

# 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**

Friday, April 29, 1949

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

Prayer by the Rev. Mr. Colcord of Gardiner.

The journal of the previous session was read and approved.

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

Mr. **BROWN**: Mr. Speaker, I sent a conference report to the desk.

The **SPEAKER**: The Clerk will read the report.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on 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" and the Senate accepted the Minority Report of the same committee reporting same in a New Draft (H. P. 2046) (L. D. 1481) under title of "An Act Imposing a Personal Income Tax" and passed the same to be engrossed as amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G", "H", "I" and "K" in non-concurrence, reporting that the House recede from its former action whereby it accepted the majority "Ought not to pass" report of the Committee and that the Senate recede from its former action whereby it passed the new draft to be engrossed as amended; and that said bill in a second New Draft, submitted with this report, under a new title, Bill "An Act Imposing a Sales and Use Tax and a Personal Income Tax to Raise Additional Revenue and Equalize the Tax Burden" pass to be engrossed and pass to be enacted in both branches without amendment.

(Signed)

Messrs. **BROWN** of Wayne  
**PARKER** of Sebec

**SANBORN** of Gorham  
— Committee on  
part of House.

**SAVAGE** of Somerset  
**BARNES** of Aroostook  
**WARD** of Penobscot  
— Committee on  
part of Senate.

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

Mr. **BROWN**: Mr. Speaker and Ladies and Gentlemen of this House: The Committee on the part of the House has discharged its duties and we have brought to you this morning our findings and our work and we believe that it has a lot of merit.

Here is what we have done. We have reported out a one percent sales tax across the board which is essentially the Albee Bill. We have reported a two percent income tax, a combination of the two. It is estimated that the sales tax will bring in \$5,000,000. The two percent income tax, \$5,000,000. It is also estimated that the racing bills will bring in three-quarters of a million dollars. If this tax is enacted into law, here is what it will do.

First: It will repeal the property tax, take the State out of the property tax field. This point is one which I think all of you will recognize as being worthy of your consideration.

The Legislature has attempted for years to revise the tax structure to put it on a broader base, to make it more fair and equitable and to take the State out of the property tax field.

Second: It will repeal the tobacco tax, that tax which we enacted in the closing days of the last session as a last resort to raise revenue by which the State of Maine could be operated in that biennium. A tax which has not been popular and which some people feel is discriminatory.

Third: That after we have provided for the repeal of the property tax, the repeal of the tobacco tax and included in the bill are the other things which the State has

demonstrated are needed and for which this Legislature has shown a preference.

Fourth: It would provide money for a forest fire control system, which will assure the State of Maine against another disastrous forest fire and its consequent destruction of 1947. If your memory is a little bit short, I would like to show you this newspaper which was printed as a review after that disastrous fire in the fall of 1947. That was only two short years ago and it could happen again. Forest fires are a constant menace and we always have that with us. There were over seven hundred forest fires last year and I believe that it is the will of the people of the State of Maine that this disaster will not happen again. Now I think it was clearly recognized that it was a State function to coordinate forest fire and disaster forces of the State of Maine so that we can adequately cope against such a thing if it should happen in the future. That is one of the things that this bill will do.

Fifth: This Legislature has shown a willingness and a preference to do something for education. The vote has shown that and if this bill which we have presented to you this morning is enacted, here's what will be received for your different educational functions, and I will read them.

Departmental Operations—\$3,237 in the first year. I will read the totals so I won't be too long; I will read the total amount which will be for the biennium, 1949, 1950 and 1951. The total for Departmental Operations will be \$6,541.

Maine Maritime Academy	\$ 40,000.
Farmington State Teachers' College	30,000
Gorham State Teachers' College	16,800
Washington State Teachers' College	8,000
M a d a w a s k a Training School	16,000
Subsidies to Cities and Towns:	
For Tuition	15,000
For Teaching Positions	620,000
For School Census	46,000

For Conveyance in Lieu of Teaching Positions	10,000
Schooling Children in Unorganized Towns	52,000
Specialized Education of Physically Handicapped Children	30,000
Equalization of Educational Opportunities	21,000
An Act Relating to Elderly Teachers' Pensions	250,000
An Act Relating to State Scholarships for Normal School and Teachers College Students	50,000
An Act to Increase State Aid to Towns for the Support of Salaries for Teachers	900,000
An Act to Equalize the Educational Load to Municipalities	800,000
School Construction	100,000
Four: A resolve in favor of the University of Maine, this is for the biennium, \$600,000.	

Also, we have had indications from time to time that we can do more for the Department of Health and Welfare, our aged, our blind and our handicapped. If this bill is enacted into law, it will provide for the following services:

Advisory Hospital Council (and I will also read the totals on this one, too, it is for the biennium, I'll give the total amount).	
Advisory Hospital Council	\$ 2,000.
Aid to Dependent Children	779,000.
Board and Care of Neglected Children	386,900.
Aid to Public and Private Hospitals	800,000.
Old Age Assistance Benefits	158,886.
Old Age Assistance Burials	120,000.
An Act Relating to Aid to Dependent Children	912,000.
Another point: We have heard frequent indications that we should do something for our State institutions; that they are in horrible shape. They need more money to exist. If this bill is enacted into law, here is what will be provided for our institutions:	
Pownal State School (and I told you I would only read the totals for the biennium).	
Pownal State School	\$ 35,525.

Augusta State Hospital	30,514.
Bangor State Hospital	28,035.
Central Maine Sanatorium	12,569.
School for Deaf	1,875.
Military and Naval Children's Home	1,800.
School for Boys	19,545.
School for Girls	25,415.
Men's Reformatory	17,409.
Northern Maine Sanatorium	34,387.
Prison	20,299.

I think it has been recognized that there are other bills in this Legislature which are worthy of consideration and which this Legislature has indicated a preference for, and I will only read the totals of the different departments.

The Agriculture Department (This is the total)	\$88,744.
Attorney General's Department	3,097.
Banks and Banking	4,376.
Development Commission	20,000.
Forestry	6,806.
Industrial Accident Commission	3,215.
Labor and Industry	16,000.
Public Utilities	8,000.
Bureau of Purchases	4,577.
Sea and Shore Fisheries	20,374.

In addition to these services, we have made provision in this bill which, if enacted, would turn all the surplus after these things which I have mentioned are paid for, any surplus existing will be turned back to the towns and cities on a per capita basis. I think this is a very important point because by turning this money back to the towns, if there is a surplus, your cities and towns will act as a watch-dog on our State government to see that they don't waste money because they will want to get some of that money if there is a surplus.

Another thing, I have great confidence in the Governor of this State and he has told you that he would do his best to see that you got a dollar of value for a dollar expended and I believe that he will do just that.

Ladies and gentlemen of this House, I think that perhaps you can all appreciate what this Committee of Conference had to con-

tend with. It is not an easy job by any manner of speaking; it was a very serious job and very difficult so we know that it is impossible to please everyone. We know that it can just not be done. We know that in the Legislature each of us can not always have his own way and get what he or she thinks should be done. This whole legislative procedure is a give and take proposition. The laws which are enacted in this Legislature are always enacted in a spirit of compromise; they have to be because when you have a point of view on this side far to the left and one on this side far to the right, it isn't possible to bring the two factions together unless there is a spirit of compromise.

I think we have before us this morning something which will broaden the tax structure of the State of Maine; something which this State, I really believe, has been waiting for for a long time. As I have said before, the Legislators in the past have met here every two years and they usually wind up in a spirit of desperation by enacting some nuisance tax, anything that they could find to tax to tide them over. Ladies and gentlemen of the House, that is not the type of tax that we want to see enacted in the Ninety-fourth Legislature.

Let it be said that the Ninety-fourth Legislature recognized their duty to the State and to the people and that they faced the issue squarely and brought out a tax measure which would really do a job.

Before I close, I want to mention another very important feature of this bill. It carries an expedited referendum clause. If enacted, this bill will be sent to the people and it will say in the referendum question: "Do you want these services and it will name the services. If you do, vote for the bill. If you do not think that these services are necessary or worthwhile, then it is your duty to vote 'No.'" It will put the issue squarely up to the people of the State of Maine. Thank you.

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

Mr. McGLAUFFLIN: Mr. Speaker, I think the committee has done a marvelous job in an exceedingly short time. I am ready to support this measure. I feel that the time has come when we need in this House horses that can pull together, not mules that balk at every turn. I think that we should try to pull together and not try to pull each other apart. I think that it is time for us to make some progress; that we should go forward, not backward; that we should advance, not retreat; that we should not stand still.

I remember a very remarkable speech made by Hon. Justice Philbrick at the Bangor Convention some years ago in which he made this thrilling statement: "Stagnant are the waters that forever lie still." If we do nothing, we might as well be dead.

I recall that when I was at Ricker Classical Institute many years ago, they used to teach us memory gems and one of them has stayed in my memory ever since those days is pat right here now. "A man's life is like a tower with a staircase of many steps; no going back, the past is an abyss; no stopping; the present perishes but ever hastening onward; precarious on the plateau of today."

It has been said in this House, let this go until some later time. Ladies and gentlemen of the House, putting off something until tomorrow isn't wise. With some of us in this House, there may never be a tomorrow; the time to act is now.

Some years ago, I went on a hunting trip up in West Sebois. I was gone about two weeks with three other Portland men in camp. One day, one of us, Walter Foss of the Foss Furniture Company of Portland, and I went out together when we ran across a deer. We both raised our rifles and fired. One of us hit that deer and it was wounded. We traced the deer for a ways by the drops of blood that he left and we decided that he was going to-

wards the West Sebois River. So, we stopped and had our lunch and again we took up the trail. When we got to the river, looking across, we traced blood up to the river, looking across on the other side, there was the deer, lying in the water, still lifting his head. I fired one more shot and the deer was still but the deer was on the other side of the river. We wanted that deer. In my boyhood days, I frequently made a raft. We did not have material with which to make a raft but I found one log about sixteen feet long and another about seven feet long and I found a strip of some kind that could fasten the two together and with this raft I set out to cross. About half way across the river was an island. I manipulated the raft so that I succeeded in getting as far as the island but that was as far as I could seem to get. But still the deer was on the other side. In order to get that deer, I held my rifle over my head and plunged into the water and crossed the river and got the deer.

Ladies and gentlemen of this House, that deer is the real estate tax of seven and one-quarter mills that is imposed by this State and we want that deer. Let's cross this river with this tax measure and then go home and tell our people that when the Ninety-fourth Legislature goes out on a hunt they bring back the deer.

I move the acceptance of the report given by Mr. Brown of Wayne.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Eighth Grade of Wilton Grammar School with Mrs. Roberts in charge. On behalf of the House, we bid you welcome. (Applause)

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

Mr. JACOBS: Mr. Speaker and Members of the House: After listening this morning to the long

list of figures that has been presented to us that this new bill will take care of, I am wondering if you have forgotten that we have already in our possession to run the State Government almost forty-eight millions of dollars and I believe that the time has not arrived, notwithstanding others who think otherwise, that we should impose a combination sales tax upon the people of Maine. Much has been said about the property tax, this seven and one-quarter mills. That is not a serious burden upon the taxpayers of Maine in my opinion. Anyone who pays a hundred dollars tax only pays \$7.25 tax, as a State tax to help run the government of the State of Maine.

A few days ago in the corridor of this House, this building, two men were talking—one in favor of the sales tax or similar tax and the other wasn't. One of them said: "That guy, Jacobs, don't want any tax of any kind; he probably doesn't pay any real estate tax." I don't want to have people think that I am bragging about anything I own but the fact remains, nevertheless, I pay over \$1,000 tax every year and I am willing, as far as I am concerned, to pay the State tax of seven and a quarter mills, which is only about \$75, out of my pocket to have the privileges which Maine gives me as a citizen.

Now, nobody is going to suffer if this bill does not pass but I believe that some will suffer in the State of Maine if it does pass when you double taxation upon the citizens of Maine at this time. How about these people in the different cities and towns of Maine who own a number of pieces of property to rent? I know of one person who has sixty rents that he rents out to people who rent them from him. That would be a good job for him to be relieved of this property tax of seven and a quarter mills, but if this bill passes, will he take it off his tenants? I don't believe he will.

I know of another who has fifty-four tenements to rent to his people. Will he take off that seven and a quarter mills if this bill passes. I don't believe he will.

I know of another who has forty-eight tenements to rent. Will he do it? No, I don't believe he will.

I do not believe it is time, members of this House, that we should impose another tax upon the people of Maine. I believe you good people here in this House have spoken against an income tax very distinctly and I know there are members in this House distinctly opposed to a sales tax and, take them together, to my mind, is not the wisest thing to do at this time, because I believe that with the 48,000,000 at our disposal, that no one, a child, aged people or anyone else in that category will suffer the least bit and I am opposed to the bill.

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

Mr. SHARPE: Mr. Speaker and Members of the House: I am not a tax expert; I am not a language expert nor a miracle man. I have seen this bill for about five minutes and all I know about it is what has been debated so far and I am of the opinion that not five percent of the members of this House can determine without time to study this bill whether they approve of it or whether they disapprove of it. We had a bill in here with twenty-four pages the other day which many members said they couldn't understand. This one has got forty-seven and I move that this bill be tabled and assigned for the next legislative day so that the members can have a chance to study this thing and discuss it and know what they are doing.

The SPEAKER: The gentleman from Anson, Mr. Sharpe, moves that the report of the Conference Committee lie upon the table and be specially assigned for the next legislative day. Is this the pleasure of the House?

(Cries of "No")

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

son, Mr. Sharpe, that the report lie upon the table and be specially assigned for the next legislative day, will say aye; those opposed, no.

A viva voce vote was had and the motion did not prevail.

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

Mr. CHASE: Mr. Speaker, am I correct in believing that the question now before the House is the acceptance of the report of the Conference Committee?

The SPEAKER: That is the question that is before the House.

Mr. CHASE: Mr. Speaker, I too want to commend the Conference Committee. Seldom in this life do we ever get exactly what we are asking for. I believe this is a fair compromise. I hope that when the time comes to vote on this bill that those who have been working with me in the spirit of compromise will give it their support.

The SPEAKER: The question before the House is on the acceptance of the report of the Conference Committee.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: The report of your Committee of Conference presents the same issue that has been before us for several months, the issue of expansion against retrenchment. The latest move in favor of expansion calls for a \$10,000,000 tax bill with all of the usual essentials of a good Christmas tree held out to attract the towns. I am not going to carry that point any further. I have before me Legislative Document 1591. I assume that that is the bill to which the gentleman from Wayne, Mr. Brown, referred.

I do not have the text of the report of the committee before me. The motion is to accept the report of the committee. If it is the will of the majority of the House that we fight over again the same battle we have been fighting for several months past, that is OK with me. But I would like to address to the

Chair a parliamentary inquiry. I ask the Chair, if the report of the Committee of Conference is accepted, what is the status of Legislative Document 1591?

The SPEAKER: The Chair understands that the gentleman makes an inquiry. The Chair will reply as soon as possible. Would the gentleman restate his inquiry?

Mr. WOODWORTH: Mr. Speaker, if the report of the Committee of Conference is accepted, what is the status of Legislative Document 1591?

The SPEAKER: The House may be at ease for a few minutes. The Chair intends to make the reply in writing.

