

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 5, 1949

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

Prayer by the Rev. Mr. Bubar of Blaine.

The journal of the previous session was read and approved.

**Papers from the Senate
Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Claims on Resolve in Favor of Lyle Wheeler, of Presque Isle (S. P. 223) reporting leave to withdraw.

Report was read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Moneys to Aid Deficits of Public and Private Hospitals (S. P. 478) (L. D. 942)

Report of same Committee reporting same on Bill "An Act Relating to New England Development Authority" (S. P. 639) (L. D. 1410) as it is inexpedient at this time.

Report of the Committee on Claims reporting same on Resolve in Favor of Saint Joseph Orphanage of Lewiston (S. P. 565) (L. D. 1230)

Report of same Committee reporting same on Resolve in Favor of the Marcotte Home of Lewiston (S. P. 564) (L. D. 1229)

Report of same Committee reporting same on Resolve in Favor of Hospital General Ste. Marie of Lewiston (S. P. 566) (L. D. 1231)

Report of same Committee reporting same on Resolve in Favor of Healy Asylum of Lewiston (S. P. 567) (L. D. 1232)

Report of same Committee reporting same on Resolve in Favor of Saint Louis Home and School, West Scarboro (S. P. 568) (L. D. 1233)

Report of same Committee reporting same on Resolve in Favor

of the Town of Jonesboro (S. P. 401) (L. D. 738)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act Relative to Prosecutions of Inland Fisheries and Game Laws to be Published" (S. P. 404) (L. D. 743)

Report of the Committee on Judiciary reporting same on Bill "An Act Relating to Permits to Cut Logs" (S. P. 262) (L. D. 393) which was recommitted

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Placed on File

Report of the Committee on Taxation on Petition of Western Washington County Petroleum Industries Com. Favoring Reduction of the State Gasoline Tax (S. P. 180) reporting that it be placed on file.

Came from the Senate ordered placed on file.

In the House, read and ordered placed on file in concurrence.

**Ought to Pass with Committee
Amendment**

Report of the Committee on State Prison on Resolve Providing for Certain Construction at the Maine State Prison (S. P. 253) (L. D. 360) reporting "Ought to pass" as amended by Committee Amendment "A"

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 253, L. D. 360, Resolve Providing for Certain Construction at the Maine State Prison.

Amend said Resolve by striking out the figure "\$225,000" in the 1st line thereof and inserting in place thereof the figure '\$125,000'

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Amending the Charter of the City of Lewiston" (H. P. 2068) (L. D. 1504) which was passed to be engrossed in the House on April 30th, as amended by House Amendment "A".

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

(In the House, on motion by Mr. Malenfant of Lewiston, tabled pending further consideration and specially assigned for Friday, May 6th)

Non-Concurrent Matter

Bill "An Act Relating to the Banking Department" (H. P. 1969) (L. D. 1352) which was passed to be engrossed in the House on May 3rd as amended by Committee Amendment "A" and by House Amendment "A".

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A" as amended by Senate Amendment "A" thereto.

In the House, on motion by Mr. Campbell of Augusta, the House voted to reconsider its action whereby it passed this Bill to be engrossed.

On further motion by Mr. Campbell, the House voted to reconsider its action whereby it adopted House Amendment "A".

Mr. Campbell then moved that Senate Amendment "A" to House Amendment "A" be adopted.

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

SENATE AMENDMENT "A" to HOUSE AMENDMENT "A" to H. P. 1969, L. D. 1352, Bill "An Act Relating to the Banking Department"

Amend said Amendment by adding at the end of that part designated "Sec. 5", the following:

"The franchise tax assessed upon each savings bank and institution under the provisions of section 143 of chapter 14 of the revised statutes for the 3-month period next preceding December 31, 1949 shall be at the rate of 15c for each \$1,000 of average deposits. The tax assessed upon each loan and building association for the 3-month period next preceding December 31, 1949 shall be at the rate of $\frac{1}{4}$ of 1% on the amount of capital receipts so returned under the provisions of section 145 of chapter 14 of the revised statutes. The tax assessed upon each trust company for the 3-month period next preceding December 31, 1949 shall be at the rate of $\frac{1}{8}$ of 1% on the balance of the deposits so ascertained under the provisions of sections 152 and 153 of chapter 14 of the revised statutes."

Senate Amendment "A" to House Amendment "A" was then adopted, and on further motion by Mr. Campbell the Bill was passed to be engrossed as amended in concurrence.

Non-Concurrent Matter

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for a Special Commission on Youth Problems (S. P. 561) (L. D. 1226) reporting a new draft (S. P. 637) (L. D. 1408) under title of Resolve That the Legislative Research Committee Make a Special Study of Youth Problems and that it "Ought to pass"

Came from the Senate with the Report accepted and the Resolve indefinitely postponed.

In the House: The House voted to concur with the Senate in the indefinite postponement of the Report and Resolve.

**Ought to Pass in New Draft
Indefinitely Postponed**

Report of the Committee on State Hospitals on Bill "An Act Establishing Infirmaries at the State Hospitals" (S. P. 629) (L. D. 1378) reporting a new draft (S. P. 650) under title of Resolve Au-

thorizing the Legislative Research Committee to Study the Advisability of Infirmaries and Home for the Aged and that it "Ought to pass"

Came from the Senate indefinitely postponed.

In the House: The House voted to concur with the Senate in the indefinite postponement of the Report and the Resolve.

Non-Concurrent Matter

Bill "An Act to Incorporate the City of Brunswick" (H. P. 1982) (L. D. 1366) which was passed to be engrossed in the House on April 29th.

Came from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Campbell of Augusta, the House voted to recede from its former action and concurred with the Senate in the indefinite postponement of the Bill.

Non-Concurrent Matter

Bill "An Act Relating to Allocation of Moneys by Governor and Council" (S. P. 66) (L. D. 47) which was passed to be enacted in the House on April 13th.

Came from the Senate, indefinitely postponed in non-concurrence.

In the House: The House voted to recede from its former action and concurred with the Senate in the indefinite postponement of the Bill.

Recalled From Governor

Bill "An Act Permitting Continuance of Service of State Employees Reaching Seventy Years of Age" (H. P. 2067) (L. D. 1499) which was recalled to the Senate from the Governor after having been passed to be enacted by both Houses and which was passed to be enacted in the House on April 27th.

Came from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Lackee of Addison, the House voted to recede and concur with the Senate in the indefinite postponement of the Bill.

Senate Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Resolve in Favor of James A. Boyle, of Portland (S. P. 436) (L. D. 790)

Report was signed by the following members:

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

Minority Report of same Committee reporting a new draft (S. P. 691) (L. D. 1601) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BAKER of Kennebec
—of the Senate
CHAPMAN of Portland
PAINE of Portland
—of the House

Came from the Senate with the Majority Report accepted.

In the House, the Majority Report, "Ought not to pass", was accepted in concurrence.

From the Senate: The following Orders:

ORDERED, the House concurring, that the Legislative Research Committee be instructed to study the advisability of the establishing of an infirmary or infirmaries for the care of the aged and infirm of the state; and be it further

ORDERED, that the Committee report the results of their study to the 95th Legislature (S. P. 697)

From the Senate: ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, authorized to investigate

and study youth problems, including all factors of delinquency and rehabilitation of delinquent minors; and be it further

ORDERED, that the Legislative Research Committee shall file a report with the 95th Legislature, together with any proposed legislation necessary to carry such recommendations into effect (S. P. 698)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

Orders

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

Mr. PARKER: Mr. Speaker and Members of the House: I present an order and move its passage, and I would suggest that the Honorable Speaker read the order.

The SPEAKER: The gentleman from Sebec, Mr. Parker, presents an order and moves its passage, which the Speaker will read:

ORDERED, whereas, the members of the House of Representatives of the 94th Legislature deeply appreciate the courtesy and efficiency displayed by the Honorable Harvey R. Pease, Clerk of the House, toward them in carrying out the business of the House, now therefore, be it

ORDERED, that as token of the esteem of the members of the House of the 94th Legislature, the Secretary of State provide the Honorable Harvey R. Pease with a suitable marker or tag to be attached by him to his automobile, or regular registration plate, indicating his position as Clerk of the House.

