what the members of this House believe in, according to my understanding, and I hope that you will vote for the motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Union, Mr. Payson, that the House do insist and ask for a Committee of Conference. The gentleman from Lewiston, Mr. St. Pierre, has asked that when the vote is taken, it be by division.

The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: I rise to oppose the motion of the gentleman from Union, Mr. Payson. The Senate has voted for this Income Tax. We have voted against an Income Tax. And I don't see how those two positions can be compromised. The only possible compromise is for that Committee of Conference to go off on a tangent on some other tax measure. That is not a compromise. That is a new tax, consequently I do not see how this Committee of Compromise can do anything about the irreconcilable positions that have been taken upon this Income Tax.

I think I have made it abundantly clear, from time to time, my position that the State can live within its income. I have given you my figures, the figures upon which I base my reasons. I stated from time to time that I think the people of the State are not willing to pay new taxes for new services. I was willing to defer to those who disagreed with me on those points to the extent of submitting this Income Tax measure to the people in referendum, so that the people themselves could prove whether I was right or wrong.

As soon as I made clear my position that I was willing to refer the Income Tax measure to the people, I was immediately swamped by proponents of the Sales Tax who threw back at me the arguments I had been making on this floor against any new taxes. I choose to believe, therefore, that the proponents of the Sales Tax have become convinced that no new taxes are necessary, and so I interpret this vote this afternoon as a vote against all new taxes. I think this House has made up its mind to that effect, and I think it would be a waste of time to continue this race between the House and the Senate to try to track down some tax measure which will receive the approval of both Houses. So I hope that the motion of the gentleman from Union (Mr. Payson) will not prevail.

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

Mr. MCGLAUFLIN: Mr. Speaker, I don't want to have to take up all the time talking about these measures, but many of you, and I think the most of you, have a very strong sense of fair play. When I read in the paper that the Temperance Bill, introduced by the gentleman from Blaine, Mr. Bubar, had been indefinitely postponed, I immediately contacted a number of men in the body where that took place, and I pointed out to them how unfair and how un-Democratic that was. I wasn't particularly interested in the bill, but I felt that it should be given a fair chance to be heard.

Now I am amazed that men who are so fair-minded as my friend, the gentleman from Bath, Mr. McClure, my friend, the gentleman from Fairfield, Mr. Woodworth, and my friend, the gentleman from Waterville, Mr. Muskie, should consider that their own judgment is so perfect, that they cannot even allow the rest of us to pass what our judgment may be. I think, in the interests of fair play, even if they want to and expect to kill every bill, that they should give the rest of us a chance to try to work out something that we think is worth while. I still have confidence that this House will vote for the Committee of Conference. It does not mean that we will get an Income Tax. We don't know what we will get, but at least we will give the majority of this Legislature a chance to see if we can get something done.

Many of us want to see the State go out of the real estate business. Many of us feel that that would be something well worth while. We feel, some of us, that it would be worth while to have new taxes if it didn't any more than take the place of that real estate tax, but every effort is being made to swamp any effort that we can make. In the

interests of fair play, give this an opportunity to be considered.

The SPEAKER: The Chair recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: Mr. Speaker, I have voted against both the Sales Tax and the Income Tax, but I contend that is no sign or reason why I should be accused of being against any new taxes. I believe we must have a new tax measure. If the depression comes, which has been forecast in this House again and again, it simply means that the farmers of Aroostook County are going to move off their farms again as they did back in the old depression, or they'll be taxed off, or their farms taken over for taxes.

Now then, I believe there are men in this House who are bright enough—I am not saying that I am, although I am not a dummy at that—(laughter) but I am bright enough to believe that there are men in this House who are bright enough to bring us in a tax that we can understand and that we will support.

I suggested yesterday that if we do not have men that are bright enough to bring in such a tax measure, that we call down the lumberjacks from the Allagash to frame such a bill, and I am ready to go to the telephone and bring them down here if this committee cannot bring in such a bill.

Now I want to stand for fairness, and if you defeat the motion of my neighbor here, the gentleman from Union, (Mr. Payson), you are not fair, and I want to stand for this motion and you give the men of the Senate and the men and women of this House a chance to bring in another tax measure that we can understand and accept. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Union, Mr. Payson, that the House do insist and ask for a Committee of Conference. The gentleman from

Lewiston, Mr. St. Pierre, asks that the vote be by division.