#### House at Ease

The House was called to order by the Speaker.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, having made a parliamentary inquiry with regard to the status of L. D. 1591 in the event of the acceptance of the Conference Report, the Chair will state that in such event Bill, being L. D. 1591, would then be before the House in accordance with the report of the committee.

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

Mr. BOOTHBY: Mr. Speaker and Members of this House: I can't agree with the gentleman from Fairfield (Mr. Woodworth) that this is the same old team. Of course he has a legal mind and I haven't, but I still can tell two oxen from one.

Now, I think you have to team together. I think the committee has done an excellent job in getting them together. I think we can go along with this. I think it can certainly pull the load. I am in favor of it.

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

Mr. BROWN: Mr. Speaker and Members of the House: The gentleman from Auburn (Mr. Jacobs) has repeatedly told the members of



this House that we did not need new sums of money; there was money enough to take care of all of our needs. I believe the gentleman is sincere when he says that we do not need more money to take care of the increased loads for ADC, board and care of neglected children. He is sincere when he says that the public hospitals need no more funds in order to operate and the institutions need no more funds and the Department of Education needs no more funds. The reason for my saying that I believe he is sincere is that he stood on the floor of this House, yesterday, and said that the Odd Fellows Home in Auburn, of which he is a director, fed the people in that home for thirty-three cents a day—eleven cents per meal. That is the reason that I believe he is sincere when he does not want to provide the money to do these things that I just spoke of.

The gentleman from Bath, Mr. McClure, praises our Governor to the high heavens in support of his contention that there should be no more funds raised. I, too, praise the Governor to the high heavens but I want to give him some money to work with. I am confident that he can save the money, he is not going to throw it to the high heavens; he is going to save it. It has been said that we shouldn't pass a tax now because there are so many unemployed. Who in God's name are we passing this tax for? It is not for me; I can take care of myself for a few years longer that I know about, and my poor old mother who is eighty-seven years old is being taken care of without assistance by the State. I am continually voting for taxes to take care of these unemployed and their children, educate them, take care of the people in these hospitals, and I believe that the rest of the so-called tax and spend bloc has that same thing in mind. The economy bloc, so called, is speaking in terms of dollars. I believe that the tax and spend bloc, so called, is speaking in terms of needs, at least I am. I have voted for every

tax measure that has come along. I shall still continue it except for nuisance taxes. I voted for the last nuisance tax when I voted for the tobacco tax two years ago; I am ashamed of that one.

Now, it has been said here by the gentleman from Bath, Mr. McClure, that he has received six hundred letters telling him to vote against taxes. I cannot understand that; I don't deny but what he has had them but everybody in this State knows, or I think should know, that I am in favor of taxes. I have had four or five letters from various parts of the State. One letter was from a gentleman in Winterport; he is not in my class towns but in my county and the letter stated that he was surprised to think that a gentleman from Waldo County would introduce a tax measure in this House and he asked me some questions about the State government and I got the necessary answers for him and wrote him a letter as to why I introduced a tax measure. I got a letter back saying in effect, I am sorry I can't find the letter, but he says in effect that he guesses that perhaps I know more about the State's business than he does and perhaps I had better keep on.

Now, this morning I have a letter and I would like to read it, it's a couple of pages, and I would like to have it incorporated in the record.

"Office of Town Clerk

Town of Jackson

April 28, 1949

Representative Harry M. Brown,  
State House,  
Augusta, Maine.

Dear Mr. Brown: They tell me letters to one's representative help him decide how to vote on different subjects, therefore this letter.

A member of our School Committee recently told me notices had been received that we were to receive a cut in our State School Fund. I haven't expected any additional help from this Legislature

but I didn't think we would be cut on past aid, especially on schools. Is there anything more important in our State than our boys and girls? They are the men and women of tomorrow. The State of Maine ranks low as far as education is concerned. Why should we make it any lower? Last year 43% of our appropriations went to support schools. We received \$3,615.07 from the State and now that is to be cut. Teachers' wages are going up and I am glad. We have two school houses that are a hundred years old; we would like to repair them so that they will be as comfortable as most cow barns and that is going to cost a lot. We have sent our 7th and 8th grades to Brooks, so they can be better fitted for High School, but tuition is going up so that is out of reach. Where is it going to stop? These boys and girls didn't ask to be here and they don't like the burden that is to come to them when they become men and women. Are we trying to help prepare them for this job? I say no. We can build super-highways, parks and the like for the benefit of tourists, and other things we could get along without, and our boys and girls have to get along with less and less training.

Let's think this over and think of the future of the State of Maine. Instead of lowering its standard of education, boost it.

Another thing I don't like is referendums. We send men and women to Augusta to make our laws. We depend on you to do what is right. We have presented to you the facts for and against bills, you decide what is right. The bill is passed and goes to the Governor who signs it, then a referendum is tacked onto it. A special election is called which means a big expense to the towns. A small percent of the people bother to attend the election and the most of them vote as someone tells them with no idea whether it is right or wrong. I don't believe this is necessary.

I hope something can be done for education at least.

Respectfully yours,

(Signed)

ESTELLE H. STEVENS,  
Clerk and Treasurer of Jackson  
Clerk and Treasurer of Congl.  
Church  
Sec. Star of Progress Grange  
Sec. Republican Town Comm."

I hope the motion to accept the committee's report will be accepted.

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

Mr. McCLURE: Mr. Speaker and Members of the House: It wasn't my purpose to rise again this morning but I am very much interested in the letter read by the gentleman from Unity, Mr. Brown, especially where the gentleman referred to the cow barns.

Now, I wonder if the price and the cost of building that cow barn, to which the gentleman referred, would cost the same as the State's cost in building the cow barn on the State farm over here in Augusta. I believe it was \$90,000 for which it was to be built. I understand now that they are asking for \$50,000 more. \$150,000 not only will build a wonderful cow barn, but I should imagine a wonderful school.

But, I don't think in listening to the letter that the gentleman would spend his money the way our State is spending theirs on the cow barn.

Members, I believe that the committee that brought this bill out has worked hard; they have been faithful; they have covered much ground. I want to thank them especially for the mention of vessels being exempt up to a certain tonnage because I believe the only yard in the State of Maine which builds ships of that size is the Bath Iron Works. I also thank them for mentioning that we should repeal the tobacco and cigar taxes. And the gentleman from Unity, Mr. Brown, has been accepted as, he says, a member of the tax and spend bloc. It is my idea this so-called economy bloc, at least from most of the people I hear from,

other than a pressure group or two, is becoming known by the people as the commonsense bloc.

Now I hate to think that we, as the Republican party here in the State of Maine, are trying to become like the Democratic party of the New Deal in our National Capital. Because I find that among the Democrats in the State of Maine, there is one city that could surely teach us a lesson. I also wish this was coming from the Republican administration in the State of Maine instead of from a Democratic newspaper in the Democratic city of Biddeford. But, after all, members, I believe that we, too, can follow his example. I have to, even as a Republican, put this in the record. It is from the Biddeford Journal.

**"Model for Legislature**

"Announcement that our tax rate is to be held to 39 mills without any jump in valuations is good news to many. This comes despite a jump in the county assessment, and at a time when nearby, so-called efficiency administrators are clamoring for more taxes and more help from the state.

"Mayor Lausier will soon be in a position to announce that the entire city debt has been liquidated. He made the promise when he first took office that he would reduce taxes and attempt to get the city entirely free of bonded debt in 10 years. By being able to say No, and making it stick, he has steadily whittled the taxes and paid off outstanding debts as they became due. Now, bond payments are being anticipated to save interest charges.

"Holding down the rate this year with the heavy toll of winter on the streets and roads, the increase in the county tax, and money needed for the new bridge approaches, has not been an easy task. Provision has been made for permanent paving on a few more streets.

"There are those who do not agree with the economy practices. Some would pay teachers better salaries, others would build more streets and sidewalks, others would build up the fire department, all

with increased taxes. But the condition of the state and some other cities in a financial way makes the policy of the mayor stand out. Once free of debt the city will have considerable money available that in past years has been demanded as payment on a dead horse, such as interest charges, loan negotiating, etc."

That is the end of the editorial.

Members, as a Republican, it hurts me to have to read an editorial like that. It is an example that is good for the people of the State of Maine; it is an example that we, as the majority party in the State of Maine, should try to do for our people. We have to conserve every dollar that we can for the future. We may have an emergency coming. If we do have that emergency, why not use our money to build better schools instead of as they did in Washington, rake leaves and pile snow from one place to another. Members, I have heard here members of this tax and spend bloc, although the gentleman from Unity (Mr. Brown) this morning praised our children in the State of Maine, I have heard them sold short. I am for the children; I know the children and I will work for their interests. I want us to have the best schools but I also want them free from a tax burden that will bury them so deep that their grandchildren will never even be able to go into a schoolhouse. In the interest of good government, I say we have to live within our budget.

This Mayor Lausier is the same man who was the Democratic candidate against the man whom the people of this State elected Governor and I say to you, again, that I have confidence enough in our Governor, Governor Payne, that he, too, at the end of his administration, will be able to have someone write an editorial similar to this only it will be for the State and for the State it will be for the benefit of all the citizens and not just those of the City of Biddeford. I thank you.

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

Mr. BUBAR: Now, they are telling us that if we accept this report there can be no amendment made to this bill. Now, I cannot conceive of any bill that this Legislature cannot amend and I cannot conceive of any law in the statute books that cannot be amended. Now, I rise for information. Is it a fact, as was stated here during this recess that this bill, if we accept this report, the bill cannot be amended? Let's clear this up.

The SPEAKER: The Chair understands that the gentleman makes a further parliamentary inquiry. The House may be at ease while inquiry is made.

#### House at Ease

The House was called to order by the Speaker at 11:30 A. M., E. S. T.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, having made a parliamentary inquiry asking if the acceptance of the conference report would preclude amendments to the bill submitted with the conference report, the Chair will rule that the committee having reported that the bill by them submitted with their report pass to be engrossed and pass to be enacted in both branches without amendment, any action by this branch of the Legislature contrary to the provisions of the agreement reached and reported by the conferees from both branches of the Legislature would, of necessity, nullify the report as submitted and accepted. It is the opinion of the Chair, therefore, that the acceptance of the report would preclude amendments.

Mr. BUBAR (of Blaine): Now, Mr. Speaker, do I understand now that if we accept the report of the committee no amendments can be made?

The SPEAKER: That is the opinion of the Chair.

Mr. BUBAR: Well now then, Mr. Speaker, you've still got the

pig in the bag. (Laughter) And I want to look at it. Now, then, another thing I notice here—

The SPEAKER: The Chair only recognized the gentleman for parliamentary inquiry.

The Chair now recognizes the gentleman from Blaine, Mr. Bubar.

Mr. BUBAR: All right then, Mr. Speaker, I move you that this be sent back to the committee and this be amended so as to exclude "without amendments".

The SPEAKER: The gentleman's motion is not in order.

Mr. BUBAR: Mr. Speaker, now just a moment, please. I think I have the floor, unless I—

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

Mr. BUBAR: Do I understand that we must accept the report of the committee as it is or defeat it, one or the other?

The SPEAKER: That is correct. The report of the committee is before the House; it must be either accepted or rejected.

Mr. BUBAR: Very well then, Mr. Speaker, I am against this report unless I am privileged to make an amendment.

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

Mr. McGLAULIN: Mr. Speaker, the official guide for our parliamentary procedure in this House is Reed's Rules, which I hold in my hand. This book, at any rate, does not cover the point.

Now, here are two things that can be done. We have a right to appeal from the decision of the Speaker, and this House, by a majority vote, can overrule the Speaker's decision. Or, we can vote on the question of accepting this report and if the majority are not in favor of accepting this report, we can then ask the committee for further conference. Now, naturally, right or wrong, we are not anxious to embarrass our Speaker, so I am suggesting that we vote on this question, and if it is voted down, then to move for further conference and let this committee

straighten this thing out. That is very simple and could be done without much trouble.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker, this is a parliamentary inquiry. In view of the situation that exists, would it be in order, under suspension of the rules, for one of the lady members to offer a motion at this time? (Laughter)

The SPEAKER: The Chair recognizes the gentlewoman from Crystal, Miss Longstaff.

Miss LONGSTAFF: Mr. Speaker, I move that House Rule 25 be suspended for the remainder of today's session.

The SPEAKER: The gentlewoman from Crystal, Miss Longstaff, moves that House Rule 25 be suspended for the remainder of today's session. Is this the pleasure of the House?

The motion prevailed.

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

Mr. WOODWORTH: Mr. Speaker, I think our Speaker has ruled correctly in answer to the question raised by the gentleman from Blaine, Mr. Bubar. I am not sure that I am wholly in agreement with the gentleman from Portland, Mr. McGlauffin. It is my understanding of the joint rules that when a committee of conference has made a report and properly made it to the House, the House can do two things, one of two things. It can accept the report; the House can reject the report, but the House can take no other action.

Regardless of whether we agree with the Speaker's opinion or not, I believe that there is no question about how we should vote on the main issue. The motion is to accept the report, and, due to a question that was raised this House was in recess for more than two hours trying to find out what the report meant. If we accept this report, I believe we will be accepting a report that is almost with-

out precedent. We can disagree, if we like, about the matter which the Speaker has mentioned and we can disagree if we like with any matters in this report but this report certainly does say that the bill in the second new draft submitted with this report under a new title, pass to be engrossed and pass to be enacted in both branches without amendment.

During the recess that we have had, I think that everyone in the State House has given thought to what this bill means. The Speaker has said that in view of the fact that this bill said "without amendment", it means that you must pass it without amendment and I will tell you that in my opinion that when this bill says "pass to be engrossed and pass to be enacted", it means that if you accept this report, you leave that bill fully enacted and needing only the Governor's signature to become law. And I say that that is almost without precedent. I would like anyone who has ever heard of a precedent like that to mention it.

I have opposed new taxes. I have tried to be consistent. I have advocated a policy of retrenchment against expansion. I have not tried to hurt anybody's feelings. I have not criticized anybody any more than I could help because of their views differing from mine. I don't ask favors but here is one thing that I do ask and that is fair play. If the House is going to pass a tax measure, I think it ought to be brought in here with full freedom of debate. If we want to amend it, or if we want to discuss any phase of it; if we want to pass it to be engrossed or if we don't want to; if we want to enact it or if we don't want, we ought to have the full right to vote on all those questions. If you accept this report, you lose all your rights. I don't believe that any group of men and women, acting as representatives of the people of Maine, can in decency vote to accept this report, and I hope that you will all vote against it.

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

Mr. McGLAUFFLIN: Mr. Speaker, I have to differ on the parliamentary law with my friend, the gentleman from Fairfield (Mr. Woodworth). I hold Reed's Rules in my hand, and let me read:

"The report should first be made and acted upon by the House which has invited the controversy." That is this House. "It is then passed upon by the other House if agreed to. If not agreed to by the other House, the only method of reviewing the question is by further conference, or by the House receding and concurring with the other."

Now don't tell me that we cannot have further conference. How you vote on this particular measure does not matter to me at all, because we can have a further conference. Bear in mind, Members of the House, that every possible monkey wrench that can be thrown into the wheels of progress here will be put up by these men who opposed any new taxes.