Thereupon, the order received a passage. (Applause)

House Reports of Committees Ought to Pass Printed Resolves

Mr. DeSanctis from the Committee on Claims reported "Ought to pass" on Resolve in Favor of New England Telephone and Telegraph

Company, of Augusta (H. P. 1465) (L. D. 1620)

Same gentleman from same Committee reported same on Resolve to Reimburse Wallgrass Plantation for Support of the Family of Edward Berube (H. P. 417) (L. D. 1618)

Same gentleman from same Committee reported same on Resolve in Favor of Louis W. Cony, of Augusta (H. P. 1371) (L. D. 1619)

Reports were read and accepted and the Resolves, having already been printed, were read once under suspension of the rules and assigned for second reading this afternoon.

Ought to Pass with Committee Amendment

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Resolve for Preliminary Investigation of Quoddy Project (H. P. 1764) (L. D. 1129) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A", to H. P. 1764, L. D. 1129, Resolve for Preliminary Investigation of Quoddy Project.

Amend said Resolve by adding to the second line after the words "general fund" the words, "Unappropriated Surplus."

Further amend said Resolve by adding to the second line after the figures "\$30,000" the following, "to be expended with the approval of the Governor and Council."

Committee Amendment "A" was adopted and the Resolve was assigned for second reading this afternoon.

Mr. Chapman from the Committee on Legal Affairs on Bill "An Act to Incorporate the Mount Desert School District" (H. P. 485) (L. D. 160) 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. 485, L. D. 160, Bill 'An Act to Incorporate the Mount Desert School District.'

Amend said Bill by inserting in the title thereof before the words "Mount Desert" the words "Town of".

Further amend said Bill by inserting in the headline of Sec. 1 before the words "Mount Desert" the words "Town of".

Further amend said Bill by inserting in the 4th line of Sec. 1 thereof before the words "Mount Desert" the words "Town of".

Further amend said Bill by striking out in the 5th line of Sec 2 thereof the words "school board" and inserting in place thereof the words 'superintending school committee'.

Further amend said Bill by striking out in the 2nd line of Sec. 3 thereof the words "school board" where they appear both times and inserting in place thereof in both cases the words 'superintending school committee'.

Further amend said Bill by striking out in the 3rd and 4th lines from the end of the 1st paragraph of Sec. 3 thereof the words "school board" and inserting in place thereof the words 'superintending school committee'.

Further amend said Bill by inserting in the 5th from the last line of Sec. 4 thereof after the word "district" the words 'by its trustees'.

Further amend said Bill by striking out in the 1st line of Sec. 5 thereof the word "any" where it first appears.

Further amend said Bill by striking out in the 5th line of Sec. 5 thereof the figure "2½%" and inserting in place thereof the figure "3½%".

Further amend said Bill by striking out in the 3rd line of the 2nd paragraph of Sec. 5 thereof the word "shall" and inserting in place thereof the word 'may'.

Further amend said Bill by striking out in the next to the last line of the last paragraph of Sec. 5 thereof the figure "20" and inserting in place thereof the figure '30'.

Further amend said Bill by inserting in the 1st line of Sec. 6 thereof before the words "Mount Desert" the words "Town of".

Further amend said Bill by striking out in Sec. 6 thereof all of the 3rd sentence which begins in the 15th line and ends in the 19th line.

Further amend said Bill by inserting a ';' in the 10th from the last line of Sec. 6 thereof after the word "thereof".

Further amend said Bill by striking out in the 8th line of Sec. 7 the words "school board" and inserting in place thereof the words 'superintending school committee'.

Further amend said Bill by inserting in the second line of Sec. 8 thereof before the words "Mount Desert" the words "Town of".

Further amend said Bill by striking out in the 5th line of Sec. 9 thereof the figure and word "2 years" and inserting in place thereof the figure and word '1 year'.

Further amend said Bill by inserting in the 7th from the last line of Sec 9 thereof before the words "Mount Desert" the words "Town of".

Further amend said Bill by inserting after the last word thereof the following: '; provided that the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor in said town at the next previous election'

Thereupon, Committee Amendment "A" was adopted and the Bill was assigned for third reading this afternoon.

Mr. Chapman from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Southwest Harbor School District"

(H. P. 484) (L. D. 159) 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. 484, L. D. 159, Bill "An Act to Incorporate the Town of Southwest Harbor School District."

Amend said Bill by striking out in the 5th line of Sec. 2 thereof the words "school board" and inserting in place thereof the words 'superintending school committee'.

Further amend said Bill by striking out in the 2nd line of Sec. 3 thereof the words "school board" where they appear both times and inserting in place thereof in both cases the words 'superintending school committee'.

Further amend said Bill by striking out in the 3rd and 4th lines from the end of the 1st paragraph of Sec. 3 thereof the words "school board" and inserting in place thereof the words 'superintending school committee'.

Further amend said Bill by striking out in the 4th line of the 2nd paragraph of Sec. 3 thereof the word "shall" and inserting in place thereof the word 'may'.

Further amend said Bill by inserting in the 3rd line of Sec. 4 thereof after the word "district" the words 'by its trustees'

Further amend said Bill by inserting in the 5th from the last line of Sec. 4 thereof after the word "district" the words 'by its trustees'.

Further amend said Bill by striking out in the 1st line of Sec. 5 thereof the word "any" where it first appears.

Further amend said Bill by striking out in the 8th line of Sec. 7 thereof the words "school board" and inserting in place thereof the words 'superintending school committee'.

Further amend said Bill by striking out in the 7th line of Sec. 9

thereof the word and figure "2 years" and inserting in place thereof the word and figure '1 year'.

Further amend said Bill by inserting after the last word 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 election'.

Thereupon, Committee Amendment "A" was adopted and the Bill was assigned for third reading this afternoon.

Divided Report

Majority Report of the Committee on Federal Relations reporting "Ought not to pass" on Bill "An Act to Amend the Unemployment Law to Eliminate Double Penalties" (H. P. 1387) (L. D. 759)

Report was signed by the following members:

Messrs. **BATCHELDER** of York
SLOCUM of Cumberland
—of the Senate

JENNINGS of Strong
JONES of Bowdoinham
LETOURNEAU of Sanford
FITCH of Sebago
PAYSON of Union
MUSKIE of Waterville

—of the House

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

Report was signed by the following members:

Messrs. **SLEEPER** of Knox
—of the Senate

BROWN of Baileyville
—of the House

On motion by Mr. Jennings of Strong, the Majority Report "Ought not to pass", was accepted and sent up for concurrence.

Divided Report

Report "A" of the Committee on Judiciary on the recommitment Bill "An Act Relating to Attachment of Wages" (H. P. 1719) (L. D. 1076) reporting that it "Ought to pass in New Draft" under the same title (H. P. 2119) (L. D. 1613)

Report was signed by the following members of the Committee:
Messrs. ELA of Somerset

—of the Senate

WILLIAMS of Auburn

PAYSON of Union

BURGESS of Rockland

MUSKIE of Waterville

—of the House

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

Report was signed by the following members:

Messrs. BARNES of Aroostook

WARD of Penobscot

—of the Senate

SILSBY of Aurora

WOODWORTH of Fairfield

McGLAUFLIN of Portland

—of the House

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

Mr. DOSTIE: Mr. Speaker and Members of the House: I move that we accept the "Ought to pass in New Draft" report of the committee.

This bill would amend the present statute dealing with the right of attaching pay. The present law, which has not been changed since sometime before 1883, allows all of a salaried persons' or wage earners' pay to be attached with an exemption of only \$20.

Undoubtedly this exemption was adequate in those days, more than sixty-five years ago, but with the increase in cost of living since that time, the present exemption is not sufficient to allow an attached person to meet the minimum expenses which all must provide for.

The amendment contained in this bill would increase the exemption to \$25.00. This, in all fairness, must be admitted is no greater relief than was granted by the provision in the law as it worked out many years ago.

Permitting the exemption to stay at its present level is a hardship of the worst sort. It forces a person whose pay has been attached

either to go without necessities or to go further into debt in attempting to buy the things which he and his family must have.

Amending the law in this manner would continue the collection of debt through attachment of pay but change the measure to correspond with realities of today's prices. We need to pass this measure to insure fair treatment to both the man in debt and to his family, and as the law stands today it is unfair and unjust. Time has changed the effect of this measure so that its original fair operation is no longer present. This amendment would restore the balance of exemptions intended in the original measure.

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

The SPEAKER: The gentleman from Lewiston, Mr. Dostie, moves that the House do accept Report "A", being "Ought to pass in New Draft."