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

Mr. CHASE: Mr. Speaker, I believe that the motion to insist is made in the utmost of good faith. There is, of course, a technical question of whether a compromise can better be worked out around this bill or about an order which this House passed yesterday, in which I was interested, but I said yesterday that I had every wish to remove my own personality from it in the interests of compromise, and I certainly shall support the motion that the House insist and confer.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Union, Mr. Payson, that the House do insist and ask for a Committee of Conference. The gentleman from Lewiston, Mr. St. Pierre, having asked for a division, as many as are in favor of the motion that the House insist and ask for a Committee of Conference will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Eighty-four having voted in the affirmative and forty-nine having voted in the negative, the motion prevails.

The Chair recognize the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I would like to inquire of the Chair, if it be in order, that the Senate be now notified of the action of the House.

The SPEAKER: The gentleman may so move, if he desires.

Mr. BURGESS: Mr. Speaker, I move that a message be sent forthwith to the Senate, notifying them of our action.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that a message be sent forthwith to the Senate, informing that body

of the action just taken. Is this the pleasure of the House?

The motion prevailed.

The Chair will advise the House that it is the intention of the Chair to designate the Clerk of the House to convey the message to the Senate, and he will do so as soon as the Senate is in session.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, out of order I present an order and move its passage.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, out of order, and under suspension of the rules, presents an order and moves its passage. The Clerk will read the order.

ORDERED, the Senate concurring, that free additional telephone service be provided for each member and officer of the Senate and House to the number of fifteen (15) calls, of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of the Senate and Clerk of the House, respectively, charge for this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (H. P. 2102)

The order received passage and was sent up for concurrence.

Out of order and under suspension of the rules, Miss Longstaff of Crystal, presented the following order and moved its passage:

WHEREAS, the House is informed of the birth of a baby boy yesterday, April 27th, to Representative R. Thomson Merritt and Mrs. Merritt,

AND WHEREAS, the Members of the House are much pleased and wish to extend their heartiest congratulations to Mrs. Merritt and her husband.

BE IT ORDERED, that the boy be named David Robinson Merritt,

and that the Clerk of the House be directed to send to Mrs. Merritt an engrossed copy of this Order.

The order received a passage, amid the applause of the House.

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Merritt.

Mr. MERRITT: Mr. Speaker, I wish to thank the members of the House. I would like to pass cigars for all of you but I don't know how I could get them out of the Appropriations Committee. (Laughter)

I would like to explain the reason for this act. With all respect to Mr. and Mrs. Muskie—he is out at the present time—but it was an act to keep the balance between the Democrats and the Republicans the same as it is now. (Laughter)

The SPEAKER: The House may be at ease.

At Ease

Called to order by the Speaker.

The SPEAKER: The Clerk will convey the message to the Senate. Pending the return of the Clerk, the House may be at ease.

At Ease

Called to order by the Speaker.

CLERK HARVEY R. PEASE: Mr. Speaker, I have conveyed the message to the Senate with which I was charged.

The SPEAKER: The House receives the message and the Chair thanks the messenger.

The House is proceeding under Orders of the day.

On motion by Mr. Campbell of Augusta, the House voted to take from the table the 82nd tabled and unassigned matter, Bill "An Act Creating the Town of Wiscasset School District" (H. P. 1056) (L. D. 531) tabled on April 25th pending passage to be engrossed; and on further motion by the same gentleman, the Bill was passed to be engrossed as amended and sent up for concurrence.

On motion by Mr. Campbell of Augusta, the House voted to take

from the table the 83rd tabled and unassigned matter, Bill "An Act to Incorporate the North Kennebunkport School District" (H. P. 1838) (L. D. 1162) tabled on April 25th by that gentleman pending passage to be engrossed; and on further motion by the same gentleman the Bill was passed to be engrossed as amended and sent up for concurrence.

On motion by Mr. Burgess of Limestone, the House voted to take from the table the 35th tabled and unassigned matter, Bill "An Act Relating to the Banking Department" (H. P. 1969) (L. D. 1352) tabled on April 7th by that gentleman pending assignment for third reading; and on further motion by the same gentleman, the Bill was retabled and specially assigned for Tuesday, May 3rd, pending assignment for third reading.