I asked one of my friends this morning who represents all of the people and who knows all of their wishes, why he is so scared to let the people vote on this. If this is something that the people don't want, they will have a chance to vote on it. That, to me, takes away all the argument of this Economy Bloc that they represent the people and cannot have any more taxes.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: In view of what has happened as the result of the Conference Committee's work, I certainly appreciate the good "Judge's" remarks, that those who oppose new taxes will try every trick in the bag. It seems to me we have seen the ultimate in tricks tried this morning.

The gentleman from Portland, (Mr. McGlauffin) did not answer the point that was raised by the gentleman from Fairfield, Mr.

Woodworth. Mr. McGlauffin made the point that if this House votes to reject this report, then this House can ask for a conference. Mr. Woodworth is right on that point. This House cannot. If, however, the Senate should accept the report after this House rejected it, then we could ask for another Committee of Conference, and that is the only point the gentleman from Portland, Mr. McGlauffin, has made in his second remarks, so that if the Senate agrees with us, that this piece of paper should be rejected, that is the end of this, and I cannot conceive of this House, with the sense of fair play that it has shown throughout this session, accepting a report of this kind.

Mr. McGLAUFFLIN: Mr. Speaker, I would like to ask the Chair's ruling on that question.

The SPEAKER: The gentleman from Waterville may proceed.

Mr. MUSKIE: Thank you, Mr. Speaker.

I speak this morning in a capacity somewhat different from that on which I have spoken on previous tax measures. It would appear that it has been decided that this tax question should be decided without the assistance or resistance of my party, inasmuch as we were not given representation on the Committee of Conference. Apparently, then, the problem is in your laps, and I can speak, more or less, from an impartial point of view. Of course we always try to do that. (Laughter)

As I read or listened to the report this morning, as I picked up this bill, L. D. 1591, and looked at the referendum section, and then, as I observed the House action in rejecting a motion to table so that we could study the bill, I could think only that you people were not interested in the tax measure; you were interested in the bait with which it is covered.

In the latter pages of this document, beginning on page 41, we have the appropriations measures which would be covered by this tax. Now this tax, presumably, is suggested for the purpose of

settling the State's financial problems, and for that purpose it proposes to raise \$20,000,000 in new revenue. I have analyzed these appropriations very briefly, and hurriedly, but I find that of the \$20,000,000 that will be raised, \$15,000,000 will go back to the cities and towns of the State. In other words, this bill is a bill not to settle the State's financial problems, but to settle the financial problems of the cities and towns, and we propose to embark them on a spending spree of \$15,000,000. Now perhaps that is what this House wants to do, but on this particular point, at least, I want this House to know what it will be doing if it passes this act.

You notice the referendum question is very cleverly put. It follows the rule of the good fisherman to keep his hook well-baited. You notice the bait comes first and the hook comes last. I think we can go one further step in this Legislature, if we would like another Committee of Conference; I think we could take this thing here, attach a referendum clause to it and send it to the people. This is the midsummer catalog of Sears, Roebuck and Company. (Laughter)

And again I come to what I have considered my key argument against these various tax measures that have come before us. I am tempted, if I thought the Speaker could answer it, to put a parliamentary question, and that is this: How do you kill a tax bill in this House? I think we have the answer this morning and we can vote "No" on this report.

I don't know what else can be said on the question. I have tried to think of something new to support my contention that the people would not accept anything of this kind. It seems to me that the bait that is on this hook is so big that the people won't be able to swallow it if they try. I cannot imagine the people of Maine, in view of the economic times, I cannot imagine that they would enact two major tax measures. It is true, we are

told, that this takes off two nuisance taxes, the real estate tax and the cigar tax. We thereby remove two of the patches on the State's tax pants, but we are just sewing on two bigger patches, and I don't believe the people have got that big a hole in the seat of their trousers.

I would like to ask again the tax proponents in this House whether they really think that the people would accept this thing. The "Judge" says this has a referendum clause to it after all, and it goes back to the people. That takes all the curse off it. Why then did the "Judge" vote against the income tax alone? That had a referendum clause on it. That was going back to the people. That presented the people with a simple issue instead of this complex thing that we are going to throw at them and ask them to digest in the short period of a month and a half and vote for or against. If you want the people to understand something, something that they are not given an opportunity to study, you have got to make it as simple as possible, and here you have thrown everything except the kitchen sink into this bill, and you are going to send it to the people and you are going to ask them to read it, understand it and vote for it. If you really want to do a job for the people, if you really want to send a tax back to them in referendum, with some hope that it will succeed, then send them the tax back which has had the best record in referendum and which will frame the simplest issue for the people to decide. There can be no possible hope of survival for this measure at the referendum in June, and I hope that this House will vote to save the State of Maine the \$50,000 which such a referendum would cost, and I hope that the report of this committee is not accepted.

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

Mr. BROWN: Mr. Speaker and Members of the House: I rise to try to defend the committee's position on this measure, which is

not an easy thing to do, not being an attorney and not being versed too well in parliamentary law. It was my thought and my whole thought — it does not necessarily represent the thought of the committee—but it was my own personal thought that if this report was accepted then the bill would be before the House and would be amended. Apparently I was wrong. However, we do have a bill, a combination of bills which have been studied and discussed and rediscussed all winter.

If you have read the bills as they come along, you know what is in this one. It may not be the best tax measure that ever reached the floor of this House, but it at least is something concrete.

There seems to be quite a division of opinion on the part of the members of this House. One group says in all sincerity, "The people of Maine do not want more taxes," and the other group, with equal sincerity, says, "The people of Maine want to broaden the tax structure and will accept a new tax if it provides for the facilities which they want."

Now it seems to me that with those two definite stands taken in this House, that the members of this House do not know what the people want. If they did, they would be in agreement, and they are certainly not in agreement.

If you send this bill to a referendum and the people have a chance to vote on it, then you will have some idea what the people in this State do want; they either want more taxes or they do not want any more taxes, and either way it would give future legislators some basis upon which to base future decisions.

Now it will be said that we tried the income tax before and it was defeated and that we tried the sales tax twice and it has been defeated. Let me inject this thought at this time; that people's opinions change and they change rapidly. What the people of Maine might have been thinking ten years ago is no sign

that they are thinking that way today.

I think it is a bill that will do the State of Maine some good. As I said before, it may not be perfect, but I have not seen a perfect bill introduced as yet and I do not expect to ever see a perfect bill. The question, to my mind, at this time seems to be: Are you afraid to send this to the people or are you not? And I will say on the part of myself and other members of the committee that we had no thought in our mind of trying to cram this down your throat; we simply did the best job that we knew how to do in the time that was at our disposal.

**The SPEAKER:** The Chair recognizes the gentlewoman from Portland, Mrs. Fay.

**Mrs. FAY:** Mr. Speaker, I hesitate to rise this morning, I have great confidence in our committee of conference; I believe that they are sincere men and I believe that you all are, and we have heard a lot of talk about fair play.

First, I would like to say as a lawyer — there are plenty of able lawyers in this House, but it so happens I have a few questions that have been brought up to me, and I have some references here that I might read to you.

The first thought: In the Joint Rules, on Page 63, Item 13, it reads: "Committees of conference shall consist of three members on the part of each house representing its vote and their report."

Now, in fairness, I wish to answer Mr. Muskie in regard to the fact that there is no Democrat on the committee and say that the majority in the Senate having been for an income tax, we therefore had three members representing the successful vote in that house. The majority in the House having been for the sales tax, we of necessity have had to have three members representing the winning side in the House. Therefore we have a meeting of the minds in our conference committee, and therefore what they have brought to us is a compro-



mise. "And their report, if agreed to by a majority of each committee, shall be made to the branch asking the conference; and they shall either accept it or reject it, but no other action shall be had except through another committee of conference."

Now in fairness to the Speaker and his decision, as there have been attacks, I should like to refer to Hines Precedents of the House of Representatives, Section 6. Now any committee of conference must come back with the statement such as was presented in your paper here before you. It must state that it will be without amendment. Of necessity, being a committee of conference, it cannot be amended; and, in the interests of fair play, it is fair for me to say that your vote should not be colored by the fact that we shall not have amendments. Any committee of conference that you name must of necessity come out with a report that we cannot amend. The same chapter goes on and says: "No such conference report can be recommitted." Therefore, our decision at the moment is either to accept or reject; we cannot table it.

Section 8 of the same chapter has eight sections supporting the contention that a motion cannot be tabled. Section 9 has twelve sections supporting the contention that this cannot be recommitted.

I have seen many measures pass the House this session in the interests of fair play. I think that in the interests of fair play and in the interest of the taxpayers, it is time that we came to a decision this morning.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: I would just like to clear up one point. The committee of conference was called because of the vote taken on the income tax. The Senate voted for the income tax; the House voted against the income tax. Included in those in the House voting against the income tax were seven Demo-

crats. One of them could have been appointed to represent the decision of the House on the measure which was the subject of the conference committee's action. I agree with the rule which the gentlewoman from Portland (Mrs. Fay) has analyzed, but I still say that under her analysis we were entitled to representation; and, carrying her analysis a little further, the rule, she said, should reflect the voting strength in the House. Although our membership is small, I do not think you can dismiss it as insignificant. We reflect some part of the voting strength in this House.

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

Mr. JALBERT: Mr. Speaker, first I would like to thank "William Jennings Bryan Muskie" for leaving me a little piece of bacon. I know he was itching to use it. Our good "Judge" McGlauffin loves to chide the Democrats, and I love to have him do it.

I have been sitting here listening to the various debates on this taxation situation. Day before yesterday, I heard the apparent Chairman of this committee state that there were two economy measures presented here. I guess he forgot the one that I presented; I guess everybody wants to forget that one.

"Judge" McGlauffin made the remark, "Why be so afraid to send this back to the people and have a referendum on it?" Why then was the "Judge" to send the change of election date back to the people? That had a referendum on it; and I guarantee that would go sailing four or five to one if the people ever did have an opportunity to vote for it.

Now as far as taxation is concerned, this present bill or any other bill, I would like for the moment to talk State politics. You know that in the Democratic Party for years we have been hurt by a bad disease, a little bigotry, certainly not created by any member of this House in my party. I would like to state this: We have and have

had in the Democratic Party a group who have not wanted the party to expand for fear of losing control of it. But I guarantee you, my friends, and you are my friends, you have been kind and good to me—and I say I am talking politics—keep on going and we will win in spite of ourselves.

The **SPEAKER**: The question before the House is on the acceptance of the report of the conference committee.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss **CORMIER**: Mr. Speaker and Members of the House: There is one phase of this bill which I believe should be brought to your attention before a final vote is taken.

I am cognizant of the fact that I am a representative of a town that receives practically its entire support from a paper mill. That mill has had confidence enough in this Legislature so that in these past months when mills were closing and going south and spending twenty million dollars to build mills in the South, the mill in my town spent sixteen million dollars for expansion and improvement because they had faith enough in this Legislature that we would not drive them out of business because of the competition that they had with other mills. And I would be very ungrateful this morning if I did not point out to you that this measure will not only drive the mill in my town but will drive the mills in several towns in the State south, if we enact it this morning.

The sales tax provision includes that anything that is bought new and unused will be taxable, one cent tax. In other words, if a new machine is installed in that mill costing one million dollars it will be taxed at one cent on the dollar. The coal, the oil, and perhaps the pulp that is used to go into that paper will also be taxable. I understand that anything that cannot be finally seen in the finished product is taxable; and there are so many of these ingredients that are involved

in the making of paper which will be taxable that these people will not be able to compete favorably with mills in other sections; and, for that reason, I know that not only the people of Rumford but also the people interested in that corporation in Rumford would far prefer to pay that seven and a quarter mills than to see the mills go out of Rumford. And those of you who are in a similar situation, who come from towns that have mills on the payrolls of which your population depends, I ask you to consider very seriously your action before you vote on this bill.

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

Mr. **PALMER**: Mr. Speaker, I recognize the fact that during the past three weeks I have not been in attendance during the sessions of this House every day, but during that time I have read very religiously the reports of the records of the speeches made, the arguments pro and con on this taxation controversy.

So, before we vote on this measure' this morning, there are a few inconsistencies which I would like to bring out and also to register my support for this bill.

On Wednesday, last, when the gentleman from Cape Elizabeth (Mr. Chase) introduced a measure here, or an order, we had a Joint Committee to deal with that taxation problem, and out of that taxation problem, a study of it, to bring out a combination bill. This House voted to adopt this order. During the debate the gentleman from Waterville, Mr. Muskie, made the statement that there was no need of such an order, that we had studied the Income Tax bill, that we had studied the Sales Tax bill, that we knew what each would do, and therefore it was not necessary for us to go to this other trouble. And yet, today, he would say to us that we need more time to study this proposal, that it has been pushed into our laps, and we are to swallow it; it is baited and the hook is hidden.

It seems to me that if we had, Wednesday last, the information on these same tax bills, we have that information today.

Now in regard to the so-called Economy Bloc, I have only this to say: I can appreciate the attitude of anyone who calls for economy in government, and I do not think that there is a member of this House who is not in favor of government effecting all economies possible. But I noted, in my absence, as I read the yea and nay votes on all the appropriation bills, carrying money back to the towns, to the schoolteachers and to the other organizations, that many of these same people voted for these appropriations, and yet now refuse to vote for the money to pay for them. It is one thing to say: "I am for you"; it is another thing to stand up and be counted for a tax which will help to pay for those services. Certainly it seems an inconsistency.

I noted, before I left, an order which went to the Appropriations Committee, calling for economy. The member who introduced the order went before the committee, and the committee asked him where would he effect the economies, and no answer was given. It is easy enough, I say, to say that we can economize in State government; it is another thing to give us actual facts, to show us exactly in dollars and cents where we can make these savings. And as yet we have not been shown.

Also, one member of that bloc told us, one day here, that we are facing the greatest depression we have ever seen, that we would probably see the streets lined with bare-foot boys and girls and men and women, and yet, two days after he made that speech, the Union which he represented called for a fourth round of wage increases in the State of Maine. Those things are not done in times of depression. I say to you that government spends more in times of depression than they do in times of prosperity. If his contention is true, it

follows, therefore, that Maine must spend more because these people must be given aid. If we are in poor times, then those boys and girls must be taken care of.

Now another point which I have noted in this debate, and in every debate on taxation which we have had, and I say this in all respect to the Law profession, but I don't care what bill any committee brings into this House, the lawyers can find something wrong with it which will make it unconstitutional or something of the like which would make it unsatisfactory to the State of Maine. That has always been true, and this session is no exception.

I maintain that there are certain services which the State must render. I say that our hospitals need more aid. I tell you that it is all right for us to sit complacently here and to say that they can get along with what they have now. But on the other hand, if some one of our friends or loved ones are in the hospital and receives the treatment which they receive, have the money that they have to work on, we would be one of the very first to call for more appropriations, but because the shoe doesn't pinch on our foot, we say: "Let them get along with their forty-six cents a day or let the Maine General Hospital and the other hospitals in our State pay the difference between what the State pays for a patient and what it actually costs." I say that we have children being born in this State every day and we can't help it; they are here; it is a problem; you cannot correct it unless you want to go out and shoot every fifth one of them; they are here; they need to be educated, and it is up to us to see that they get that education. You cannot simply say, "Get along with what you have; the problem will solve itself." It won't solve itself; it is here with us, and we have to face it, as we should.