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

Mr. WOODWORTH: Mr. Speaker, I was one of the signers of Report "B" which said "Ought not to pass". There was a five to five split on the committee. The draft as presented to the House called for a \$40 exemption, then it came down to \$30 and it finally landed at \$25. I do not think any of the members of the Judiciary Committee are going to get upset, no matter what the House does with this bill. What the gentleman has said about the exemption is true. I have no doubt that the trustee law does impose a hardship on the debtor at some times, and it also imposes a hardship on the creditor some times, and while it does, in perhaps some cases, force them to go without the necessities of life, it sometimes forces them to pay their bills. I think every member of the House is just as well qualified to say what this should be as any one member of the Judiciary Committee. On the "Ought not to pass" report I

say: Leave it as it is.

The other opinion was a compromise, and as I say, it came down from \$40 to \$25, and there you have the whole picture.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Dostie, that the House do accept Report "A" being "Ought to pass in New Draft" report of the committee on Bill "An Act Relating to Attachment of Wages."

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

Mr. MUSKIE: Mr. Speaker and Members of the House: I think the gentleman from Fairfield, Mr. Woodworth, has fairly stated the proposition. This is a question of whether or not a married man with a family should receive exemption of \$20 a week in the event his pay should be trusteeed or whether he should receive \$25. Those of us who signed the "Ought to pass in New Draft" report felt that \$25 a week is little enough for a man to have to support himself and his family in these days of high living costs. We felt that it was only partly a realistic increase in the amount of that exemption. I think it is a small gesture toward recognition of what living costs are today compared with what they were at the time that the \$20 exemption was put on the books.

And so I want to support the motion of the gentleman from Lewiston, Mr. Dostie, that the "Ought to pass in New Draft" report be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Dostie, that the House do accept Report "A", being "Ought to pass in New Draft" on Bill "An Act Relating to Attachment of Wages."

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

Mr. BROWN: Mr. Speaker, I wish to go along with the gentleman from Lewiston, Representative Dostie, on this measure. If this act only hit the habitual fellow who does not pay his bills, then I would not stand up and take this stand, but we real-

ize that there are a lot of people who are unable to pay their bills because of sickness and family expenses, and they are not earning enough money—it is impossible to pay their bills, so they are hit just the same as the habitual fellow who does not pay his debt. I think, at this time, with the cost of living as high as it is, any man with a family, if he is only allowed \$20 a week exemption, his family finds it pretty tough to get along, so I hope the House will go along and support the motion of the gentleman from Lewiston, Mr. Dostie, in his position.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Dostie, that the House do accept Report "A" being "Ought to pass in New Draft" on Bill "An Act Relating to Attachment of Wages" (H. P. 1719) (L. D. 1076) the new draft being (H. P. 2119) (L. D. 1613).

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I merely want to state that I believe this is a reasonable proposition and that the motion of the gentleman from Lewiston, Mr. Dostie, should be supported.

You will note that it merely give an additional \$5 exemption to the married men. It makes no change in the single man.

Since I have been here in this legislative session, one attachment was made through my office on the pay of a worker in one of the Lewiston mills. His take-home pay was about \$36. Fortunately, I had a client who advised me that I could be governed in making adjustment by my social conscience. This individual had six in the family, including an epileptic son. Their grocery bill was \$23 a week, their rent \$4. They had to buy their own fuel.

I merely mention that because it gives you perhaps a rather hard and difficult illustration, but it does tend to show what the problem is. These children, in this particular case, were going with inadequate clothing. Needless to say, in that

case I released the money that was held under the attachment, and those people have faithfully paid \$2 per week every week but one, since. Of course that is the type of individual that wants and intends to pay.

I think, allowing an extra \$5 for the married man, is reasonable and fair.

The **SPEAKER**: Is the House ready for the question? The question before the House is on the motion of the gentleman from Lewiston, Mr. Dostie, that the House do accept Report "A", being "Ought to pass in New Draft" of the Committee on Judiciary on the Recommitted Bill "An Act Relating to Attachment of Wages". The gentleman from Lewiston, Mr. Dostie, has requested a division. As many as are in favor of the gentleman from Lewiston, Mr. Dostie, that the House do accept Report "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-two having voted in the affirmative and four having voted in the negative, the motion prevailed, and Report "A", "Ought to pass in New Draft" was accepted. The New Draft, having already been printed, was given its two several readings under suspension of the rules, and was assigned for third reading this afternoon.

Divided Report

Majority Report of the Committee on Temperance reporting "Ought not to pass" on Bill "An Act to Regulate the Sale of Wine" (H. P. 1919) (L. D. 1281)

Report was signed by the following members:

Messrs. **BAKER** of Kennebec
BOWKER of Androscoggin
SMART of Hancock
 —of the Senate
JALBERT of Lewiston
SANDERSON of Greene
BIRD of Rockland
MAXELL of Orient
BROWN of Robbinston
 —of the House

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

Report was signed by the following members:

Messrs. **DeSANCTIS** of Madison
ATHERTON of Bangor
 —of the House

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

Mr. **DeSANCTIS**: Mr. Speaker and Members of the House: I think that this is a good bill and one which would probably bring in an estimated revenue of between \$200,000 and \$300,000 a year to the State, but the so-called Temperance Committee did not see fit that the bill ought to pass. I now move the acceptance of the majority "Ought not to pass" report.

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

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

The **SPEAKER**: The Chair, at this time, notes the presence in the balcony of the Hall of the House the Sixth, Seventh and Eighth Grades of the Brighton Village Grammar School. Miss Elsie Whitman is in charge of the group. On behalf of the House, we bid you welcome. (Applause).

Passed to be Engrossed

Bill "An Act to Create Public Bodies to be Known as Housing Authorities" (H. P. 2089) (L. D. 1561)

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 Bills and Resolve

Bill "An Act Relating to Secondary School Tuition" (H. P. 1951) (L. D. 1324)

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 House Amendment "A" and sent to the Senate.

Bill "An Act Relating to Primary Wood - Using Portable Sawmills, Spark Arrestors and Timber Reports" (H. P. 1739) (L. D. 1093)

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.

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

Passed to be Enacted Constitutional Amendment

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 Engrossed Bills as truly and strictly engrossed.

The SPEAKER: This Resolve, having had its two several readings in the Senate and having been passed to be engrossed, and having had its two several readings in the House and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it be finally passed?

This being a Constitutional Amendment, it requires a vote of two-thirds of the members of the House. All those in favor —

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

Mr. WILLIAMS: Mr. Speaker, is this the large bond issue of \$40,000,000?

The SPEAKER: The Chair will answer the gentleman by stating that the provisions of the Resolve provided that "may issue it bonds

in an amount not exceeding in the aggregate \$40,000,000." Does that answer the question of the gentleman?

Mr. WILLIAMS: Thank you, Mr. Speaker.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I am opposed to the passage of this resolve. Two years ago, I was a member of this Legislature and this House, and we discussed at considerable length the matter of our highway program and the advantages of the pay-as-you-go program were analyzed and discussed. On the basis of that premise, that we were to get out of debt if possible but we would pay for our highway program, we passed a two cent additional gas tax. This year we re-enacted that tax.

It seems to me that we are not keeping faith with the promises made at that time if we embark upon a \$40,000,000 highway building program involving the issuance of bonds. I can see where it might be feasible and possible to build bridges on a bond issue, the bridges having a life of perhaps fifty to a hundred years, but, on the other hand, in connection with highways, you have only to consider the roads in your area to know that roads wear out and disintegrate rapidly with our cold winters and our heavy frosts, combined with the heavy traffic.

It seems to me that with the large mileage that we have, our construction has reached the point where the building of roads is a recurring expense, that we must build about the same mileage each year, to hold our own. If we borrow over a period of a few years an amount of \$40,000,000 and spend it on our highways, it is true that we will build more roads within the next five years. I would also call attention, though, to the fact that building costs are high now, and it is entirely possible that we might build much more road for the same money a few years later.

Our highway bonds were issued over a period of a few years back some twenty years ago to the

amount of some \$38,000,000. We are still paying interest on those bonds. We will have paid, in the aggregate, over \$20,000,000 before they are finally retired. That is not a comparison that would be quite fair when we look to the future, because we would probably borrow the money for about one-half of what it cost at that time. However, these bonds must be retired within fifteen years from date of issue. If we issue some \$7,000,000 to build the Fore River bridge, if we add to that \$40,000,000 to build highways over the State, we would be forced to pay about \$3,000,000 per year of debt retirement on this bond issue. The interest, even at two percent, would be nearly another \$1,000,000. If you will refer to your budget estimates and figures, or if you recall them, you will remember that our total highway income is about \$17,000,000 per year.