On motion by Mr. Burgess of Limestone, the House voted to take from the table the 42nd tabled and unassigned matter, Joint Order directing Legislative Research Committee to Study Desirability of Legislation Seeking Information in Building Codes (S. P. 658) tabled by that gentleman on April 12th pending passage in concurrence; and on further motion by the same gentleman, the order was tabled and specially assigned for Tuesday, May 3rd, pending passage in concurrence.

On motion by Mr. Burgess of Limestone, the House voted to take from the table the 66th tabled and unassigned matter, Bill "An Act Providing for the Establishment of a State of Maine Information Center" (H. P. 1621) tabled on April 19th by that gentleman pending assignment for third reading; and on further motion by the same gentleman the matter was retabled and specially assigned for Tuesday, May 3rd, pending assignment for third reading.

On motion by Mr. Williams of Auburn, the House voted to take

from the table the 60th tabled and unassigned matter, Bill "An Act to Increase Death Benefits Payable to Children by Fraternal Beneficiary Societies" (H. P. 1985) (L. D. 1367) tabled by that gentleman on April 18th pending passage to be engrossed.

The same gentleman presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1985, L. D. 1367, Bill "An Act to Increase Death Benefits Payable to Children by Fraternal Beneficiary Societies."

Amend said Bill by striking out the underlined semi-colon at the end of the 18th line and all of the table which follows and inserting in place thereof the underlined words: **'the following amounts based on age at last birthday prior to death: birth, \$100; 6 months, \$200; 1 year, \$400; 2 years, \$600; 3 years, \$800; 4 years, \$1,000;'**

House Amendment "A" was adopted and the Bill was passed to be engrossed as amended and sent up for concurrence.

On motion by Mr. Williams of Auburn, the House voted to take from the table the 56th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Temperance on Bill "An Act Relating to Definitions and Locations of Licensed Premises in Liquor Law" (H. P. 1859) (L. D. 1196) tabled by that gentleman on April 15th pending acceptance of report.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: At this time I would like to make a brief statement of the purpose for which this bill was introduced.

About two years ago representatives of some organizations discussed a bill of this type, feeling that Young Men's Christian Associations and Young Women's Christian Associations should receive

the same protection that churches and schools have. This year I introduced that bill. I believe that the purpose of the bill is good, and I believe those organizations are as much entitled to protection as some others, particularly in view of the fact that we have large numbers of young people who are using them at regular periods.

However, there are many things about this particular bill that would have to be amended and your Temperance Committee has reported un-animously that it "Ought not to pass."

There is one thing that I would like to say: There were some organizations that felt that this bill was aimed perhaps at them, and the particular organization is now located in a restricted area so that it could not procure a license. However, I understand that there are many fraternal organizations that may be located, or some members of this House would perhaps feel were located close enough to a Y. M. C. A. or a Y. W. C. A. so that they might be affected, and they probably would not dare to vote for the bill without knowing the distances. In view of that fact, at this time I move acceptance of the "Ought not to pass" report.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves that the House do accept the "Ought not to pass" report on Bill "An Act Relating to Definitions and Locations of Licensed Premises in Liquor Law. (H. P. 1859) (L. D. 1196)

Is it the pleasure of the House to accept the "Ought not to pass" report of the committee?

The motion prevailed, and the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

On motion by Mr. Hill of Bingham, the House voted to take from the table the 27th tabled and unassigned matter, House Divided Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Regional Library Service" (H. P. 1112) tabled by that gentleman on April 6th, pending acceptance of either report.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Hill.

Mr. HILL: Mr. Speaker and Members of the House: I shall presently make a motion in regard to this measure, but, before doing so, there are a few comments I should like to make.

I introduced this bill, believing it was a measure which would contribute quite a bit to the welfare of the people in our rural areas. I was quite surprised to get the reception from the people that I did regarding it. I was also quite surprised that the bill came out from the committee, nine "Ought not to pass" and one on the minority report "Ought to pass." My contention is that the reason for it was on account of the fact that it calls for an appropriation. Therefore, I am going to make a motion that we accept the committee "Ought not to pass" report on this bill.

The SPEAKER: The gentleman from Bingham, Mr. Hill, moves that the House do now accept the Majority Report "Ought not to pass" of the committee. Is it the pleasure of the House to accept the Majority "Ought not to pass" report of the committee?