The University of Maine — we have farmers here in this House who rely upon the University for their aid, the study of the diseases,

research—do we want to cut that appropriation, do we want to cut out these services? That is a question for us to decide. If you want to cut down the aid to dependent children and old age assistance, that is all right, but we still cannot be fooling ourselves because the fact still remains, and if these people call for aid and the State money isn't available for them, the Town money has to be available. It means only one thing; an increase in the property tax on the lower level. And so we who are here, trying to help solve that property tax situation, then go home and let the towns spend a little more, and let our tax rates, which are now anywhere between seventy-five and a hundred and twenty-five, go a little higher.

The problem is there. It has to be met. Do you think the State has a broader tax base to pay for it than the towns? That is the question. My own belief is that the State has more resources to tap to meet the problems than the towns. I say to you that these problems are here; they are ours. It is not easy for us to say: "Well, let's just forget them and go home", and I can see no reason why the people of Maine shouldn't be given a chance to decide whether or not they want these taxes or these services. Who are we to say here this morning that we know the people of Maine don't want these taxes or these services? I would rather say: "Let's give them the chance to prove whether they do or not."

And I would like to say that no tax bill, as the Representative from Wayne (Mr. Brown) has said, is perfect. We are seeking in Maine to overhaul our tax structure, to make it equitable, to make it just, and this is a step in the right direction. There may be things wrong. There have been many laws—and otherwise we would not be amending them here year after year, as we come, but these things can be taken care of.

It is all fallacy to say that we are being denied our rights here this morning because of the action of

this committee. It has been clearly shown the duty of the committee and the only report the committee could give. We have had over sixteen weeks to discuss sales tax and income tax and combination tax. It seems that by now we ought to have pretty well formulated opinions without having to have three readings of a bill and passed to be enacted. It seems to me that we are being robbed of no rights. We have had long enough time for discussion. It seems to me that at this moment now is the time for action. We can find all sorts of excuses, little things that we don't like, and yet we have been seeking these past few days for a spirit of compromise and fair play, and now we have it, and I say, let's go along with it and pass this bill and do a job, and I am sure the people of Maine will think much more of this Legislature.

Mr. McGLAUF LIN of Portland:  
Mr. Speaker—

The SPEAKER: The gentleman from Portland, Mr. McGlaulin, requests unanimous consent to address the House. Is there objections? The Chair hears none and the gentleman my proceed.

Mr. McGLAUF LIN: Mr. Speaker, let me remind the Speaker that I spoke twice on parliamentary matters. This, I think, is the second time I have spoken on this bill.

The SPEAKER: The Chair may be in error, and in any event the gentleman has unanimous consent to address the House.

Mr. McGLAUF LIN: Mr. Speaker, I want to say this: That this controversy that has arisen has put some people in doubt as to what they ought to do.

Now, from the ruling of the Speaker, it seems to be very evident that it is important, if we want anything done in this session, to accept this report. There are many men in this House, and I am inclined to think a majority, who want to do something about changing this tax structure. It means a great deal to the towns and cities to have this change. As I have pointed out before, it would mean \$626,000 to the

city of Portland, which would enable them to get along without all of these nuisance taxes that they have tried to get you to pass to meet their needs.

Now some of you feel very much concerned because you think you cannot amend this proposition. I don't want to amend it. So far as I am concerned, it is all right as it is, and what I want to point out to you members is, that if you want this tax structure changed, and this is the greatest opportunity of a life time to do it, then let us accept this committee's report even if we cannot amend it.

Every effort, as I stated a few moments ago, has been made, and will continue to be made, to prevent this Legislature from doing anything worthwhile. I was talking with a person in Portland over the telephone last night, and I was told that the people in Portland think that we have the worst Legislature that ever came down the pike. We have been here all of this time, talking and talking and doing nothing.

Now, if we accept this report and let it go to the people—I am one of those that don't favor sending it to the people; I think it is our job; I think that we are the ones that should do it right here and now; but for the sake of getting anything through, I will consent to even letting it go to the people to vote upon. Where can there be any mistake in that? If the corporations and the individuals don't like it, let them vote against it and take the responsibility upon their own shoulders, but it shows that so far as we are concerned, we did the best we knew how with what we had to work. I shall vote to accept that report, and I hope that every man and woman that wants to do anything in this Legislature, and doesn't want to go home and feel that he has done nothing, will vote that same way.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker and Members of the House, I am

in favor of the committee's report, and if I am not out of order, when the vote is taken, I would like to have it taken by the yeas and nays.

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

Mr. EASTMAN: Mr. Speaker and Members of the House: I have not had too much time to read this bill, but I did read it far enough, and unless I'm too dumb to understand it, I feel that the paragraph that refers to auctioneers, and I get by as an auctioneer in some localities, would put me out of business. I am definitely opposed to the acceptance of the committee report.

The SPEAKER: The question before the House is on the acceptance of the committee report. The gentleman from Brewer, Mr. Thompson, requests that when the vote is taken, it be taken by the yeas and nays.

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

Mr. BURGESS: Mr. Speaker and Members of the House: Because of several votes which should have clearly reflected the wishes and desires of the majority of this House on yesterday, machinery was perhaps arranged to give you a last opportunity to decide, in a compromise attitude, with the other body of the Maine Legislature, whether or not you really wanted any kind of a tax bill. The suggestions were carried out, and as a result you have before you a very truly compromise tax bill. Technical points which have been raised here this morning would seem to me to have been entirely unnecessary. The issue, as I see it, Members of this House, is whether you wish a tax bill or do not wish a tax bill. I think we must agree that the other body of the Maine Legislature has joined us in our attempt to compromise our differences.

Now the bill that is before us—and if I am wrong, I hope some member of the Appropriations Committee will correct me,—carries only the difference between the two committee reports. In other words, it has tied to it the funds with which

to supply the departments on a basis of the minority report of our Committee on Appropriations, and practically on the same basis as the report, which appeared to have been unanimous at the time, which came into us originally and was recommended. It further carries in it certain provisions for the equalization of Teachers' salaries, for further aid to towns for teaching positions, and repeals the property tax law which, according to two votes taken in this House, seem to be what a majority of the House wished.

Ladies and Gentlemen of the House: I hope you will face the issue and not look for more technical opportunities, that it is either our desire to pass a tax bill, and it is my honest conviction that it has been put together as well as it could have been done even if they had taken a longer time; the allocation of funds are identical with those that were incorporated in the income tax bill, and so I hope, I honestly hope, that we will simply face the issue and vote yes or no, according to our dictates, and let us settle the thing once and for all, now.

The SPEAKER: The question before the House is on the acceptance of the report of the Committee of Conference.

The Chair recognizes the gentleman from Portland, Mrs. Fay.

Mrs. FAY: Mr. Speaker and Members of the House: I wish to take exception to the statements of our Leaders.

First, we all appreciate the fact that our Leaders in the Legislature want a major tax bill, and they will bring back to you men and women the fact that you have voted for appropriations and that you will vote against a tax measure. You voted for appropriation measures in the same way you would have voted for the tax measure two hours ago. You have accepted your committee's report, and in the interests of fair play, you did accept the committee report because you admired the men that served on those committees.

Now we have heard a lot of name-calling through the session about people who play with blocs. I tell you that I personally feel that if we are interested in the people, that we must not pass a major tax bill now, that the time has come when we have reached the saturation point in taxes and that every major publication for the month of April has an article by leading men, and therefore I believe I have basis to reach these conclusions. Robert Taft has such an article in this month's issue of *Fortune*; Herbert Hoover has often been quoted as saying that we have reached the saturation point as far as taxes are concerned. And if we do have a depression, and we do have more people that need relief, how can we, in fairness, say, that we are going to have more people that can afford to pay the taxes that these measures will call for? Therefore, I am against accepting this committee report.

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

Mr. WOODWORTH: Mr. Speaker, earlier in the day we recessed for about two hours, trying to find out just what we were voting for. I think that the remarks of the gentleman from Wayne, Mr. Brown, who was a member of the Committee of Conference, have made it clear that it is at least his opinion that we should vote and enact Legislative Document Number 1591 just as it is and that this bill should be submitted to the people just as it is, and I believe that that was also the sentiment expressed by the gentleman from Nobleboro, Mr. Palmer.

The gentleman from Portland, Mr. McGlaufflin, apparently thinks that this is the world's worst Legislature, and that therefore we should abdicate further responsibility and let this bill go to the people. I think this is a very fine representative Legislature. I do not believe that they should abdicate their responsibilities. I believe that

if a major tax bill is to be passed, it should be only after full major consideration in which every legislative requirement is followed, as we are expected to follow them as representatives of the people.

I find no reason to support this report of the committee, and I hope the vote on the motion will be "No".

The SPEAKER: The question before the House is on the acceptance of the Report of the Committee of Conference.

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

Mr. BUBAR: Mr. Speaker, I rise for information. So far as I am concerned, the pig is still in the bag. Now, the report is that if we reject the report of this committee, that no other tax measure can be brought into this House. I cannot conceive of it. I would like to go along with this committee report, but if I cannot offer an amendment to this bill, if this ends the whole thing and I cannot offer an amendment, and there isn't anyone else who can offer an amendment, that we must take it without any further discussion, I am obliged to be against this report.

The SPEAKER: The question before the House is on the acceptance of the report of the Committee of Conference.

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

Mr. BROWN: Mr. Speaker and Members of the House, I can assure you that I will be very brief. The remarks of the gentlewoman from Rumford, Miss Cormier, disturbed me somewhat because I surely am interested in keeping industry and business in Maine, and I have given that angle quite a lot of thought and consideration. However, the state of California derives 41.6 percent of its total income from a sales tax, and it derives 19 percent of its total income from an income tax, and as you all know, California

is the fastest growing state in the Union.

My purpose in sending this out to the people is this: That it will give the corporations and businesses in this State an opportunity to analyze the situation in respect to their own business, and if they are firmly convinced in their own minds that it is going to throw them out of business and force them to go south, they certainly have the privilege of voting against it, but it will give then an opportunity to analyze their own particular situation, and if California is the largest growing state in the Union, with a sales and income tax, I don't believe that Maine would be too badly harmed by the same type of legislation.

The SPEAKER: The question before the House is on the acceptance of the report of the Committee of Conference.

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

Mr. SHARPE: Mr. Speaker, my motion made earlier in the debate, to table this matter for the purpose of giving the members time to study this bill, was not supported even by any of the members who are for the acceptance of this report.

Now it is evident, by the ruling of the Chair, as well as the opinion of all the members here, that acceptance of this report is tantamount to passage of this bill for enactment.

Now the proponents urge us to vote for the acceptance of this report and to send this bill, as it is, with no amendments, no possibility of amendments, to the people, and while I concede that the people should have some voice in the matter in the passage of a major tax bill, it seems to me a most inconsistent move to pass along to the people on a referendum a bill which the members of this Legislature have had no opportunity to study—they don't know what it is about at all.

Now I am for a tax measure if I am shown that a tax measure is

needed, but I certainly shall vote "No" against the acceptance of this report, because by accepting the report, we are simply sending along to the people something on a referendum which we ourselves do not know a thing about. I cannot see where there is any consistency in doing a thing like that. I am emphatically against the acceptance of this report.

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

Mr. WEBBER: In my opinion, Mr. Speaker, this subject has been well talked out. I now move the previous question.

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

Those desiring that the Chair entertain the motion for the previous question will kindly rise.

Thirty-six members arose.

Thereupon, the monitors made a return of the count in their sections, which was 132.

The SPEAKER: Less than one-third having consented, the motion is not entertained.

The question before the House is on the acceptance of the report of the Committee of Conference.

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

Mr. CHASE: Mr. Speaker, when I spoke earlier this morning, the report of the committee was not before me, and it was then my impression that it constituted a recommendation and that the House would not be bound. It was, for that reason, that I commended the bill.

Personally, I have no desire at the moment to amend the bill if it could be amended. Apparently others wish for that opportunity.

But since the rulings have been made and we face the situation in which we now find ourselves, I remember the story that was told about President Coolidge. President Coolidge had a great hatred

of Senator Watson of Indiana, and he was expressing his feelings about Senator Watson to a friend one day. When the friend said: "You must admit that Watson has courage. I heard him speak his mind to an audience in Indianapolis. He told them where he stood, and when he closed his speech, he said: 'Those are my sentiments and you can vote for me or go to Hell.'" Said President Coolidge in reply: "It was indeed a difficult alternative." (Laughter)

In the alternative which I now face, under the rulings which have been made, I am going to vote to accept the report of the committee.

The SPEAKER: The question before the House is on the acceptance of the report of the Committee of Conference. The gentleman from Brewer, Mr. Thompson, has requested that when the vote is taken, it be taken by the yeas and nays. A yea and nay vote is in order at the desire of one-fifth of the members present. Those desiring the vote to be taken by the yeas and nays will kindly rise.

A sufficient number arose.

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

Mr. DOW: Mr. Speaker —

The SPEAKER: For what purpose does the gentleman rise?

Mr. DOW: Will you kindly state the motion, Mr. Speaker, again?

The SPEAKER: The motion before the House is on the acceptance of the report of the Committee on Conference.

Mr. DOW: Mr. Speaker, I ask consent of the House to be excused from voting when my name is called because of the fact that I have paired my vote with that of the Representative from Sebago, Mr. Fitch, who is unavoidably absent today. If present, Mr. Fitch would vote "No", and if I voted, my vote would be "Yes".

The SPEAKER: The gentleman from Falmouth, Mr. Dow, requests to be excused from voting when the vote is taken, for the reason stated. Is there objection? The Chair hears none and the gentle-



man has been excused from voting.

The **SPEAKER**: The question before the House is on the acceptance of the report of the Committee of Conference. Those who are in favor of the acceptance of the report of the committee will say "Yes" when their names are called; those opposed to the acceptance of the report of the committee will say "No". The Clerk will call the roll:

**YEA**—Albee, Bates, Benn, Bennett, Boothby, Boulier, Brown, Robbinston; Brown, Unity; Brown, Wayne; Burgess, Limestone; Burgess, Rockland; Campbell, Guilford; Carle, Carter, Chase, Chute, Clements, Cobb, Cook, Dudley, Dunham, Fuller, Gray, Hall, Hayes, Hill, Hobbs, Acton; Jennings, Johnston, Jones, Kent, Larrabee, Bath; Marsans, Maxell, McGlauffin, Merritt, Millett, O'Connell, Palmer, Parker, Patterson, Payson, Plummer, Ricker, Robbins, Roundy, Sanborn, Thompson, Webber, Williams, Auburn; Winchenpaw.

**NAY**—Ames, Arthur, Atherton, Bearce, Berry, Bird, Brown, Baileyville; Brown, Durham; Bubar, Bucknam, Campbell, Augusta; Campbell, Garland; Carville, Castonguay, Chaples, Chapman, Clapp, Cole, Cormier, Cyr, DeSanctis, Dorsey, Dostie, Winslow; Dufresne, Duquette, Eastman, Faas, Fay, Foley, Gates, Grant, Han-son, Hayward, House, Jacobs, Jalbert, Jamieson, Jewett, Johnson, Kelly, Knapp, Labbe, Lacharite, Lackee, Larrabee, Westbrook; Latno, Laugh-ton, Lessard, Littlefield, Longstaff, Ludwig, Malenfant, Marble, Martin, Augusta; Maxwell, McClure, McGown, Merrill, Muskie, Nadeau, O'Dell, Paine, Philbrick, Phillips, Prince, Pullen, Sanderson, Sargent, Sharpe, Silsby, Spear, Spring, Stevens, Taylor, Thomas, White, Auburn; Wight, Bangor; Williams, Topsham; Woodworth, Wormwood.