In other words, if we launched upon that program, we would commit ourselves to paying one-fourth of our highway revenue for interest and debt retirement. It seems to me that it takes merely a very sketchy analysis of the figures to show that if we do that, during the period that we are paying those bonds, our highway construction program will be practically at a standstill. The bond principal, interest, administration, snow removal, workmen's compensation, tarring road fund, our State Police, the Motor Vehicle Division, and other fixed expenses are now costing us about \$5,000,000. We are spending approximately \$5,000,000 for maintenance, and I submit that if we add to that this debt retirement, we would have no money during the period that we were paying these bonds to match Federal funds and we would scarcely be able to continue our State-aid road program. We are behind just a little, about a year I believe, in matching Federal funds, but we have an additional two years in which to take advantage of that.

Now we do not actually have to build that highway within the per-

iod. If we merely allocate it and designate the roads, we protect the fund for our own benefit.

I think, perhaps, nothing further need be said on the point. The only argument that I can see for this type of a bond issue is that you would have more immediate construction, you would eliminate some maintenance cost, but as I ride up and down our new highways, I find that there is a lot of work to be done on them, and I am inclined to think that the reduction in maintenance cost is greatly exaggerated,—some of our newer roads go to pieces very rapidly—therefore, I cannot support any such bond issue as this. We have, over a period of years, nearly worked our State out of debt. If we embark upon a program such as this, we will have saddled our State with a debt in excess of any that it ever bore at any previous time.

The SPEAKER: The question before the House is on the final passage of Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds (H. P. 2099) (L. D. 1585).

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

Mr. McGLAULIN: Mr. Speaker, when I first came to the Legislature, if I remember the figures correctly, the State was in debt about \$32,000,000. That has been decreased to a point where it is not much over \$10,000,000. I have taken great pride in the fact that we have such a low indebtedness. I, too, am voting against this proposed bond issue. I rather admire the gentleman from Houlton, Mr. Robbins, for undertaking such a vast task as to raise \$40,000,000 in the State, and I think he has far-sighted vision in a way, but as I see it, if you spend this \$40,000,000 for immediate construction, you are going to find that each year they need practically all the money they get from the tax to still keep up, and I cannot quite see how we are going to do that and retire this \$40,000,-

000 on the gas tax, as I understand it is proposed.

To illustrate what I mean: There was recently built from Kittery to Portland a private road costing \$20,000,000 and I have not learned that in spite of that expenditure of money that we have cut down any on the highway expenditure in the State, and it looks to me as though, if you spent this \$40,000,000, you are still going to need practically all the money that you can get to keep the roads going.

I do not like to see the State going so heavily in debt. I, too, feel that on this matter, so far as possible, we should pay as we go. We have got to bear in mind, further, that there are liable to be other emergencies that need further bond issues. There is a bill to issue bonds to the amount of \$7,000,000 to construct a bridge across Fore River. That is very essential. It is very much needed, and I trust that that will receive a passage, but we have learned in this Legislature, this winter, that there are other bridges that ought to be constructed. They need a new bridge from Brewer to Bangor, and they need it badly. They need a bridge in Caribou. And there are other propositions that will come up that will require, perhaps at the next session of the Legislature, further additional bond issues. I think it is unwise at this time to issue this \$40,000,000 bond issue.

The SPEAKER: The question before the House is on the final passage of Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: I hesitate to speak against such an eloquent speaker as I know will follow because I think probably the gentleman from Houlton, Mr. Robbins, is just sitting back there and waiting to open up on us with both barrels.

However, when we came down here two years ago we put over this

pay-as-you-go plan and increased the gasoline tax to six cents. I think we had quite a bit of trouble in doing this, and several members of the Legislature voted for it because they thought it would be on a pay-as-you-go basis. I would like to read just a portion of Governor Brewster's Inaugural address in 1925, this being the first openly-spoken criticism of this practice.

Governor Brewster stated, in his inaugural Address of 1925, which I will quote: "It seems to me that thoughtful citizens of our State must now search and ponder the wisdom of bond issues for roads that are not of a permanent character. The Republican Platform lays down the principle that future generations should pay for such portion of permanent road construction as will endure for their benefit. The budget recommendations of the State Highway Commission state that certain of our roads have now been built for six, eight or ten years, and must practically be reconstructed at an expense exceeding their original cost. I think that also holds true today."

It further states: "It seems to me a serious question as to whether we should not wisely buckle up our belts and settle now definitely upon the policy of paying as we go. As responsible citizens, we must make sure that we are not placing our descendants in the position of the man who mortgages his home to buy an automobile, and at the end of six years finds that the automobile is gone and all that remains is the mortgage.

"Bond issues for road construction in days ahead seem almost certain to prove a delusion and a snare. Several states have already gone upon a policy of pay-as-you-go, and they can comfortably, each night, go to bed with a definite assurance that their descendants will not pay for their dead horse. In our own State forty-year bonds have been issued upon ten-year roads. Such a policy can lead to but one end."

In his next Inaugural Address, in 1927, he states that: "We are now reaching the point where we are reminded that it is necessary to pay the fiddler. Bonds are beginning to mature in increasingly large amounts. Our annual interest payments are over one-half million dollars a year, and our maturities approximate another half million, or a total of a million dollars for bond issues alone."

That held true then and I think it does now. I could not go home and face my people if I voted for this bond issue after having voted for the continuance of the six-cent gas tax increase, and I hope that this will fail of passage.

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

MR. McCLURE: Mr. Speaker and Members of the House: The automobile owner is certainly paying with the six-cent gas tax and all other charges he has to pay for automobiles, but how far is he going with the roads as they are today? It is true that we all like the pay-as-you-go policy. This is a pay-as-you-go policy. This money will be used, not only for our Maine highways, but for our State-aid highways, and all you have to do is to travel through Sagadahoc County to know that our State-aid highways certainly need attention, and especially our bridges.

It seems to me, members, that this money is coming out of the General Highway Fund. Many of you know that the average mile of road costs us around \$7,000, I believe. In many instances, maintenance alone per mile is \$5,000. Now we can pay this as we go, out of our six-cent permanent gasoline tax, and I trust that we will go along with the suggestion of the gentleman from Houlton, Mr. Robbins that we offer this \$40,000,000 bond issue because it is going to be voted on by the people of our State.

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

MR. BOOTHBY: Mr. Speaker and Members of the House: I rise to defend the position I took the other day. You know, if we did not have an income that I think probably will be somewhat permanent, and the length of the bonds was fifteen years, I certainly would not go along with this, because I, too, am a man that likes to pay as I go.

If I had to raise this out of the general taxation funds of the State of Maine, I certainly would not vote for this, because I do not think we could take from the Old Age and the Education and all those things money enough to pay it with. But seeing that we fellows who are driving the automobiles and trucks are paying the license fees and the tax on our gasoline, I feel as if we could get more good roads earlier, and at the end of the fifteen years we will have better roads, we will have the use of those roads for a longer time, and we will be in a better position at that time. In other words, our income will be coming in at that time the same as it is coming in at this time, and that is the reason why I speak in favor of this bond issue.

THE SPEAKER: The Chair recognizes the gentleman from Lovell, Mr. McKeen.

MR. McKEEN: Mr. Speaker and Members of the House: I am very much pleased with the remarks of our first two speakers. As I recall during the session, it is the first time any two lawyers in this House have agreed on any one issue. This bond issue, if it goes through, will enable the Highway Commission to match federal money which we are now two years behind. In speaking of the former bond issue and what it has cost in interest and so forth, I wondered what kind of roads we would have been driving over the last twenty-five or thirty years if it hadn't been for this bond issue. In regard to the interest charge on these bonds, it is the opinion of those who have carefully studied the situation that the interest will not ultimately cost us one cent. It would enable the

Highway Commission to let contracts very much cheaper over longer, larger contracts than would be possible on building a short distance. It will also save money in maintenance. As you will recall, in the last four years, six years, eight years perhaps, there has been very little construction in comparison with now. Our roads are getting into that shape where the maintenance runs to an exorbitant figure. I personally am very much in favor of this bond issue and I am not afraid to send it back to the people for their approval and I hope that this bond issue does prevail.

The **SPEAKER**: The question now before the House is on the passing of the Resolve.

The Chair recognizes the gentleman from Calais, Mr. Hall.