The motion prevailed, and the Majority "Ought not to pass" report of the committee was accepted and sent up for concurrence.

On motion by Mr. Labbe of Brunswick, the House voted to take from the table the 17th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Incorporate the City of Brunswick" (H. P. 1982) (L. D. 1366) tabled on March 31st by that gentleman pending acceptance of report.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Labbe.

Mr. LABBE: Mr. Speaker and Members of the House: I presented this bill here to incorporate Brunswick as a city. I went up here before the Committee on Legal Af-

fairs. I was all alone in favor of the bill. I did not ask anyone to come with me to support the bill. Since that hearing I received a good many letters from the people of Brunswick that wish this bill to come before them. In fact, on this bill there is a referendum, which you will see on the last page, by which it says it is to go before the people at the regular election on the first Monday of March, 1950, to give a chance to these people to study the bill and to vote on it as they see fit on the first Monday of March, 1950. As I have received so many letters, I feel that the people of Brunswick should have a chance to decide for themselves if they want Brunswick to become a city or not. As it is now, the population is over 12,000 and the vote is between three and four thousands voters. When it comes to a town meeting in the town, the town building cannot hold more than one thousand people, and, as you know, a town meeting has got to be done in one afternoon, and the appropriation is made in the afternoon for that year. They can seat about a thousand and the other three thousand have got to stay outside. That is why I drew up this bill for the people of Brunswick to decide whether they would like to have it or not.

Mr. Speaker, I would like to move to substitute the bill for the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Brunswick, Mr. Labbe, moves to substitute the Bill "An Act to Incorporate the City of Brunswick" (H. P. 1982) (L. D. 1366) for the "Ought not to pass" report of the committee.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: It seems to me that the motion of the gentleman (Mr. Labbe) raises a very fundamental question here, namely, whether this Legislature is going to pass every act of a private and special nature solely and simply

because a referendum clause is attached to it or whether the Legislature shall go ahead and inquire into the subject matter of the bill to determine for itself whether or not the legislation is good and whether or not there is a true demand for it in the town which would be affected by it.

As Mr. Labbe says, he was the sole proponent for the bill. The bill was definitely opposed by the citizens of his town. Since this measure has been introduced, the Town of Brunswick has embarked upon a town manager form of government and has employed a town manager. Apparently, that is the form of government they want, at least they want the chance to try it and give it a fair show. We fail to find any representative group in Brunswick who favored this bill; no service clubs have taken it up or considered it. The opponents are convinced that the bill was not even known to the citizens of Brunswick and that they definitely did not want it. For that reason, the Legal Affairs Committee did decide unanimously not to recommend the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Brunswick, Mr. Labbe, that the bill be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker and Members of the House: I have a great deal of respect for the Committee on Legal Affairs as I have for all the committees which are appointed in this House. But there are some instances when the reports from some of these committees are a little different than we would like to see them. I would like to give you a brief explanation of the situation in Brunswick to show you that the people in Brunswick really do want a chance to vote on this act.

I wanted to bring a copy of the Brunswick Record with me this morning but I left in a hurry and forgot it. It was a copy of which

the front page, half of the front page, was occupied by the views relating to this bill and this came out before the bill had a hearing and there is no reason to doubt that the people in Brunswick did know anything about this bill. Brunswick now has a population of 12,000, probably a little better than 12,000. It has become the second largest town in the State and by far large enough to be a city.

As far back as I can remember and even long before that, Brunswick had a selectman form of government. A very few years ago a few citizens of Brunswick, who believed that we did not have enough control over the government of our town, conceived the idea that we would have better results with the town manager form of government. A bill was presented before this Legislature enabling us to vote on such a change.