**ABSENT**—Brown, Bangor; Dennett, Dostie, Lewiston; Farley, Fitch, Gauthier, Gauvin, Gerrish, Hobbs, So. Berwick; Leavitt, Letourneau, Martin, Eagle Lake; Martin, Frenchville; McEnery, McKeen, Stanley, St. Pierre, Tyler.

Yes 51, No 80, Absent 18.

The **SPEAKER**: Fifty-one having voted in the affirmative and eighty having voted in the negative, eighteen being absent, the report of the committee has not been accepted.

On motion by Mr. Burgess of Limestone, the papers were ordered sent forthwith to the Senate.

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

Mr. **BURGESS**: Mr. Speaker, I move that the House do now recess until 3 P. M., Eastern Standard Time.

Notices read by the Clerk.

The **SPEAKER**: The gentleman from Limestone, Mr. Burgess, moves that the House do now recess until 3 P. M., Eastern Standard Time. Is this the pleasure of the House?

Calls of "No".

The **SPEAKER**: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House do recess until 3 P. M., Eastern Standard Time.

The Chair recognizes the gentleman from Randolph, Mr. Kent.

Mr. **KENT**: Mr. Speaker, I move that we adjourn until Monday, May 2nd, at 2 P. M., Eastern Standard Time.

Calls of "Yes" and "No".

The **SPEAKER**: The gentleman's motion is out of order, the Constitution not permitting such an adjournment.

Mr. **NADEAU**: Mr. Speaker, I move that the House adjourn until 2 o'clock instead of 3 o'clock this afternoon, Eastern Standard Time.

The **SPEAKER**: The Speaker has a statement at this time which he would like to make. It appears that in the event that two things can be done, that it is possible that this Legislature may be able to adjourn at the end of next week. This is contingent, however, upon the holding of a Saturday session this week plus full cooperation between both branches throughout the remainder of the session.

It is definitely certain, however, that in the event that it is the desire that no session be held on Saturday of this week, then it will not be possible to reach final adjournment next week.

With that situation in mind, the Chair would like to ask the mem-

bers if they do desire to hold a Saturday session this week, with the possibility that by so doing we may be able to adjourn finally at the end of next week, also with the thought in mind that if we do not hold a session this coming Saturday, we will not be able to adjourn this coming week.

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

Mr. WHITE: Mr. Speaker, is that contingent upon our having evening meetings next week or no evening meetings?

The SPEAKER: At this moment the Chair is unable to tell what the schedule for next week would be.

Mr. WHITE: Personally, I very much prefer to have evening meetings next week, and no Saturday session tomorrow.

The SPEAKER: The Chair might state that it would be a matter for the House to determine when the time arises, as to whether or not they care to hold an evening session.

Those who would desire to hold a session on Saturday, that is, tomorrow, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The motion before the House has been made by the gentleman from Limestone, Mr. Burgess, that the House do recess until 3 P.M. Eastern Standard Time. The gentleman from Biddeford, Mr. Nadeau, has inquired as to whether it would be possible to have the hour of adjournment at 2 P.M., Eastern Standard Time. The Chair will explain that in order to entertain the motion of the gentleman from Biddeford (Mr. Nadeau) we first must dispose of the motion made by the gentleman from Limestone that the House recess until 3 P. M. In the event that the vote be in the negative, the Chair then can entertain the motion that we recess until 2 P. M.

The pending motion is that of the gentleman from Limestone, Mr. Burgess, that the House do recess until 3 P. M., Eastern Standard

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

A viva voce vote being doubted,

A division of the House was had.

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

The Chair recognizes the gentleman from Biddeford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I will try to please everyone, so I would like to move that the House adjourn until 2:30 P.M. this afternoon. I will make it as a compromise.

The SPEAKER: Does the Chair understand that the motion is made on Eastern Standard Time?

Mr. NADEAU: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Biddeford, Mr. Nadeau, moves that the House do recess until 2:30 Eastern Standard Time. Is this the pleasure of the House?

The motion prevailed, and the House so recessed.

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**After Recess, 2:30 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.

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

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Requiring Owners of Motor Vehicles to Furnish Security for Their Civil Liability on Account of Damage Caused by Their Motor Vehicles" (S. P. 502) (L. D. 1003)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

**Ought to Pass with Committee  
Amendment and Senate  
Amendment  
Tabled and Assigned**

Report of the Committee on Salaries and Fees on Bill "An Act Re-

lating to Fees of Clerks of Courts" (S. P. 441) (L. D. 829) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

(In the House, on motion by Mr. Littlefield of Kennebunk, tabled pending acceptance of the report and specially assigned for Tuesday, May 3rd, 1949.)

#### Non-Concurrent Matter

Resolve Authorizing Donald S. Porter of Lowell to Sue the State of Maine (H. P. 1305) (L. D. 685) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 27th.

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

In the House, the House voted to reconsider its action of April 27th whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A".

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

SENATE AMENDMENT "A" to H. P. 1305, L. D. 685, Resolve Authorizing Donald S. Porter of Lowell to Sue the State of Maine.

Amend said Resolve by striking out in the 4th line thereof the figure "16" and inserting in place thereof the figure '188'

Further amend said Resolve by striking out in the 8th line thereof the figure "16" and inserting in place thereof the figure '188'

Thereupon, Senate amendment "A" was adopted and the Resolve was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in concurrence.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Wild Bees" (H. P. 1025) (L. D. 457) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in the House on April 25th.

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

In the House:

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

Mr. McCLURE: Mr. Speaker, I would like to table the measure until the next legislative day as Mr. Ludwig is not here.

Thereupon, the Bill with accompanying papers, was tabled pending further consideration and specially assigned for Saturday, April 30, 1949.

#### Leave to Withdraw Recommitted

Report of the Committee on Pensions on Resolve Providing for State Pension for Paul Paquette of Lewiston (H. P. 506) reporting leave to withdraw.

Came from the Senate recommitted to the Committee on Pensions.

In the House, the Resolve and accompanying papers were recommitted to the Committee on Pensions in concurrence.

#### Non-Concurrent Matter

Joint Order Creating Joint Select Committee to Present a New Tax Measure Before May 2nd (H. P. 2097) which was passed in the House on April 27th.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. CHASE: Mr. Speaker, this morning we were discussing a tax measure in which we seemed to be handicapped by a restriction placed upon it in parliamentary procedure.

This order, which was passed in the House and which comes back as a non-concurrent matter from the Senate, provides for a committee which could bring a bill to the Legislature, which bill would be considered in regular procedure and which bill could be amended. When this order was discussed in the House, objection was made because it would take some time to prepare a new tax bill. It has since been demonstrated, however, that a tax measure can be produced upon rather short notice and in view of the fact this order affords an opportunity to bring such measure before both branches of the Legislature for discussion in regular procedure and in shape where it can be amended, I move that the House insist on the vote whereby it passed this order and ask for a committee of conference on this order.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the House do insist on its action of April 27th whereby it passed Joint Order Creating Joint Select Committee to Present a New Tax Measure before May 2nd (H. P. 2097) and to ask for a committee of conference. Is this the pleasure of the House?

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

Mr. BURGESS: Mr. Speaker and Members of the House: I think I have been informed correctly to the effect that the other body of the Legislature accepted a measure which was rejected in this body and that it has been sent forthwith and that in itself offers an opportunity for the House to continue to consider tax measures if it so wishes. Frankly, I think we have talked enough taxes.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: We made an offer and they turned it down. I oppose the offer and I now oppose chasing after them to see if they want to change their minds. I think most of us have had enough discussion on taxes. We may be stubborn and pigheaded but there is no question about how the House has voted on every tax bill that we have had so far. I hope the motion of the gentleman from Cape Elizabeth, Mr. Chase, may be defeated.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do insist on its former action whereby it passed Joint Order Creating Joint Select Committee to Present a New Tax Measure before May 2nd and has asked for a committee of conference.

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

Mr. CHASE: Mr. Speaker, it may be as Representative Burgess has said that the other measure is coming back to us. I have no knowledge whatever regarding the parliamentary restrictions which may be placed upon the consideration of the measure or the conference committee report when it gets here. Such restrictions may make it impossible to consider that bill upon terms which the House is willing to accept as fair. Therefore, I still think that since this order affords a basis for conference in regular procedure that we should reserve the right to consider the matter and to confer on this.

The SPEAKER: The question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Chase, that the House do insist on its former action whereby it passed Joint Order Creating Joint Select Committee to Present a New Tax Measure before May 2nd (H. P. 2097) and asks for a Committee of Conference. As many as are in favor of the mo-

tion will say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, Mr. Chase requested a division.

A division of the House was had.

Fifty-three having voted in the affirmative and fifty-seven having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair awaits a motion.

Thereupon, on motion by Mr. McClure of Bath, the House voted to recede and concur in the indefinite postponement of the Joint Order.

#### Non-Concurrent Matter

Bill "An Act Relating to Regulations for Atlantic Sea Run Salmon in Penobscot Bay Area" (H. P. 68) (L. D. 27) on which the House substituted the Bill for the "Ought not to Pass" Report of the Committee on Sea and Shore Fisheries and passed the Bill to be engrossed on April 27th.

Came from the Senate, with the Report of the Committee accepted in non-concurrence.

In the House, on motion by Mr. Sargent of Bucksport, the House voted to recede and concur with the Senate in the acceptance of the "Ought not to pass" report of the committee.

#### Non-Concurrent Matter — Conference Asked

Bill "An Act Relating to Rental for the Western Somerset Municipal Court" (H. P. 1161) (L. D. 613) on which the House voted to adhere on April 27th to its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A" on April 19th.

Came from the Senate with that body insisting on its former action whereby the Bill was passed to be engrossed without Amendment in non-concurrence, and asking for a Committee of Conference.

In the House, on motion by Mr. DeSanctis of Madison, the House

voted to join in a Committee of Conference in concurrence.

The gentleman from Whiting, Mr. Bucknam, was granted unanimous consent to address the House.

Mr. BUCKNAM: Mr. Speaker, I have a Resolve here to reimburse the Town of Whiting for transportation of school children. This is a bill that I neglected to get up here in time, and, having confidence in the ruling that no bill could be submitted in February, I thought it would be only an emergency measure that could get in, so I held back. Finally I noticed that there were quite a few coming in and I thought I would put this one right in.

This is a case where we transported the scholars to our schools in Whiting. We made a trade with a man to haul them in for \$25 a week; we had five scholars. We hauled them in with a touring car. When we went after the scholars, we found that the State was boarding three scholars in the western part of the town. Therefore, we could not haul them in this car, so we had to make a trade with another man and we had to pay him \$10 a week more. We are asking reimbursement for that \$10 a week. In 1947, we presented a bill for the fourteen weeks of the fall term, \$140, and we received that as the records will show, but for the remainder of the year, twenty-two weeks, the bill did not cover it so this bill would cover the balance of \$240.

I am asking that this bill be accepted.

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

CLERK (reading): Resolve to Reimburse the Town of Whiting for Transportation of State Children. (H. P. 2104)

Thereupon, the Resolve was received by unanimous consent, and referred to the Committee on Claims and sent up for concurrence.

The **SPEAKER**: The Chair recognizes the gentleman from Whiting, Mr. Bucknam.

**Mr. BUCKNAM**: Mr. Speaker, I presented an act yesterday morning which was turned down. It is the only one this session. The resolve is for a self-imposed tax on sardines for an industry development fund.

Now, this bill is a bill that the sardine packers are putting in. It is copied from the potato tax, so-called. It is going to be administered by the State Development Commission and they are going to pay ten cents a case on their sardines and it will amount from \$200,000 to \$250,000 a year for advertising purposes, and they have an emergency clause attached to it. They feel that they would need it this year according to the conditions as they are. I have been told by the prominent members of this Legislature that it will not delay the session in any way. They will plan to have a public hearing next week and this bill can be reported at that time and without any delay.

I hope you can see your way clear.

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

**CLERK** (reading): Bill "An Act to Provide for a Self-Imposed Tax on Sardines for an Industry Development Fund" (H. P. 2015)

The **SPEAKER**: Is there objection to the reception of Bill? The Chair hears objection and the Bill has not been received.

#### **House Reports of Committees Included in a Consolidated Resolve**

Mr. Patterson from the Committee on Pensions reported that the following Resolves:

H. P. 3, Resolve Providing for State Pension for Harold E. Varney, of Houlton.

H. P. 12, Resolve Providing for an Increase in State Pension for Lester A. Fogg, of North Lovell.

H. P. 61, Resolve Providing for State Pension for Theresa M. Mains, of Raymond.

H. P. 62, Resolve Providing for an Increase in State Pension for Walter H. Bickford, of Monroe.

H. P. 63, Resolve Providing for a State Pension for Deloris A. Demchak, of Lisbon Falls.

H. P. 64, Resolve Providing for State Pension for George Byrus of Lisbon.

H. P. 185, Resolve Providing for State Pension for John B. Ayotte, of Stockholm.

H. P. 186, Resolve Providing for State Pension for Edna May Peavey, of Belfast.

H. P. 187, Resolve Providing for State Pension for Mary E. Knight, of Belfast.

H. P. 188, Resolve Providing for State Pension for Annie L. Shaw, of Whitefield.

H. P. 301, Resolve Providing for State Pension for Arthur J. Haskell, of Garland.

H. P. 302, Resolve Providing for an Increase in State Pension for Joseph W. True, of Garland.

H. P. 303, Resolve Providing for State Pension for Beulah Louise Ladd, of Cape Rosier.

H. P. 306, Resolve Providing for State Pension for Almon Y. Stevens of Augusta.

H. P. 308, Resolve Providing for State Pension for Carroll E. Patrick, of Buxton.

H. P. 365, Resolve Providing for an Increase in State Pension for Ferd Bragg, of Stacyville.

H. P. 367, Resolve Providing for State Pension for Marion Hilton, of St. Albans.

H. P. 491, Resolve Providing for State Pension for Eugenie Boivin, of Rumford.

H. P. 492, Resolve Providing for an Increase in State Pension for Raymond Longway, of Rumford.

H. P. 493, Resolve Providing for State Pension for Frank Van Horn, of Charleston.

H. P. 494, Resolve Providing for State Pension for Hugh O'Riley, of Howland.

H. P. 495, Resolve Providing for an Increase in State Pension for Grace Ingham, of Winthrop.

H. P. 496, Resolve Providing for an Increase in State Pension for Arthur D. Sawtelle, of Oakland.

H. P. 587, Resolve Providing for State Pension for Evan Sproul of Farmingdale.

H. P. 588, Resolve Providing for State Pension for Charles Smith of Caswell Plantation.

H. P. 590, Resolve Providing for State Pension for Arnold Oakes, of Bradford.

H. P. 591, Resolve Providing for an Increase in State Pension for Percy Jakins, of Winslow.

H. P. 593, Resolve Providing for an Increase in State Pension for Cecil Overlock, of Hallowell.

H. P. 594, Resolve Providing for State Pension for David S. Taylor, of Mechanic Falls.

H. P. 595, Resolve Providing for an Increase in State Pension for Elva L. Morton of Mechanic Falls.

H. P. 597, Resolve Providing for an Increase in State Pension for Berger H. Shorey, of Mechanic Falls.

H. P. 665, Resolve in Favor of Merton Verrill, of Mechanic Falls.

H. P. 666, Resolve Providing for State Pension for John Dean, of Fort Fairfield.

H. P. 667, Resolve Providing for State Pension for Albridge Raymond Ranks, of Randolph.

H. P. 668, Resolve Providing for an Increase in State Pension for Daniel McCurdy, of Weeks Mills.

H. P. 669, Resolve Providing for State Pension for Edgar Jandreau, of St. Francis.

H. P. 671, Resolve in Favor of Charles Ora Butters, of Exeter.

H. P. 672, Resolve Providing for State Pension for Stephen G. Johnson, of Old Orchard Beach.

H. P. 710, Resolve Providing for State Pension for Maggie Caird, of Dexter.

H. P. 712, Resolve in Favor of Lloyd L. Arnold, of Gardiner.

H. P. 713, Resolve Providing for State Pension for Eddie D. Ouellette, of St. Francis.

H. P. 750, Resolve Providing for an Increase in State Pension for John Wells, Sr., of Castle Hill.

H. P. 752, Resolve Providing for an Increase in State Pension for Ethel Merry, of Waldoboro.

H. P. 753, Resolve Providing for State Pension for Clara Nye, of Newburg.

H. P. 754, Resolve Providing for State Pension for James Bickford, of Newburg.

H. P. 842, Resolve in Favor of Nancy A. Gilbert, of Belfast.

H. P. 843, Resolve in Favor of Eva W. Dow, of Belfast.

H. P. 845, Resolve Providing for an Increase in State Pension for Harland B. Webber, of Cumberland.

H. P. 846, Resolve Providing for State Pension for Earl Hewett, of Portage Lake.

H. P. 849, Resolve Providing for State Pension for Carlene Hanson, of Newport.

H. P. 850, Resolve Providing for State Pension for Ralph Cunningham, of Nobleboro.

H. P. 851, Resolve Providing for State Pension for Ann Cochrane, of Oakland.

H. P. 935, Resolve Providing for an Increase in State Pension for Guy Babb, of Hudson.

H. P. 937, Resolve Providing for an Increase in State Pension for Melvin Steven Belden, of Palermo.

H. P. 938, Resolve Providing for an Increase in State Pension for Dudley P. Howard, of Searsmont.

H. P. 940, Resolve Providing for State Pension for Arthemise Bernier, of Winthrop.

H. P. 1060, Resolve for a Pension for Nellie Whitehead.

H. P. 1061, Resolve Providing for State Pension for Vera Strout, of Manchester.

H. P. 1063, Resolve Providing for an Increase in State Pension for Francis Cyr, of St. Agatha.

H. P. 1064, Resolve Providing for an Increase in State Pension for Robert Arlo Fogg, of Bucksport.

H. P. 1066, Resolve Providing for State Pension for Myrtle Brewer, of Boothbay Harbor.

H. P. 1067, Resolve Providing for State Pension for Lillian Sibley, of Old Town.

H. P. 1177, Resolve Providing for an Increase in State Pension for Ulmont Hovey, of Augusta.

H. P. 1178, Resolve Providing for State Pension for Mantford A. Reid, of Bridgewater.

H. P. 1179, Resolve Providing for State Pension for Sadie Turner, of Palermo.

H. P. 1180, Resolve Providing for an Increase in State Pension for Charlotte M. Armstrong, of Belmont.

H. P. 1181, Resolve Providing for an Increase in State Pension for Victor J. Gardner, of Veazie.

H. P. 1182, Resolve Providing for State Pension for George A. Johnson, of East Machias.

H. P. 1184, Resolve Providing for State Pension for Robert Calman, of Pittston.

H. P. 1187, Resolve Providing for State Pension for Kenneth Edwards, of Pittston.

H. P. 1188, Resolve Providing for State Pension for Edward Seymour, of Old Town.

H. P. 1189, Resolve Providing for State Pension for Lawrence Bosse, of Old Town.

H. P. 1190, Resolve Providing for State Pension for Jeannette Fortier, of Old Town.

H. P. 1191, Resolve Providing for State Pension for Ada Murry, of Chapman.

H. P. 1192, Resolve Providing for State Pension for Harrison F. Smith, of Gouldsboro.

H. P. 1193, Resolve Providing for State Pension for Cecil Esters, of Auburn.

H. P. 1312, Resolve Providing for State Pension for Cora Bolduc, of Augusta.

H. P. 1313, Resolve Providing for State Pension for John Henry McCullough, of Hudson.

H. P. 1314, Resolve Providing for an Increase in State Pension for Geneva Gay, of Clinton.

H. P. 1315, Resolve Providing for an Increase in State Pension for Eunice Brackett, of Clinton.

H. P. 1316, Resolve Providing for State Pension for Mary Elizabeth Day, of Augusta.

H. P. 1317, Resolve Providing for State Pension for Lucy M. Watson, of Oakland.

H. P. 1347, Resolve Providing for State Pension for Milton Conners, of Winterport.

H. P. 1348, Resolve Providing for an Increase in State Pension for Edward M. Conley, of Monmouth.

H. P. 1410, Resolve Providing for State Pension for Wallace Huff, of Burnham.

H. P. 1412, Resolve Providing for State Pension for Kenneth Pratt, of Mars Hill.

H. P. 1413, Resolve Providing for State Pension for John Ellis, of Brooks.

H. P. 1414, Resolve Providing for State Pension for Thomas Bard, of Fort Kent.

H. P. 1415, Resolve Providing for State Pension for Victor Charette, of Fort Kent.

H. P. 1417, Resolve Providing for State Pension for Esther Ann McDonald, of Ridlonville.

H. P. 1418, Resolve Providing for State Pension for Nellie M. Estes, of Lewiston.

H. P. 1518, Resolve Providing for State Pension for Omer Garneau, Jr., of West Peru.

H. P. 1519, Resolve Providing for State Pension for Ina J. Alto, of Jefferson.

H. P. 1520, Resolve Providing for an Increase in State Pension for Artell Cookson, of Newcastle.

H. P. 1521, Resolve Providing for State Pension for Albert Parent, of Frye.

H. P. 1522, Resolve Providing for State Pension for Virginia Stacy, of Augusta.

H. P. 1523, Resolve Providing for State Pension for Alvin Bickford, of Nobleboro.

H. P. 1524, Resolve Providing for State Pension for Rosa Sidelinger, of Nobleboro.

H. P. 1597, Resolve Providing for State Pension for Fred Oliver, of Ludlow.

H. P. 1598, Resolve Providing for State Pension for John Dickey, of Smyrna.



H. P. 1600, Resolve Providing for State Pension for Walter S. Hoyt, of Fayette.

H. P. 1601, Resolve Providing for State Pension for Cyrias Marquis, of Hamlin Plantation.

H. P. 1603, Resolve Providing for State Pension for Tom Michaud, of Caswell Plantation.

H. P. 1604, Resolve Providing for State Pension for Ferdinand Pelkey, of Caswell Plantation.

H. P. 1606, Resolve Providing for State Pension for Harold Bragg, of Monmouth.

H. P. 1607, Resolve Providing for State Pension for William McGowan, of Reed Plantation.

H. P. 1700, Resolve Providing for State Pension for Thomas Getchell, of Calais.

H. P. 1701, Resolve Providing for State Pension for Marie Flavie Doucette, of Grand Isle.

H. P. 1702, Resolve Providing for State Pension for Marie Corrine Levesque, of Grand Isle.

H. P. 1791, Resolve Providing for State Pension for Colby Harden, of Albion.

H. P. 1792, Resolve Providing for State Pension for Hiley West, of Jonesport.

H. P. 1793, Resolve Providing for an Increase in State Pension for George Rines, of Newburg.

H. P. 1794, Resolve Providing for State Pension for Lida May Withee, of Etna.

H. P. 1795, Resolve Providing for State Pension for Clarence P. Withee, of Etna.

H. P. 1882, Resolve Providing for an Increase in State Pension for Fred Dwyer, of Bath.

H. P. 1884, Resolve Providing for State Pension for Rita St. Jean, of Grand Isle.

H. P. 1912, Resolve Providing for State Pension for Frank M. Gilmore, of Bangor.

H. P. 1939, Resolve Providing for an Increase in State Pension for Guy Howland, of Caswell Plantation.

H. P. 1940, Resolve Providing for State Pension for Helen Greene, of Bath.

H. P. 2039, Resolve Providing for State Pension for Victor Mitchell, of Etna.

Have been included in a consolidated Resolve under title of Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons (S. P. 683) (L. D. 1582) reported into the Senate.

Report was read and accepted and sent up for concurrence.

#### Ought to Pass Printed Bill

Mr. Hanson from the Committee on Sea and Shore Fisheries reported "Ought to pass" on Bill "An Act Relating to Towns Regulating the Taking of Shellfish" (H. P. 1801) (L. D. 1143)

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

#### Ought to Pass with Committee Amendment

Mr. Martin from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Lubec School District" (H. P. 1050) (L. D. 466) 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. 1050, L. D. 466, Bill "An Act to Incorporate the Town of Lubec School District."

Amend said Bill by striking out all of the 1st paragraph of Section 4 thereof and inserting in place thereof the following:

**'Sec. 4. How financed.** To procure funds for the purposes of this act, and for such other expenses as may be necessary for the carrying out of said purposes, said trustees are authorized to issue notes and bonds of the district in one series, or in separate series

from time to time, to an amount not exceeding the sum of \$125,000. Said notes or bonds shall be a legal obligation of said district and shall be legal investments for trust companies and savings banks, and shall be tax exempt. Said district is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes, and all the provisions of said section shall be applicable thereto. The district is hereby authorized and empowered to enter into such an agreement with the federal government or the state government, or any agency thereof, or any corporation or board authorized by the federal government or state government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out, as may be necessary or desirable to accomplish the purpose of this act. Each bond or note shall have inscribed on its face the words, "Town of Lubec School District Bond" or "Town of Lubec School District Note", as the case may be, and shall bear interest at such rates as the trustees shall determine. If said bonds or notes be issued from time to time, each authorized issue shall constitute a separate loan. Each loan shall be payable in annual amounts of principal, beginning not more than 1 year from its date, or made to run for such period as said trustees shall determine, but no series shall run for a longer period than 30 years from the original date of issue of the original bonds or notes.'

Further amend said Bill by striking out all of Section 8 thereof.

Further amend said Bill by renumbering "Sec. 9" to be 'Sec. 8.'

Further amend said Bill by inserting after the word "meeting" in the 3rd from the last line thereof the following: "; provided that the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 20% of the total vote for all candidates for governor in said town

at the next previous gubernatorial election.'

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

#### **First Reading of Printed Resolve Tabled and Assigned**

Resolve Providing for State Pension for Elmira A. Brown, of Lewiston (H. P. 939) (L. D. 1590)

Was read once.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Clements.

Mr. CLEMENTS: Mr. Speaker, I move the indefinite postponement of this resolve. The Committee on Pensions went over these hearings and granted small pensions to the needy people who were unable to pass for old age assistance. In this case, there was no evidence brought in that this lady wasn't able to apply for old age assistance and the difference in the cost to the State of Maine would be around \$250.

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

Mr. JACOBS: Mr. Speaker, of course it looks rather peculiar to me to have one hundred resolves passed here in a group and deny a lady who was a Civil War Veteran's daughter who has received from the State \$30 a month for some time. As I understand it, this lady does not want to be on that list of old age assistance, but I would like to table this resolve until Monday afternoon and I will confer with this lady and see if she will accept old age assistance rather than to have the pension from the State as she had enjoyed in the past few years.

Thereupon, the Resolve was tabled and specially assigned for Monday, May 2nd, pending the motion of the gentleman from Belfast, Mr. Clements, that the Resolve be indefinitely postponed.

#### **Passed to be Engrossed**

Bill "An Act Relating to Katahdin Wild Life Sanctuary" (S. P.621) (L. D. 1337)

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

#### Amended Bill

Bill "An Act Relating to Itinerant Vendors" (H. P. 1652) (L. D. 960)

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

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Robbins.

Mr. ROBBINS: Mr. Speaker, with the consent and approval of the Committee on Legal Affairs and to clarify two sections of this Bill, I offer House Amendment "A", Filing No. 413, and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1652, L. D. 960 Bill "An Act Relating to Itinerant Vendors."

Amend said Bill by striking out all of section 2 thereof and inserting in place thereof the following:

"Sec. 2 R. S., c. 88, § 98, amended, Section 98 of chapter 88 of the revised statutes is hereby amended to read as follows:

'Sec. 98. Persons exempt. The provisions of the 15 preceding sections shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, not to bona fide sales of goods, wares and merchandise by sample for future delivery made by those who sell goods, wares and merchandise at retail from a car, wagon or other conveyance, steamer or vessel, nor to hawkers or peddlers on the streets or peddlers from vehicles.'

Further amend said Bill by striking out all of that part of section 3 designated "Sec. 99-A" and inserting in place thereof the following underlined section:

'Sec. 99-A. Itinerant photographers, license. It is hereby declared that it is in the public interest to require the licensing of persons desiring to practice the profession of an itinerant photographer; and an itinerant photographer is herein

defined to be a person, partnership or corporation having no regularly established place of business in this state who personally or by agents or servants goes from town to town or from place to place within a town soliciting the making of photographic pictures or reproductions with a view to selling the same to the persons solicited; and it shall be unlawful for any person to practice as an itinerant photographer until such person shall have been licensed as hereinafter provided.'

Further amend said Bill by striking out the underlined words "state tax assessor" or "tax assessor" whenever they appear in any part of section 3 of said Bill and inserting in place thereof the underlined words 'secretary of state'

Thereupon, House Amendment "A" was adopted and the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

#### Passed to be Engrossed (cont'd)

Bill "An Act to Incorporate the City of Brunswick" (H. P. 1982) (L. D. 1366)

Bill "An Act Relating to Aviation" (H. P. 2096) (L. D. 1581)

Bill "An Act Relating to the Pollution of Streams by Dumping Rubbish" (H. P. 2100) (L. D. 1586)

Resolve Appropriating Moneys for Certain Construction, Repairs and Equipment at Certain State Institutions (S. P. 679) (L. D. 1560)

Resolve Regulating Fishing in Webb Lake, in the County of Franklin (H. P. 917) (L. D. 369)

Resolve Appropriating Money to Set Buoys in Inland Water (H. P. 1779) (L. D. 1118)

Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River (H. P. 2098) (L. D. 1584)

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

**Tabled and Assigned**

Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds (H. P. 2099) (L. D. 1585)

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

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

Mr. **BOOTHBY**: Mr. Speaker, I move that Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds (H. P. 2099) (L. D. 1585) be tabled and specially assigned for Tuesday, May 3rd.