Mr. **HALL**: Mr. Speaker, I am going to leave the quotation of figures to my colleague on my left. However, there are one or two things which I would like to say on the situation. Down in Washington County, we have some 161 miles of primary and secondary roads, seventy-two per cent of which are in an intolerable condition. Looking over the record of the building construction in the last two years since the war I find that we have had constructed something like three miles of primary and secondary roads per year. If you will take seventy-two per cent of 161, divide it by three, you will find how many years it is going to take before the roads in Washington County are going to be in tolerable condition.

We depend, in the State of Maine, on a hundred million dollar tourist business. A great part of that tourist business comes from tourists traveling into Canada. Calais is one of the largest ports of entry on the whole Canadian border. In order to get to that port of entry, the tourists have got to travel the length of the State of Maine; they have got to travel over 125 odd miles of intolerable road in Washington County and if there is anything that is driving the tourists

from not crossing the border at Calais, it is those intolerable roads they have to cover. And that doesn't only affect Washington County either. In order to get into Washington County, the tourists have to travel the whole length of the State of Maine. If they don't cross the border at Calais, they are not coming up through the State of Maine because they will switch off and go up through New Hampshire and the whole State of Maine is going to suffer from it all the way down through.

I hope that this House will see fit to pass this issue. As far as pay-as-you-go is concerned, I am in business, I believe in it. Recently, however, I had to change my place of business and put in some new equipment. I borrowed money to do it because I could see, or I thought I could see and still hope so, where it was going to pay in the years to come to do it. I believe it will pay the State of Maine now because we have a sound economy as far as this measure is concerned and I believe it would pay the State of Maine both in tourist trade, in roads built at this time to have these bonds issued.

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

Mr. **WOODWORTH**: Mr. Speaker, I am opposed to this bond issue. In previous years, it has been noticed that the roads built by a bond issue are worn out long before the bonds have been paid. Apparently to overcome this obstacle this bill contains a provision that the bonds will mature in fifteen years. I would suppose that there would be substantial construction soon after the bonds were issued in order to remedy the defects in our roads which have been mentioned. That would mean that within 20 years after the bond issue was authorized there would be a lot of bonds coming due. And I suppose they would be paid from the highway funds which would put quite a dent in the highway

funds for the year in which the bond issue was paid. And it could well be that there would not be enough money left after paying the principal of the bonds and interest accrued to do a job on maintaining the roads.

It seems to me that in such a case if there were no money to do the work after paying the bonds, that we would become committed to a perpetual borrowing policy for road construction. In other words, we would have to issue new bonds to keep the old ones going. I appreciate the strength of the argument that it would be nice to get more money from the federal government. I appreciate the fact that a long-range policy is desirable but it seems to me that this long-range policy will necessarily compel us to adopt a borrowing policy to finance road construction, and the issue is, therefore, pay-as-you-go or borrow, and I prefer to pay-as-you-go.

The SPEAKER: The question before the House is on the final passage of the Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds.

The Chair recognizes the gentleman from Addison, Mr. Lackee.

Mr. LACKEE: Mr. Speaker and Members of the House: There seems to be some distinction between the pay-as-you-go and the bond issue. This bond issue is designed to step up the pay-as-you-go program and without one the other is ineffective and we believe that this bond issue will step up the pay-as-you-go program and eliminate some of our maintenance expense. During the war years, we were unable to carry on any construction program and very little maintenance. Since the war, the construction program has not kept pace with the strides of advancement in the motor transportation field.

Therefore, today, we find ourselves in a position where the cost of maintenance is becoming almost prohibitive and at the same time

we have many miles of poor road.

Now, the only way we can expect to reduce the maintenance cost is by elimination and by that I mean a construction program that will build roads adequate to carry the heavy traffic and upon which the cost of maintenance will be much less. Now, the changes from year to year bring about changes in road construction. If someone had told you twenty years ago that today you would have trucks hauling from twenty to thirty tons of potatoes out of Aroostook, you would have thought they were crazy, so would I. But they are hauling just the same and in order to keep about seven or eight miles of that road passable for the past two months, it has cost approximately \$20,000 in maintenance.

Now, if those roads could be constructed, that maintenance cost would be eliminated. The issue of these bonds is entirely under the jurisdiction of the Governor and Council and I make that point plain because of the fact that should the gasoline tax be reduced or something of that sort happen, these bonds must immediately stop of issue because there would be no money to pay them with. They are entirely paid for through the pay-as-you-go plan. You had distributed upon your desks a short time ago two programs which are the result of a survey conducted by the Highway Commission and which set up two plans of construction. One is a fifteen year plan and the other a ten year plan. Now, they are both practically alike with the exception that the fifteen year program is stepped up by a bond issue to a ten year program. Now, the only thing that this bond issue is designed to do is to give you more roads quicker. If you don't want more roads quicker, then don't vote for this bond issue.

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

Mr. SPEAR: Mr. Speaker and Members of the House: As a mem-

ber of the Ways and Bridges Committee, which turned out a unanimous "Ought to pass" report, I rise to defend myself and admit probably that I am too green to burn. I am the only city man who is a member of this committee and I have been very happy with the courtesy and patience of the other members and I think it is my most pleasant experience in this Legislature to have served on that committee. I was somewhat doubtful when I first heard about this program, but I would just like to emphasize to you one or two of the features which impressed me greatly and maybe I can hand them along to you for your consideration.

In this colorful book which the Highway Department put out a month or so ago, page 29, table 7, it speaks about the summer maintenance of improved State and State aid highways. I am not going to bore you with complicated statistics; these are computations which you can complete in your own minds. In 1941, at the beginning of the war, or even back in 1937, the cost of summer maintenance was \$2,600,000. That has increased gradually until at the present time, in 1947, the cost of summer maintenance is \$5,300,000. So I think you members can see very plainly what is going to happen in years to come: That you are going to cut down on the building of new roads and you are going to spend more money on maintenance until you reach the point where all of your money is going into maintenance and probably you will not have enough to take care of suitable maintenance of the roads unless we change the maintenance type.

I hope that I am broadminded enough to see the problem statewide and can appreciate the problems in the northern part of the State. These roads absolutely went to pieces there this spring, and the same thing can happen next year and even the year after if we continue maintenance of the same type which has been continually put

into those roads and we will just get nowhere.

In this same book, page 28, it speaks about the maintenance cost: of bituminous concrete, \$383 per mile, annually; bituminous macadam, \$479 per mile; gravel roads, \$530 per mile; cement concrete, \$690 per mile; surface treated gravel, \$870 per mile. If we expend our money and build the most miles of road at the cheapest cost, we are going backwards very fast. We are right at a point now where I think the situation is desperate unless we do do something drastic, for our situation in the future is going to be serious. You can readily see that if these roads which go to pieces are replaced with the proper type of roads which will give us a minimum cost of maintenance, that the money saved will more than pay the interest on the cost of building those roads. I think you can readily see that without a pencil and a piece of paper, that the cost of maintenance saved will more than pay the interest on the money which is expended to take care of those roads.

Now, that is one point that impressed me and I thought it only fair to hand it along because I know that you members, not being on the committee, have not given this the consideration which the committee has given it.

Another feature about this bond issue is that you are not going to get forty million dollars of bonds today and have your roads completed tomorrow. Neither are you going to borrow \$40,000,000 on bonds today and keep it in your pocket and spend it as fast as you can. This bill does not state that the Highway Department shall borrow \$40,000,000; it says they can borrow \$40,000,000.

So, the program will be a stepped-up process under proper supervision. It will all be met within the cost of operating in the Highway Department. The Governor and Council have supervision of this, and there is another bill in here which would set up the proper

type of commission to supervise the issuing and expending of bonds which, if it is accomplished—and even with the Governor and Council I think they are intelligent enough persons to understand whether or not the Highway Department or the people in the State of Maine are headed for trouble or getting into trouble. Now, those are just two features that impressed me. I thoroughly believe in this program. I think it is a necessity, and if it isn't accomplished, I think our main industry in the State of Maine, called Vacationland, is going to be in serious difficulty.

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

MR. BROWN: Mr. Speaker and Members of the House: When I first heard about the bond issue, I, too, was a little bit doubtful and a little bit prejudiced, but after serving on the Ways and Bridges Committee and hearing all the evidence spending a great deal of time in the study of this program, I am thoroughly convinced that it will save the State of Maine many dollars, and I will attempt in a few words to tell you why I believe that is true.

For one thing, for every new mile of constructed road our maintenance cost will go down very rapidly.