A few months later a vote was taken by the citizens of Brunswick and this move was defeated. At different times, at later dates, the same question was presented to the people and each time with the same result. Two years ago, however, the need for revaluation of the property of the Town of Brunswick became evident. It was felt that, through revaluation, the rate of taxes could be kept from continuously increasing year after year but, along with being a good economy measure, this revaluation brought a great deal of dissatisfaction in the town. Already there were many properties valued much too low and they found the properties were branded with a high tax value, thereby increasing their tax bill. This dissatisfaction was so great, a move was started to change our form of government. The proponents of the town manager form of government recognized the opportunity which had arisen and again brought their measure before the people, suggesting this time that it be tried for one year. It was finally accepted by only a small majority of 105 votes out of the 3,200 votes cast. The result of this balloting and the circumstances

involved along with the result of the previous votes taken on the same measure indicate the people of Brunswick did not absolutely want a town manager form of government; they simply wanted a change. They were willing to try anything for one year. They have now been operating under the new form for one year. If we are not satisfied with this plan we have no recourse but to go back to the previous method or remain with the present one. After this bill which is before us today was presented I became very interested in it and contacted many of my constituents and a very great majority of them were interested in this measure, and even more of them are interested in expressing their opinions on a referendum ballot. Mr. Labbe received many letters from citizens expressing similar requests.

In looking through these letters I see one from Mr. George Brown, a former member of this House, whom many of you know. I also see one from a prominent lawyer in Brunswick and one from a member of the school board and also several from business and professional men. I would like, at this time, to read to you a few lines from two or three of these letters which I have with me here.

This letter here is from Mr. Brown, whom I just spoke of, addressed to Mr. Labbe: "I was not at the Augusta hearing when L. D. 1366, An Act to Incorporate the City of Brunswick, was presented, but I feel that the citizens of Brunswick should have the opportunity of a referendum vote to decide this matter.

"The situation in Brunswick at present is such that it is impossible to hold a legal meeting in the Town Hall on account of lack of room since the town has so vastly increased in population. This is very apparent when an important question is before a town meeting. The early arrivals pack the hall and those coming later are unable to get into the building and thus lose their votes. This has happened in

the past and will surely happen again in the future.

"Something must be done to alleviate this trouble and this bill of yours is a move in the right direction. I hope that the Legislature will see fit to, at least, give the citizens of this town the opportunity to decide for themselves on this question. Since the bill will give the citizens almost a year to thrash out the matter, nobody could state that anything was railroaded onto the town."

There is one here from a Mr. Frank Ridley, who was a previous businessman in town: "Dear Mr. Labbe: I desire at this late date to express to you my personal thanks for the interest and time which you have given your Bill 1366 to incorporate the Town of Brunswick as a city.

"As a native of Brunswick, I feel that this is the only way in which the Town will be able to attract more people to live here with us, and be sure of earning an honest living, etc. We need more diversified industries here, and with Brunswick with a city charter, results will surely follow.

"All serious minded loyal citizens of Brunswick, who have the interest of the Town at heart, will welcome the Referendum to the electorate for approval or rejection of the Bill, which I believe will be voted on in 1950.

"I hope that you will be able to have many copies of this Bill printed and then your fellow townsmen will have the vital opportunity of giving serious thought to this subject matter. I trust that you will enjoy the remainder of this session of the Legislature."

And this one here is from a member of the School Board and I think this is a very important one:

"It may well be that I will oppose the City Charter which you have presented to the State Legislature, but I feel that you should have the opportunity to present your case to all Brunswick voters. I hope the Legislature will see fit to refer the question back to the Town.

"As you well know I have, for many years served the Town of Brunswick in various capacities, working on the side of better government. Those who feel that Brunswick has outgrown its town form of government, may be absolutely right. Certainly, it should be up to the voters to decide such an important question.

"I prefer to study the matter more thoroughly before making a final decision, but I hope you have been able to persuade the Legislative committee to give the Town the final say."

Now, Members of the House, this is simply an enabling act, going to the people of our town on a referendum. It also provides that this referendum ballot will be voted on at the regular election in 1950 thereby creating no additional expense.

I hope that you will give our people a chance to express themselves on this bill and I hope that the motion of Mr. Labbe to substitute the bill for the report will prevail.

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

Mr. McGLAUFFIN: Mr. Speaker, in talking with some of my Democratic friends here the other day, I stated that if they wanted to get anything for themselves out of this Legislature, the wise thing for them to do was to cooperate with us on something instead of always opposing everything we tried to do. I was asked if I was willing to support this measure. I am. I think that these two boys who have just spoken are the only Democrats from Cumberland County. I am going to ask you to give them a boost and pass this measure the way they want it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Atherton.