The **SPEAKER**: The gentleman from Livermore, Mr. Boothby, moves that Item 10, Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds lie upon the table pending third reading and be specially assigned for Tuesday, May 3rd.

(Cries of "No")

A viva voce vote being doubted.

A division of the House was had.

Forty-three having voted in the affirmative and forty-one having voted in the negative, the motion to table prevailed.

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**Passed to be Engrossed (cont'd)  
Amended Bill**

Bill "An Act Relating to Method of Issuance of State Highway and Bridge Bonds" (H. P. 1976) (L. D. 1357)

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

Bill "An Act to Create the Bangor Water District" (H. P. 2048) (L. D. 1474)

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

**Orders of the Day**

The **SPEAKER**: Under Orders of the Day, the Chair now lays before the House the 1st tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Taxation of Boats" (H. P. 1743) (L. D. 1096) tabled on April 20th by the gentleman from Manchester, Mr. Jewett, pending his motion to substitute the Bill for the report; and the Chair recognizes that gentleman.

Mr. **JEWETT**: Mr. Speaker and Members of the House: Last Tuesday, when I tabled this bill, it was thought that the Committee on Taxation would be able to have an executive session between then and now. Well, it was impossible. There is an executive session scheduled for next Monday and I have the consent and approval of the Chairman of that Committee to recommit this bill. Therefore, I so move.

Thereupon, the motion of the gentleman from Manchester, Mr. Jewett, to substitute the bill for the report was withdrawn, and the bill and accompanying papers were re-committed to the Committee on Taxation and sent up for concurrence.

The **SPEAKER**: The Chair now lays before the House the 2nd tabled and today assigned matter, Bill "An Act Relating to Training and Field Trials for Beagles and Other Rabbit Hounds" (H. P. 2094) (L. D. 1579) tabled on April 27th by the gentleman from Monmouth, Mr. Marsans, pending assignment for third reading.

Mr. Marsans 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. 2094, L. D. 1579, Bill "An Act Relating to Training and Field Trials for Beagles and Other Rabbit Hounds."**

Amend said Bill by striking out in Sec. 76-A the underlined words "April 1st" and inserting in place

thereof the underlined words 'April 10th'

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

The SPEAKER: The Chair now lays before the House the 3rd tabled and today assigned matter, An Act Relating to the Duties of the Insurance Commissioner and State Fire Inspectors (H. P. 1788) (L. D. 1127) tabled on April 27th by the gentleman from Rockland, Mr. Burgess, pending passage to be enacted.

Thereupon, on motion by Mr. Burgess of Rockland, the House voted to reconsider its action whereby it passed the Bill to be engrossed on the 18th of April. The same gentleman offered House Amendment "A" and moved that it lie upon the table because it had not been reproduced and the matter was specially assigned for tomorrow morning, April 30.

The SPEAKER: The Chair now lays before the House the 4th tabled and today assigned matter, House Report "Ought to pass in New Draft" (H. P. 2068) (L. D. 1504) of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Lewiston" (H. P. 838) (L. D. 321) tabled on April 27th by the gentleman from Lewiston, Mr. Malenfant, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. MALENFANT: Mr. Speaker and Members of the House: This bill that was presented by the gentleman from Lewiston, Mr. Jalbert, calls for appointing the Mayor of Lewiston for two years. It is three bills wrapped up in one to elect the Mayor of Lewiston for two years. Under the second section they go right to the finance board to appoint a full-time engineer. I agree with Mr. Jalbert on that. We need a full-time engineer. We had one quite a while ago, but, for several reasons, we got rid of him. Now all that we

have is a part-time engineer. It costs more money to the city than if we have a full-time engineer. A part-time engineer spoke to a man on the school board about one minute, and he charged \$25 for it. (Laughter)

The other part of the bill is to have a planning board of twelve men. We have too many boards already. We have ten boards to run the city of Lewiston and it is nine too many. The planning board would recommend to the finance board and the mayor and aldermen certain projects. Five members of the finance board would be on that planning board. There would be only one of them, and that man does not stand a Chinaman's show among the five members of the finance board.

I am a little confused on this bill, because Senator Boucher has got a bill almost similar to this one. I didn't know that Senator Boucher had such a bill before this morning, because it has never come up on the calendar yet. It was before the Legal Affairs Committee.

This morning I found out that Senator Boucher had a bill for a planning board of nine men. He wants to pay the Chairman of that board ten dollars a day. That is maple sugar for certain politicians.

I do not agree with Mr. Jalbert's bill and I do not agree with Mr. Boucher's bill. The chairman of the planning board under Mr. Boucher's bill would be appointed for five years. Five years at ten dollars a day, that looks very good to certain politicians. If he holds a couple of meetings a week, that is twenty dollars.

Now Mr. Jalbert presented an amendment April 27th. He scratched out the first section of his bill to leave the Mayor a one-year term. That is what we want; we want to elect the Mayor every year. I appreciate that Mr. Jalbert has presented an amendment to scratch out the first section. I wish he was kind enough to scratch out the second section to get rid of that planning board, because that causes

more headaches to our taxpayers in Lewiston. They are going to recommend all kinds of foolish projects, and we cannot afford to do it.

Now I am between two bad birds—that is, two bad bills—I call them bad birds, Mr. Jalbert's bill and Senator Boucher's bill. Now I cannot kill both birds with one bullet, and the best thing for me to do today is to go along with Mr. Jalbert rather than waiting for both bills to come in here and trying to kill both, because I do not know what Senator Boucher is going to do with his bill.

If I tried to kill Mr. Jalbert's bill, Senator Boucher would say we need a planning board at ten dollars a meeting, so the best thing for me to do is, and I move, Mr. Speaker, that House Amendment "A" presented by the gentleman from Lewiston, Mr. Jalbert, on April 27th, be adopted.

The SPEAKER: The Chair will state that there appears to be no House Amendment "A" before the House. It is House Report "Ought to pass in New Draft" from the committee. Does the gentleman move that the House accept the "Ought to pass in New Draft" report?

Mr. MALENFANT: Well, I have an amendment on my desk, House Amendment "A", Filing No. 386.

The SPEAKER: The Chair understands that the gentleman from Lewiston, Mr. Malenfant, moves that the House do accept the "Ought to pass in New Draft" report of the committee. Is this the pleasure of the House?

The motion prevailed, and the "Ought to pass in New Draft" report was accepted.

Thereupon, under suspension of the rules, the Bill was given its two several readings.

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

Mr. JALBERT: Mr. Speaker, I believe I presented House Amendment "A" and it was immediately tabled by my good friend from Lew-

iston. I submit House Amendment "A" at this time.

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

HOUSE AMENDMENT "A" to H. P. 2068, L. D. 1504, Bill "An Act Amending the Charter of the City of Lewiston."

Amend said Bill by striking out all of Section 1 thereof.

Further amend said Bill by re-numbering Sections 2 to 4 to be Sections 1 to 3.

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

The SPEAKER: The Chair now lays before the House the 5th tabled and today assigned matter, Senate Amendment "A" to Bill "An Act Relating to Installations in Public Highways" (H. P. 2052) (L. D. 1478) tabled on April 28th by the gentleman from Woodland, Mr. Philbrick, pending adoption; and the Chair recognizes that gentleman.

Mr. PHILBRICK: Mr. Speaker, we try in our county to keep our roadsides fairly clean with a telephone line on one side and an electric light line on the other side. We sometimes wish to pasture up to the ditches at least to the light and telephone lines. I therefore, offer House Amendment "A" to Senate Amendment "A" and move its adoption.

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

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

Amend said Amendment by striking out the underlined punctuation and words, "gasoline pumps and fences" wherever it appears in the Amendment and inserting in place thereof the underlined words 'or gasoline pumps'

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

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.'**

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

The SPEAKER: The Chair lays before the House the 6th tabled and today assigned matter, House Divided Report of the Committee on State Lands and Forest Preservation on Bill "An Act Relating to Primary Wood-Using Portable Sawmills, Spark Arrestors and Timber Reports" (H. P. 1739) (L. D. 1093),

Majority Report "Ought to pass", Minority Report "Ought not to pass" tabled on April 28th by the gentleman from Topsham, Mr. Williams, pending his motion to accept the Minority Report; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This bill is Mr. Leavitt's bill. He couldn't be here today and he telephoned and asked if I wouldn't table it for next Wednesday or Tuesday, or could I? He wasn't certain about being here Tuesday, so he wanted it tabled until Wednesday if you could do it.

The SPEAKER: The Chair understands that the gentleman from Topsham, Mr. Williams, moves that the item lie upon the table pending his motion to accept the minority report and that the matter be specially assigned for Wednesday, May 4th. Is this the pleasure of the House?

The motion prevailed.

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

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

On motion by Mr. Brown, the House voted to take from the table the 35th tabled and unassigned matter, Resolve Providing for Construction of Dormitory for Female Patients at Augusta State Hospital (H. P. 631) (L. D. 1444) tabled on April 8th by that gentleman pending second reading; and on further motion by the same gentleman the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

On motion by Mr. Campbell of Garland, the House voted to take from the table the 5th tabled and unassigned matter, Bill "An Act Relating to Taxation of Goats" (H. P. 945) (L. D. 386) tabled on March 2nd by that gentleman pending third reading.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: I will admit that I don't know anything

about goats; I wouldn't know a Billy goat from a Nanny goat but I have been kidded more or less and I wonder about this goat bill and I would like to ask a question through the Chair.

The SPEAKER: The gentleman may state his question.

Mr. CAMPBELL: Mr. Speaker, I would like to make an inquiry from some member of the Taxation Committee as to their justification for such a report on goats? (Laughter)

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

Mr. CHASE: Mr. Speaker, this was a bill reported by the committee to the House by Representative Duquette. He later decided that I am the official goat of the Taxation Committee, and that therefore the bill ought to be assigned to me. In view of the fact that the bill has been on the table only since March 2nd, I have not had sufficient time to fully explore the subject of goats, which is, I assure you, historically a very important topic.

To begin with the bill, L. D. 386, it will be seen that the bill contemplates putting goats on the same basis of exemption with sheep and in the same number. I had hoped that this might be called up, since it deals with exemption, on a day when my friend from Biddeford, Mr. Farley, was here, so that I could wear my American Legion uniform in discussing it. (Laughter)

Now we all know that when you have to compare one thing with another—in other words to compare goats with sheep—the first thing you want to do is to destroy the character of the other thing with which you are going to make the comparison. That is a procedure with which we are all familiar. So I would like to start by saying a little something against sheep.

Now a sheep is an animal which may have characteristics, but it is an animal entirely, I think, without character. (Laughter) I have often thought of myself as an ass, and at times as a skunk, but I

never sunk so low in my own regard as to compare myself with a sheep. (Laughter)

In fact, you may remember that in the church service, in the Confession of Faith, there is a line which says: "I have erred and strayed from my way like lost sheep." I always skip that line. It is a comparison which I think has not greatly helped the Christian faith. (Laughter)

I am told that a sheep, if it lies down in a depression over two inches deep, can hardly get to its feet without assistance, and it is well-known that sheep will follow another into a swamp and lie down there and die for want of sufficient spirit to turn around and get out.

Now, as I said in the beginning, I may not be able to bring you entirely up-to-date on the subject of sheep, but in my research on the subject, which at least will bring us up into the Christian era, I find in the 16th Chapter of Leviticus this quotation:

"And Aaron shall cast lots upon the two goats; one lot for the Lord, and the other lot for the scapegoat."

And since I have been to a certain extent the scapegoat in certain proceedings of this Legislature, I read that with considerable interest, and continue with the 10th verse:

"But the goat, on which the lot fell to be the scapegoat, shall be presented alive before the Lord, to make an atonement with him, and to let him go for a scapegoat into the wilderness."

And in the 21st verse: "And Aaron shall lay both his hands upon the head of the live goat and confess over him all the iniquities of the children of Israel, and all their transgressions in all their sins, putting them upon the head of the goat, and shall send him away by the hand of a fit man into the wilderness; and the goat shall bear upon him all their iniquities unto a land not inhabited; and he shall let go the goat in the wilderness."



Now this is the season of the year when the great god Pan pipes in the woods out behind the billboards. (Laughter) And we all know that the god Pan is made in the image of a goat, so the attribute of sex has been placed upon the goat. I should say at this point, in deference to my friend from Bath who complained the other day because I used a long word—and I ask his tolerance, because he must know that the only way in which you can properly discuss sex is to use long words—so that a libidinous and lecherous man, as we know, is frequently called an old goat. (Laughter)

Now, to cut a very long story short and to bring you up into the Christian era, which is about as far as I have gone, we pick up the tract again at the 26th Chapter of Matthew. I thought I had it, but someone has stolen my memorandum. (Laughter)

"And he shall set the sheep on his right hand, but the goats on his left hand. Then shall he say also unto them on the left hand"—this being the goats—"Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels."

Now under the handicap of these curses, first of being the scapegoat for the iniquities of the people of Israel, and, second, sustaining the curse of the division nearly two thousand years, I think that the time has come when the curse should be lifted from the goat by giving him at least as high a status in the statute of exemption as a sheep.

Now I want to make this perfectly clear. If the exemption were being given to the goat himself, I would be against it; it would spoil the goat, but since the exemption is given to the farmer and the farmer is spoiled already, I see no obstacle in giving the goat a chance. (Laughter) And I want to say, too, that I regard the goat in Maine as a symbol of a certain traditional initiative and resourcefulness which we ought to preserve, since we seem to be in danger of losing that quality among the people.

And so, Mr. Speaker, I nominate for the privilege contained in this bill, Capra, the goat, the last surviving individualist; and I hope that in tribute the House will join with me in lifting this curse of years by accepting the unanimous report of the Taxation Committee and passing this bill. (Laughter and Applause)

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

Mr. CAMPBELL: Mr. Speaker, I think this answers my question and I move that the bill be given its third reading. (Laughter)

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

Mr. McCLURE: Mr. Speaker and Members of the House: Whereas my good friend from Cape Elizabeth, Mr. Chase, referred to me, I would like to have not only him—but the rest of the members of this House know that I might at times have tried to get his goat, but I never tried to steal his notes. (Laughter)

Thereupon, the bill was given its third reading, passed to be engrossed and sent to the Senate.

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On motion by Mr. Chapman of Portland, the House voted to take from the table the 69th tabled and unassigned matter, House Report "Ought to pass in New Draft" (H. P. 2088) (L. D. 1559) of the Committee on Taxation on Bill "An Act to Enable Certain Cities to Impose a General Business and Occupation Tax" (H. P. 1805) (L. D. 1131) tabled on April 22nd by that gentleman pending acceptance of the report; on further motion by the same gentleman, the Bill and accompanying papers were retabled pending acceptance of the committee report and specially assigned for Wednesday, May 4th.

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On motion by Mr. Williams of Topsham, the House voted to take from the table the 55th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Incorporate the Topsham

School District" (H. P. 1309) (L. D. 686) tabled on April 19th by that gentleman pending acceptance of the report; the same gentleman further moved to substitute the Bill for the "Ought not to pass" report of the committee and offered House Amendment "B".