Secondly, it will enable the commission to award contracts for longer stretches of road at one time. I think all of you have seen, in your particular section of the State, road construction programs whereby a contractor will come into that particular section with heavy equipment, bulldozers, graders, rollers, stone crushing plants and all the equipment necessary to construct roads today and construct possibly one or two miles of road and then the contractor is forced to move that heavy equipment to some other section of the State and repeat the process. Now, it is only common sense that if that contractor, after he has got the equipment on the location, the crushing plant set up, and all available equipment that is

necessary, right there on the spot, he could construct that second mile of road or second two miles of road much cheaper than he could construct the first mile. It is not only the equipment but the personnel necessary to construct the road, the engineers, supervisors and so forth, and they can construct two miles of road at nearly the same cost as one mile. On the construction alone, you are going to save money to offset the cost of interest on the bonds. It has already been brought out that the difference in cost of maintenance of newly constructed road is a great deal lower than our present roads in the condition they are now in.

Another thing is, that this year under the present program, the State is matching \$2,700,000 of federal matching money which is for state highways and federal secondary roads. On July 1, 1949, the federal government has made available to the State of Maine another \$3,600,000, which we will not be able to match and take advantage of. If we had that \$3,600,000 and it was matched by the State in an equal amount, you can readily see that we would have considerable money with which to construct roads and it would decrease our maintenance costs.

Another point in this issue is this: These bonds will be issued with the advice and consent of the Governor and Council and with the advice of the Advisory Economic Council, which will determine when the time is ripe to issue such bonds so that, if we have a recession and the cost of construction goes down, we could take advantage of that situation, and not only get more roads constructed for less money but we would be able to provide employment for a good many people in the State of Maine.

Another feature: Within the next ten years all the bonds which are now outstanding will be paid for from the highway fund. We do not start to pay back the bonds until five years after they are issued so that by the time the bonds start to

mature, we will be able to take care of them under our present setup. It will not mean that it will cripple the highway program so that construction cannot be continued after we have started paying for these bonds.

It seems to me that with all this evidence before you that you cannot help but see that it will save money in the long run to the State of Maine and, let me add just one thing more, all of you who drive automobiles know that it is expensive to keep automobile repaired and in condition when it is necessary to drive over the roads which we have now. The cost of maintaining the chassis of an automobile or a truck in the State of Maine is more than double what it is in other states. Thank you.

The **SPEAKER**: The question before the House is on the final passage of Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds.

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

Mr. **ROBBINS**: Mr. Speaker and Members of the House: I appreciate the compliment paid me by the gentleman from Garland, Mr. Campbell, but I wish I had both barrels. I have only one. I have the greatest respect for the intellect and integrity and sincerity of the gentlemen who have spoken against this proposition. On the basis of three years of intensive study of this highway problem, I feel obliged to submit very briefly that some of the facts upon which they are basing their argument are not correct and the conclusions which they have drawn from them are not warranted. I do it with the utmost deference to them.

The first argument that the gentleman from Auburn advanced was that in the past we have issued bonds for long periods of years and the roads have worn out before the bonds were paid off. I entirely agree with him. I have in my hand a list of all the bonded indebtedness of the State of Maine for highway purposes starting in 1913 and we have not yet paid off

\$200,000 worth of bonds issued in 1913 at four percent; forty year bonds at four per cent. Think of it, ladies and gentlemen. The reason that we have such a sorry record of interest is the fact that practically every bond issue we ever put out is at four or five per cent for twenty or thirty years or forty years. Naturally nobody thinks that the roads are going to last forty years. I wish they would. Our proposition is fifteen year bond issue at two per cent which is a short term issue, and the service life of any piece of road that could be built under this bond issue would be more than fifteen years.

I question whether there is any business man in this room who, if called upon to create a capital asset in his business, would if he could, finance it on a pay-as-you-go program and try to pay it off all in one year. He would amortize the investment over the expected life of the asset. That is what we are undertaking to do. We are undertaking to amortize the cost of these roads in a period shorter than the anticipated life of the road. And I would like to say also that the distinction between bridges and highways used to be a good one, but as long as we keep our bond issue for a shorter term than the life of the highway, the distinction between the bridge and the highway ceases to exist. At the present time, the State of Maine could issue a fifteen year loan for one and one-half per cent and the best information that we have been able to collect indicates that that is going to be true for a period of several years.

I would like to recall to your attention the existence of the Economic Advisory Board which is to advise the Governor and Council of the interest rates and probable trends, construction costs and probable trends, employment and economic conditions generally. It is not our idea to issue \$40,000,000 worth of bonds next year or the year after. They are to be issued when, as and if needed and then the proceeds can best be applied to

serve the interests of the State. Building costs are on their way down. The existence of this board will insure that the bulk of this money is not issued until we can get the maximum value for each dollar expended. I think the gentleman from Auburn overlooked the fact, if, in fact, he realized it at all, that within six years there will be an additional \$3,000,000 available with which to finance this issue if, at that time, any part of it becomes due. So that, as he stated, the maximum charge in any one year would be \$3,000,000 approximately; the present rate of construction would be continued, and we will have had the use of a substantial mileage of road and the ensuing savings in maintenance in the interim.

The gentleman from Garland, Mr. Campbell, suggested that an ex-Governor, during his term of office twenty-five years ago, at that time was in favor of pay-as-you-go. If the opinions that prevailed twenty-five years ago were of any value today, I have personally talked with another ex-Governor of about the same vintage who was said to be a pay-as-you-go man at that time, who assured me that in the light of his subsequent knowledge and experience, he thought this was by far the best plan and the only thing that the State of Maine should do.

The gentleman from Fairfield, Mr. Woodworth, indicated that in his opinion this would lead to continued reborrowing, because of the fact that our highway income will be substantially increased as a result of growth in population and as the result of the reduction in the old debt, there will not be any necessity for reissuing bonds. We will have this issue, we will get the roads and there it is. From that time on, we will be able to carry on the so-called pay-as-you-go program because we will have in the interim dug ourselves out from under the handicaps created by the last war.

For my own amusement, I figured out one day just how long it would

take the State of Maine to bring up to tolerable standards the primary and secondary federal aid systems at the same rate that we have been building since the war. Ladies and gentlemen, it would take seventy-seven years to bring our primary system up to tolerable standards on the so-called pay-as-you-go system alone and it will take thirty-three years to bring up the secondary system to a tolerable standard.

Now, as the gentleman from Addison, Mr. Lackee, pointed out, all we are trying to do is to make the pay-as-you-go program successful.

Now, it was said here that we made some promise that we were going to build on a pay-as-you-go program. We also promised the people of Maine that we would give them a decent highway system. Your committee, after four months of research are convinced that we are simply going further and further behind all the time on maintenance and, incidentally, if you would look on the last page of the annual report of the Highway Commission, which came out yesterday, please notice that forty-nine per cent of last year's expenditures went for the maintenance of ways and bridges. Forty-nine per cent of last year's expenditures went for maintenance; just think of that, please. We will admit that you can't build roads with interest money but you certainly don't build any new roads with the excessive maintenance which you have.

I don't wish to labor this point. I think all the arguments in favor of the bond issue have been brought out. I will simply summarize it by saying that Maine is the only State I have ever been in, and I have driven my own car in forty-two states, we are the only State in the Union which doesn't have at least one good road from one end to the other, and yet we continue to expect that a million tourists will come in here every summer. A few days ago, we passed, very wisely in my judgment, a bill to

construct a building, a very nice building, at Kittery to welcome visitors into the State of Maine. I feel quite sure, ladies and gentlemen, that when people come to Maine they do not come to ride over roller coasters. They could stay at Revere or Coney Island and get the same effect.

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

Mr. **PALMER**: Mr. Speaker, I do want to pay my respects to those who favor this bond issue, and say that I respect their judgment, but I rise this morning to oppose it because I believe that by the passage of this bond issue, we, as a Legislature, are being very inconsistent in our thinking.