Mr. ATHERTON: Mr. Speaker and Members of the House: There is no member of your Committee on Legal Affairs who comes from the Town of Brunswick. As far as I know, no one of them has any connection with the town. It seems to

me that it is not a matter of whether the townspeople of the town of Brunswick want to become a city but rather a matter of what form of charter they want. I do not believe that it has been brought out but among the opponents at the hearing were the officers of the town, including, as I recall, the first selectman and several others. For the reasons previously stated, and as has been said, your committee did not feel and still does not feel that there was a sufficient demand on the part of the citizens of Brunswick to warrant this measure being submitted to the people for a vote. Therefore, I am opposed to the motion on behalf of the committee.

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

Mr. JEWETT: Mr. Speaker, this seems to me to be a perfectly local problem. I can't see why the Legal Affairs Committee or this Legislature should decide whether the citizens of the Town of Brunswick—why they should deprive them of the privilege of voting whether they should be a town or a city. It seems to me as though that should be their own affair. Therefore, I believe that we should approve the motion as made. I move the previous question.

The SPEAKER: The question before the House is on the motion of the gentleman from Brunswick, Mr. Labbe, to substitute the Bill "An Act to Incorporate the City of Brunswick" for the "Ought not to pass" report of the Legal Affairs Committee.

The gentleman from Manchester, Mr. Jewett, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Forty-two having arisen and forty-two being more than one-third of the members present (100), the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Brunswick, Mr. Labbe, to substitute the bill for the "Ought not to pass" report of the Legal Affairs Committee. All those in favor of the motion will signify by saying yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, under suspension of the rules, the Bill was given its two several readings and assigned for third reading tomorrow morning.

The SPEAKER: The House is proceeding under Orders of the Day.

The House may be at ease.

At Ease

Called to order by the Speaker.

The SPEAKER: Is it the pleasure of the House to take up out of order two communications and an additional paper from the Senate? There being no objection, the papers will be taken up.

From the Senate:

The following Communication:

STATE OF MAINE
Senate Chamber
Office of the Secretary,

Augusta, April 18, 1949.

Hon. Harvey R. Pease, Clerk
House of Representatives

Sir:

The President today appointed the following Senators as Conferees on

(1) Bill "An Act Relating to the Financial Responsibility Law." (H. P. 2027) (L. D. 1416)

Senators: BARNES of Aroostook
WARD of Penobscot
COBB of Oxford.

(2) Bill "An Act Relating to Weir Fishing in Certain Waters." (H. P. 1736) (L. D. 1090)

Senators: VARNEY of Washington
BATCHELDER of York
BARNES of Aroostook
Respectfully,
Chester T. Winslow,
Secretary.

STATE OF MAINE
Senate Chamber
Office of the Secretary

April 28, 1949

Honorable Harvey R. Pease, Clerk
House of Representatives

Sir:

The President appointed as Conferees on Bill "An Act Imposing a Personal Income Tax" (H. P. 2046) (L. D. 1481), the following members:

Senators: SAVAGE of Somerset
BARNES of Aroostook
WARD of Penobscot
Respectfully,
CHESTER T. WINSLOW,
Secretary.

The communications were received and ordered placed on file.

From the Senate:

The following Order:

ORDERED, the House concurring, that the Conference Committee on the disagreeing action of the Legislature on Bill "An Act Imposing a Personal Income Tax" (H. P. 2046) (L. D. 1481) report to both branches of the Legislature not later than Friday morning, April 29, 1949, at 9 o'clock E.S.T. (S. P. 686)

Came from the Senate read and passed.

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

Mr. BURGESS: Mr. Speaker, I wish to move the indefinite postponement of this order for the reason that it is not necessary and that the time stated for the report of the committee does not give the committee an opportunity to properly reconsider.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the order be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the order was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair at this time will appoint the conferees on the part of the House on the disagreeing action of the two branches of the Legislature on Bill "An Act Imposing a Personal Income Tax."

The conferees on the part of the House are as follows:

The gentleman from Wayne, Mr. Brown,

The gentleman from Sebec, Mr. Parker,

The gentleman from Gorham, Mr. Sanborn.

The SPEAKER: If there be no further items of business to come before the House, the Clerk will read the notices.

On motion by Mr. Boothby of Livermore,

Adjourned until 9:00 A. M., E.S.T. tomorrow.