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: As a member of the Legal Affairs Committee, which reported unanimously "Ought not to pass" on this bill, I oppose the motion of the gentleman from Topsham, Mr. Williams, to substitute the bill for the report. I think I can safely say that the attitude of the Legal Affairs Committee and this House with reference to school district bills has been very liberal. Actually we have recommended favorably in the past all but two or three.

This happens, however, to be one of the bills the Legal Affairs Committee did not feel was necessary. The theory of school district bills, as you probably all know, is actually a matter of subterfuge, a means of getting around the constitutional debt limit. If the city or town has money to build its schools, it does not need a district and only when the building program exceeds in amount the five percent or the borrowing power of the town is there any need for the Legislature to create a quasi-municipal district or corporation such as a school district.

Now, as this bill was presented to the Legal Affairs Committee, it sought authority to create a district and borrow \$60,000. This was designed for a program of rehabilitating the grade schools in Topsham. We found, on inquiry, that Topsham had a borrowing capacity of \$85,000 and had no debt; its tax rate was reasonable and the committee could see no necessity at this particular time for creating the district, superimposing that on the town and permitting the extra borrowing.

While this bill was on the table, the Town of Topsham had its annual town meeting. So far as our committee knows, no action was taken by the town either for or against this bill. In other words, there was no further expression on the part of the town that they favored or opposed the bill. Now, the gentleman from Topsham seeks to substitute the bill for the report and offers House Amendment "B", which adds \$65,000 to the amount the district would be authorized to borrow, namely \$125,000. Now, we didn't hear a bill to authorize the district or anyone else to borrow \$125,000; the only evidence that was presented to us pertained to a \$60,000 construction program. It may well be that the gentleman from Topsham (Mr. Williams) will tell you that the added amount is necessary for construction of a high school, but I say again we have no evidence of that; we don't know what the construction costs will be and we truly thought that the town had best use its borrowing power and proceed with the improvement of the grade schools.

Now, it may be that the Legal Affairs Committee has misconceived its duties here. Frankly, we have been studying these school district bills and the other bills which proposed changes in the charters of cities and towns, believing that it was incumbent upon us to ascertain whether or not the legislation was good and whether or not there was a real, genuine demand for the change in the town or city affected. Judging from the action taken here in the House, yesterday, on the Brunswick Charter, we may be mistaken. It may be that if the bill has a referendum clause and if it is provided in the bill that it will go back to the town to be voted on, that is sufficient, but, judging from the action taken here in the House yesterday on the Brunswick Charter, we may be mistaken. It may be that if the bill has a referendum clause, and if it is provided in the bill that it will go back to the town to be voted

on, that is sufficient. Therefore, I want to say, in all fairness to Mr. Williams, that this bill does have a referendum clause and would have to be voted upon by the people in Topsham and it is a local matter, so you may very well feel, as you did in the case of Brunswick, that this bill should have your support.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: Since the original bill was presented, at that time we thought we were going to take care of the crowded condition in the grade schools, and we thought we might be able to take care of high school scholars by sending them to Brunswick. But, after Brunswick presented their bill here, it is the only town in the State where tuition has been raised above the standard here, and you passed a bill a short time ago to let the Town of Brunswick raise its tuition from \$150 to \$200. We have 116 or 117 scholars at the present time, and it makes it too expensive for the town to have to pay that amount of tuition; and the town officials, after I called a meeting two or three times, they decided they had better let the Brunswick bill go through and not oppose it, because they did not know how they were going to take care of the entering class, about thirty five, and they wanted this bill.

One member of the Committee on Education came down to our meetings, and he said that we could build there; they had plans for a high school building or grades, either one, and the town thought they would have to build in order to take care of the high school scholars in a reasonable way. That is why I changed the bill and asked that we could raise \$125,000 instead of \$60,000; and that is what the school board and the selectmen and the other officials of the Town of Topsham wanted me to do. I think if any town needs help in taking

care of scholars it is right in Topsham.

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

Mr. McCLURE: Mr. Speaker and Members of the House: I feel as my colleague from my county, Mr. Williams, feels, that there is a serious problem in Topsham. I have nothing at all against the Legal Affairs Committee; I realize they have worked hard on these school district bills; in fact they must have, because there was over ten million dollars worth, as I understand. But Topsham is really in a serious condition. Now they have 116 students, as Mr. Williams stated, that have to enter high school this year. Now a few figures show that at the end of five years the costs, figuring 116 students at \$250 per year, will amount to \$145,000. It does seem to me that it would be good business for the citizens and the taxpayers and also the children of Topsham if they were able to establish their own high school. Therefore I would go along in substituting the bill for the report.

The SPEAKER: The question before the House is on the motion of the gentleman from Topsham, Mr. Williams, to substitute the Bill "An Act to Incorporate the Topsham School District" H. P. 1309, L. D. 686, for the "Ought not to pass" report of the Committee on Legal Affairs.

As many as are in favor of the motion to substitute the Bill for the report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

This being a printed Bill, under suspension of the rules, it was given its two several readings.

Mr. Williams then presented House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1309, L. D. 686, Bill "An Act to Incorporate the Topsham School District."

Amend said Bill by striking out the figures "\$60,000" in the 5th line of section 3 and inserting in place thereof the figures '\$125,000'

Further amend said Bill by striking out the figure "15" in the 9th line of section 3 and inserting in place thereof the figure '30'

Further amend said Bill by striking out the figure "15" in the next to last line of section 4 and inserting in place thereof the figure '30'

Further amend said Bill by striking out the figure "7%" in the 4th line of section 4 and inserting in place thereof the figure '3½ %'

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

On motion by Mr. Sharpe of Anson, the House voted to take from the table the 36th tabled and unassigned matter, House Report "Ought to pass as amended by Committee Amendment 'A'" of the Committee on Labor on Bill "An Act Forbidding Employers to Charge a Fee for a Medical Examination as a Condition of Employment" (H. P. 1306) (L. D. 633) tabled on April 8th by that gentleman pending acceptance of report.

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

Mr. SHARPE: Mr. Speaker, this is a bill entitled "An Act Forbidding Employers to Charge a Fee for a Medical Examination as a Condition of Employment." I hope that the members of the House will not be misled by the inference contained in this title. This title very clearly infers that it has been a custom of employers to charge a medical fee, to charge the applicant for employment a medical fee as a condition of employment.

Now some of our larger corporations in the State employing quite a few people already have the custom of furnishing medical examination to applicants for employment, where an examination is required, at no charge; but this bill would place upon all employers the burden and obligation of supplying,

at the employer's expense, medical examination for any applicant for employment. Now it seems to me very unfair. It would seem to me that when an employer gives employment to a person, that he accommodates that person as much as the person accommodates the employer by accepting such employment; and I feel that it is inconsistent and unfair that employers in the State of Maine should be burdened with this obligation. At the present time it might not do too much harm, but we do not know what may happen in the future. There may be a law passed some time that employees must undergo a physical examination before accepting employment in certain locations. It might be that a sardine factory needing a hundred women to pack sardines would have several hundred applicants for those jobs and would have to pay the cost of the medical examination. It would seem in that case, where those girls would be packing sardines and handling foods that are to be consumed, they should undergo a medical examination. The employer would be burdened with the cost of all of those examinations. I feel in all fairness that the cost should be stood by the applicant unless the employers voluntarily feel like standing the cost themselves as some employers do.

Now I understand—I think it is the Maine Central Railroad, but I am not sure—that there are several large corporations in the State, some of the paper mills, who have their own medical staff, and when an examination is required of an applicant it is done at no expense to the applicant. But to put this bill into law and impose this extra burden upon employers unnecessarily and unfairly, is not appropriate, in my opinion, and I move indefinite postponement of this bill.

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

Mr. BROWN: Mr. Speaker and Members of the House: This chair has been kind of vacant for the last

four or five days, and there has been rather a silence over it here; but I feel it my responsibility to stand up here and put the House straight on medical examinations.

We, from the very outset, have been opposed to medical examinations. The employer was the one who started examinations, and they started them for their own protection. As I understand this law—and I served on the committee that this was discussed on—there is only one group of employers in the State who charge a fee for a medical examination. This law does in no way compel anybody to set up the procedure of examining their employees. I cannot see any harm in it. If an employer sees fit and wants his employees to be examined physically, whether it be on application for a job or at intervals while he is holding the job, then he should bear that responsibility. None of our companies in the State are kicking against medical examination. They set up all kinds of facilities, X-ray equipment and everything, so why shouldn't they bear the expense if they want service given to their employees? I hope the motion of the gentleman from Anson (Mr. Sharpe) does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Anson, Mr. Sharpe, that Bill "An Act Forbidding Employers to Charge a Fee for a Medical Examination as a Condition of Employment" (H. P. 1306) (L. D. 633) as amended by Committee Amendment "A" be indefinitely postponed.

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

Mr. SHARPE: I move the vote be taken by division.

The SPEAKER: The gentleman from Anson, Mr. Sharpe, requests a division.

All those in favor of the motion of the gentleman from Anson, Mr. Sharpe, that Bill "An Act Forbidding Employers to Charge a Fee for a Medical Examination as a Condition of Employment" will rise and

remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Fifteen having voted in the affirmative and fifteen having voted in the negative, the motion does not prevail.

Thereupon, the "Ought to pass as amended by Committee Amendment 'A'" report of the committee was accepted.

This being a printed Bill, under suspension of the rules, was given its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 1306, L. D. 633, Bill "An Act Forbidding Employers to Charge a Fee for a Medical Examination as a Condition of Employment."

Amend said Bill by striking out, in the 1st sentence of that part designated "Sec. 36-B", the underlined words "**or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of employment**" and inserting in place thereof the underlined words '**to bear the medical expense of an examination when such examination is ordered or required by the employer**'

Further amend said Bill by striking out the underlined figure "\$100" in the 3rd line from the end and inserting in place thereof the underlined figure '\$50'

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

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

The Chair recognizes the gentleman from Whiting, Mr. Bucknam.

Mr. BUCKNAM: Mr. Speaker, I rise for information. Would it be in order for me at this time to ask for the privilege of addressing the House in regard to the action taken on the sardine tax bill?

The **SPEAKER**: The gentleman may request unanimous consent to address the House if he wishes. The Chair understands the gentleman from Whiting, Mr. Bucknam, requests unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. **BUCKNAM**: Mr. Speaker and Members of the House: Since we took the action on the bill in regard to the tax on sardines, the gentleman that voted against it told me that he did it by mistake and he had no objection. I am at this time asking you to reconsider the bill.

The **SPEAKER**: The gentleman from Whiting, Mr. Bucknam, presents a bill and requests that it be received by unanimous consent. The Clerk will read the title.

The title was read by the Clerk as follows:

Bill "An Act to Provide for a Self-imposed Tax on Sardines for Industry Development Fund."

The **SPEAKER**: Is there objection to the reception of the Bill? The Chair hears none and the Bill has been received by unanimous consent.

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

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

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

Mr. **JACOBS**: Mr. Speaker, I am rising for information. I understand there are papers from the Senate, sent forthwith some two hours ago, in the possession of the House. Is that a fact?

The **SPEAKER**: In answer to the inquiry made by the gentleman from Auburn, Mr. Jacobs, the Chair will state that the papers have been received from the Senate. They are in the office of the Clerk of the House.

Mr. **JACOBS**: Is there any reason, Mr. Speaker, why they cannot be sent here forthwith from the Clerk's

office and be discussed on the floor of the House at this time?

The **SPEAKER**: In answer to the inquiry, the Chair will state that it has been the custom of the House in the usual course of its business to take up papers the next day unless the House otherwise orders that they be taken up out of order.

Mr. **JACOBS**: I move then, Mr. Speaker, that these papers which have been sent forthwith from the Senate to the House be taken up now, out of order.

The **SPEAKER**: Would the gentleman be kind enough to identify the papers to which he has reference?

Mr. **JACOBS**: I think everyone knows what that means. It is the paper regarding the tax which we overwhelmingly defeated this forenoon or this noontime and which was sent forthwith to the Senate for their deliberation. They have deliberated upon the same and have sent it forthwith to the House for our rejection or acceptance. As I understand it, it is the tax bill, the last one that I know of, H. P. 2046, L. D. 1591.

The **SPEAKER**: The Chair understands that the gentleman has made a request. The Chair will rule that, in accordance with Rule 13 of the Joint Rules, which reads as follows: "Committees of Conference shall consist of three members on the part of each House representing its vote, and their vote, if agreed to by a majority of each committee, shall be made to the branch asking the conference, and may be either accepted or rejected, but no other action shall be had except through another committee of conference,"—the House action of this morning has precluded any further consideration of the matter, and the Chair so rules.

Mr. **JACOBS**: That is the status quo of the bill, Mr. Speaker?

The **SPEAKER**: In explanation further, the Chair will state that the message from the House to the Senate accompanying the papers simply sent the matter forthwith to the Senate. The papers having come back, there is no request from the

Senate for a committee of conference, and the Chair rules again that there is no way that the House can consider the matter at this time.

Mr. JACOBS: Then, Mr. Speaker, what is the status quo of the bill? Where does it stand? Is it killed; is it dead; or what is it?

The SPEAKER: The Chair would so understand but would hesitate to so rule. (Laughter)

Mr. JACOBS: Mr. Speaker, I simply wanted to know where we stood on this matter.

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

On motion by Mr. Johnson of Gardiner, the House voted to take from the table the 30th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Monmouth Academy" (H. P. 1678) (L. D. 1016) tabled on April 7th by that gentleman pending acceptance of the committee report.

Mr. JOHNSON: Mr. Speaker, in view of the fact that it does not look as if there is going to be \$15,000 for an academy coming here, I now move the acceptance of the report of the committee.

The SPEAKER: The gentleman from Gardiner, Mr. Johnson, moves that the House accept the "Ought not to pass" report of the Committee on "Resolve in Favor of Monmouth Academy" (H. P. 1678) (L. D. 1016). 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.

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

Mr. WOODWORTH: Mr. Speaker, has any time been fixed for adjournment of the House by joint order?

The SPEAKER: Did the Chair understand the gentleman to ask if any time for adjournment has been fixed by joint order?

Mr. WOODWORTH: Yes, Mr. Speaker.

The SPEAKER: The Chair understands that it has not.

Mr. WOODWORTH: Isn't that customary, Mr. Speaker?

The SPEAKER: The Chair will answer the gentleman by saying it is customary to adjourn by joint order over the week-end. The Chair will remind the gentleman, however, that the matter was discussed this noontime and a majority of the members of the House indicated that they desired to hold a session of the House tomorrow, on Saturday.

Mr. WOODWORTH: Mr. Speaker, that is quite agreeable to me. There did not seem to be much business here, and I was wondering if there was going to be a time set for adjournment tomorrow or until tonight.

The SPEAKER: Any adjournment of the House today will be until 9:00 A. M., Eastern Standard Time tomorrow morning unless the House shall by motion and vote indicate otherwise. Does that answer the question of the gentleman?

Mr. WOODWORTH: Mr. Speaker, I move that we adjourn until 9:00 A. M., E. S. T. tomorrow.

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

Mr. WIGHT: Mr. Speaker, may I inquire if the unmentionable body at the other end of the corridor will be in session tomorrow?

The SPEAKER: The Chair will reply by stating that the Senate has not sought the consent of the House to adjourn for more than two days.

The Clerk will read the notices.

On motion by Mr. Woodworth of Fairfield,

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