During the past few weeks this Legislature has been in session, we have been talking mostly on the general fund. We have been discussing the educational needs of the State of Maine, the welfare needs in the State of Maine, the needs of our State University, and we saw fit, a majority saw fit, here in this House, to oppose new taxation because we should economize, we should tighten our belts at this time, get along as we are getting along. We were told that if we could economize in our different departments in this State, we could save enough money to take care of these needed improvements. Thus far in the debate this morning, I have heard not one word about economy in our highway department. It brings something to mind because this morning as I came to work, I saw one of our patrol trucks on the road. There were three men. Two were reading the Portland paper in the cab of the truck and the other fellow had a shovel and was working in the ditch. Five miles beyond that I met another patrol truck at a filling station. I stopped for a package of cigarettes and found three men playing the pin-ball machine. Now when we talk about five thousand dollar maintenance cost per mile we might well recognize the fact that we could economize on the maintenance

in our highway department. There are two or three reasons why maintenance costs are high. One is the argument given by those in favor of this bond issue that our roads are old and require more maintenance. But there are two other reasons, too. One is that we are not trying to economize with our highway department on maintenance costs. We have too much personnel, or at least the personnel which we have is not putting in its fair amount of time for the dollar which they receive in labor rendered to the State of Maine. Another reason why we have had an increase in the cost is the fact we must recognize that over the period of the past few years there has been an increase in the cost of materials, so naturally we cannot say that this increase in maintenance cost is due entirely to old roads; it is due partly to the increased cost of culverts, tar, and gravel and labor and trucks. So, I say that this morning we have to consider first of all economy in our highway department as well as economy in the remainder of our departments in the State of Maine and might save enough money there to increase our construction.

We were told a few weeks ago that if we passed the six cent gas tax we could continue on a pay-as-you-go basis. They told us at that time that that was the wise policy to follow, and many in this House voted for the six-cent gas tax because they believed and sincerely that we could continue on a pay-as-you-go and for that reason they voted for it. And so the minority bowed to the wisdom of the majority in the passage of a six cent gas tax. It is also folly to me to reason that if we build new roads we are cutting out the maintenance cost which has just been stated here by two individuals this morning.

We have also been told that if we discontinue the six cent gas tax at sometime in the future, the bonds would be discontinued. I can say only in this argument, a good argument, that for the years to come if

we continue the six cent gas tax that we might continue the bonding program. I realize that perhaps we are not able in our highway program to match every dollar which the federal government makes available to the State of Maine for highway construction. But let me say that we are not able also in the general fund to accept the advantage of all the dollars which the federal government would give to the State of Maine if we would match. We have been told more than once by those who favor economy, and I agree with them, that we cannot hope in the State of Maine to out-Washington Washington, and if we expect to match dollar for dollar every dollar Washington makes available, that is precisely what we are trying to do.

So I say that we must consider before we vote on this measure exactly what we are doing. We have thus far in this Legislature, by a pretty fair majority, assumed the roll of economy in our general fund. We have said over and over again that we must tighten our belts; we must economize. It does not seem reasonable to me that we should throw away three or four million dollars for education and welfare in the State of Maine and turn around three days after and pass a \$40,000,000 bond issue for highways. It seems to me to settle down to the fact as to whether or not we consider our road program more important than the education of our youth and the care of our aged and sick and indigent. Now, if we had provided these things for those people, if we had provided those things, if we had provided better educational facilities for our young, then I might be more apt to go along for the improvement of our highways, but I cannot, in my own mind, justify the stand of voting for \$40,000,000 indebtedness in our highways at the same time voting against funds for educational development.

We have been told this morning that the maintenance cost is high in our construction program because our roads are old. It is true.

But I think there are two facts that we must recognize. The first is, that we in Maine have a population of less than 1,000,000 people and we have an area nearly as large as the whole of New England put together. I cannot reason that we can expect to have the kind of roads which other states have with a population much greater than we have to pay the bill and with much less mileage to care for. I do not believe we can expect those things.

Likewise, we might reason that in education our schools are costing for maintenance because they are of the 1800 vintage and therefore we should pass a one to two million dollar bill providing for new construction of schools to cut out the maintenance cost in repairing the schools which we have at the present time. It is the inconsistency of this which causes me to go against this bill. If we could provide the things necessary which to me are much more important to the welfare of the State of Maine and to the future of the State of Maine, then I would say we should provide these things. But I want to say this much. Since the passage of the first six cent gas tax, I have been elated myself to see the construction program that the State of Maine has continued, and I think if we are fair this morning we can not say but what the State of Maine has done in the past two years a good job with its highway program. I have had the privilege this past year of traveling over most of the State of Maine and practically everywhere that I have been we have been carrying on construction, and I think it is folly for us at this time, and unreasonable, that we should go into debt for this amount to try throughout the State of Maine to have super-highways which we cannot have because of our own economy because of the fact that we have so few people in so great an area. If we want to embark upon this program, we are merely showing to the people of the State of Maine that we believe much more in bet-

ter roads than we do in conditions within our State in the schools, welfare and education, which to me are much more important to the future welfare of Maine.

I want to say once again that I respect the judgment of those who move the passage of this bill; I think they are sincerely trying to solve the highway program but to me it is a question of two alternatives: Whether I think roads are more important than the other things which we have considered not as important. I think we have thus far embarked upon a program of economy in this Legislature and those who lead that economy block have won the fight, the rest of us have bowed to their wisdom, and I don't believe that we should therefore now embark upon a \$40,000,000 highway program without first of all finding out how we can economize in our highway department for more construction.

There are plenty of ways there; ways which are visible both to you and me each day as we travel over our highways. If we are going to economize on education and welfare, let's economize on our road program.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Wormwood.

Mr. WORMWOOD: Mr. Speaker and Members of the House: As a member of that committee which signed the majority report, I feel it my duty to say just a few words in regard to this bill. I am also a member of the Southern Maine Roads Association and it is our desire that number one from South Portland to Kittery should be put in a condition so we can compete with the superways and there is no other way to get this road resurfaced unless we have this bond issue and I hope the majority report will prevail.

The SPEAKER: The question before the House is on the final passage of Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of

Highway and Bridge Bonds, H. P. 2099, L. D. 1585.

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

Mr. McCLURE: Mr. Speaker and Members of the House: I feel where I fought against new taxation and where it has been brought in that the economy bloc has been opposed to an educational program, aid to our aged, our institutions, members, I should say not only myself but those who voted against new taxation had as much interest in those things as the gentleman, our assistant floor leader, Mr. Palmer. I can assure him that had we thought that we would penalize in any way our educational problem, our aged, our blind, we would have voted for it. Instead of organizing a minority group, had I been one of the so-called leaders of my party and knew that I was going to seek office many months before I came here—and I do this without personalities—I would have planned to offer at the first few weeks of this session a program for a complete revision of our State tax structure. Members, I want you to know that I have been sincere in my convictions. I will fight for the educational program of our State when I think that our citizens are able to pay any more taxes or new one into a general fund. We have heard, we have read, and we know that in Washington we have our former leader of our party trying to streamline their government as I have told you before. Our Democratic party in Washington wouldn't call upon him if they thought it wasn't necessary. Neither would I or any other member of the economy bloc, which has been named by many people the commonsense bloc, have opposed new taxes in the State of Maine. The time to have paid and secured those taxes, ladies and gentlemen, was when men were employed and receiving good money from federal work during our war time. I say this program for a bond issue is a sane program. It's an economical program. You have already voted for a permanent six

cent gasoline tax, and that gasoline tax, the money from that, is going to help pay these bond issues as they mature.

I have nothing but the greatest respect in the world for the highway department, and I, members, was one of those who did not believe we needed a six cent permanent gasoline tax but in voting that way and in speaking against it, I did not do it because I haven't faith in our highway department or the commission. Why can't the other departments in the State pay also? They could find many places where they could save money but it's not only true of that department; it is true of other departments that I have heard referred to. Members, I think this is a sound program; it's for the best interests for all the people of the State and we can pay it the same way as we pay-as-you-go.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bates.

Mr. BATES: Mr. Speaker and Members of the House: I wish to be recorded in favor of this Constitutional Amendment provision providing a bond issue. I consider it good sense, good judgment, to set up a long range program rather than a program jumping from hedge to hedge. I consider a lot of things that we have had to pass by more important than this highway issue. I grant you that. But I would like to go back and point out to the people that I voted in favor of something constructive in this State rather than continually having to be defeated in producing some things that I thought were absolutely necessary but in the wisdom of the House and Senate were apparently voted down because of lack of tax revenue measures.

I think that this is only fair and just to give the people at home a chance to vote on whether or not they wish to expend this amount of money in what I call a sensible long-range overall program of planning. Thank you.

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

Mr. HILL: Mr. Speaker, I move the previous question.

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

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

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

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

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

The SPEAKER: The question before the House is on the final passage of Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds, H. P. 2099, L. D. 1585. This being a Constitutional Amendment, requires the vote of two-thirds of the members of the House. All those in favor of the final passage of the Resolve will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-six voted in the affirmative and thirty-seven in the negative.

Mr. BROWN (of Wayne): Mr. Speaker, I request yeas and nays.

The SPEAKER: The gentleman from Wayne, Mr. Brown, requests the yeas and nays. The yeas and nays are in order at the desire of one-fifth of the members present. As many as desire the vote to be taken by the yeas and nays will kindly rise. Obviously more than one-fifth of the members present

having arisen, the yeas and nays are ordered.

The question before the House is on the final passage of Resolve Proposing an Amendment to the Constitution Authorizing Additional Issue of Highway and Bridge Bonds, H. P. 2099, L. D. 1585. As many as are in favor of the final passage of the Resolve will say aye; those opposed no, as their names are called. The Clerk will call the roll.

ROLL CALL

YEA—Albee, Ames, Arthur, Bates, Benn, Bennett, Berry, Bird, Boothby, Boulier, Brown, Baileyville; Brown, Robbinston; Brown, Unity; Brown, Wayne; Bubar, Bucknam, Burgess, Rockland; Carle, Carter, Carville, Castonguay, Chapman, Chute, Clapp, Clements, Cobb, Cook, Cyr, DeSanctis, Dorsey, Dostie, Winslow; Dow, Dudley, Dufresne, Dunham, Eastman, Fay, Fuller, Gauvin, Gerrish, Grant, Gray, Hall, Hanson, Hayward, Hill, Hobbs, Acton; Jalbert, Jamieson, Jennings, Jewett, Johnson, Jones, Kelly, Knapp, Lackee, Larrabee, Bath; Latno, Laughton, Leavitt, Lessard, Letourneau, Littlefield, Longstaff, Ludwig, Marble, Marsans, Martin, Eagle Lake; Martin, Frenchville; Maxwell, Maxwell, McClure, McEnery, McGown, McKeen, Merrill, Merritt, Millett, Muskie, O'Connell, O' Dell, Parker, Payson, Philbrick, Phillips, Prince, Pullen, Robbins, Roundy, Sanborn, Sharpe, Silsby, Spear, Spring, Stevens, Thompson, Webber, Wight, Bangor; Winchenpaw, Wormwood.

NAY—Atherton, Brown, Durham; Burgess, Limestone; Campbell, Augusta; Campbell, Garland; Campbell, Gullford; Charles, Chase, Cole, Dennett, Dostie, Lewiston; Duquette, Farley, Foley, Gates, Hayes, House, Jacobs, Kent, Larrabee, Westbrook; Malenfant, Martin, Augusta; McGlauffin, Palmer, Patterson, Plummer, Ricker, Sanderson, Sargent, St. Pierre, Taylor, Thomas, Tyler, Williams, Auburn; Williams, Topsham; Woodworth.

ABSENT—Bearce, Brown, Bangor; Cormier, Faas, Fitch, Gauthier, Hobbs, So. Berwick; Johnston, Labbe, Lacharite, Nadeau, Paine, Stanley, White, Auburn.

Yes 100, No 36, Absent 14.

One hundred having voted in the affirmative, thirty-six having voted in the negative, fourteen being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Mr. **BURGESS**: Mr. Speaker and Members of the House: In order that the Clerk's office may have a reasonable time to keep its work going on, I now move that the House do recess until 1:00 p.m., Eastern Standard Time, 2:00 p.m. Daylight.

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

Thereupon, the House recessed until 1:00 p.m., E.S.T.

After Recess

1:00 p.m., E.S.T.

The House was called to order by the Speaker.

Passed to be Enacted Emergency Measure

An Act Relating to Night Harness Horse Racing (H. P. 2006) (L. D. 1388)

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

Mr. **SILSBY**: Mr. Speaker, I move that An Act Relating to Night Harness Horse Racing be passed by until 1:30 o'clock this afternoon, Eastern Standard Time.

The **SPEAKER**: The Chair would inquire of the gentleman from Aurora (Mr. Silsby) if he makes his motion by unanimous consent, requests unanimous consent that the matter be passed temporarily?

Mr. **SILSBY**: If it is necessary, Mr. Speaker.

The **SPEAKER**: Thank you.

The gentleman from Aurora, Mr. Silsby, moves that An Act Relating to Night Harness Horse Racing (H. P. 2006) (L. D. 1388) be passed temporarily and specially assigned for 1:30, Eastern Standard Time, today. Is this the pleasure of House.

The motion prevailed.

Passed to be Enacted

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

An Act Relating to Sale and Use of Fireworks (H. P. 135) (L. D. 41)

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

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

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I move that Item 4, An Act Relating to Road Tax on Motor Carriers (H. P. 318) (L. D. 98) be indefinitely postponed.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that Item 4, An Act Relating to Road Tax on Motor Carriers (H. P. 318) (L. D. 98) be indefinitely postponed.

As many as are in favor of the motion of the gentleman from Kittery, Mr. Dennett, that An Act Relating to Road Tax on Motor Carriers be indefinitely postponed will say aye; those opposed no.

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

Forty-five having voted in the affirmative and fifty-two having voted in the negative, the motion did not prevail.

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

An Act Relating to Taxation of Goats (H. P. 945) (L. D. 386)

An Act Creating the Town of Wiscasset School District (H. P. 1056) (L. D. 531)

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

Tabled Temporarily

An Act Relative to Payment of Damage Caused by Collision Between Motor Vehicle and Deer (H. P. 1271) (L. D. 751)

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

(On motion by Mr. Hill of Bingham, tabled temporarily.)

An Act Relating to the Salary of the Register of Probate of Waldo County (H. P. 1734) (L. D. 1088)

An Act Relating to the Salary of the County Treasurer of Waldo County (H. P. 1847) (L. D. 1185)

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

An Act to Increase Death Benefits Payable to Children by Fraternal Beneficiary Societies (H. P. 1985) (L. D. 1367)

An Act Amending the Charter of the City of Auburn (H. P. 2000) (L. D. 1383)

An Act Relating to Overtaking and Passing School Buses (H. P. 2025) (L. D. 1414)

An Act Relating to Abandoned Wells or Tin Mining Shafts as Nuisances (H. P. 2044) (L. D. 1470)

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

An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits (H. P. 2084) (L. D. 1543)

An Act Relating to the Town of North Yarmouth School District (H. P. 2091) (L. D. 1563)

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

Finally Passed

Resolve in Favor of the Town of Columbia (H. P. 1016) (L. D. 1566)

Resolve Authorizing Donald S. Porter of Lowell to Sue the State of Maine (H. P. 1305) (L. D. 685)

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

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

Tabled and Assigned

Resolve Authorizing State Highway Commission to Study Desira-

bility of a Bridge Across the Penobscot River (H. P. 2090) (L. D. 1562)

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

Mr. ST. PIERRE: Mr. Speaker, I move that Item 22, Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Penobscot River (H. P. 2090) (L. D. 1562) be tabled and specially assigned for Friday, May 6th.

The SPEAKER: The gentleman from Lewiston, Mr. St. Pierre, moves that Item 22, Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Penobscot River (H. P. 2090) (L. D. 1562) lie upon the table pending final passage and be specially assigned for Friday, May 6th. Is this the pleasure of the House?

Calls of "No."

The SPEAKER: As many as are in favor of the motion of the gentleman from Lewiston, Mr. St. Pierre, that Item 22, Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Penobscot River lie upon the table pending final passage, and be specifically assigned for Friday, May 6th, will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Sixty-seven having voted in the affirmative and nineteen having voted in the negative, the motion prevailed, and the Resolve was so tabled and so assigned.

Tabled and Assigned

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

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

(On motion by Mr. Robbins of Houlton, tabled pending final passage and specially assigned for Friday, May 6th)

The SPEAKER: The Chair now lays before the House An Act Relative to Payment of Damage Caused by Collision Between Motor Vehicle and Deer (H. P. 1271) (L. D. 751) which was passed temporarily; and the Chair recognizes the gentleman from Bingham, Mr. Hill.

On motion by Mr. Hill, under suspension of the rules, the House voted to reconsider its action whereby it passed this Bill to be engrossed.

On further motion by Mr. Hill under suspension of the rules, the House voted to reconsider its action whereby it adopted House Amendment "A".

Mr. Hill: Mr. Speaker, I now offer House Amendment "A" to House Amendment "A" and move its adoption. Just a word of explanation in regard to this matter. Previously in this session we passed to be enacted, and it is now a law, Legislative Document 490, "An Act Relating to Motor Vehicle Damage by Protected Wild Animals and Birds." This bill provided that the owner of the damaged vehicle must report an accident to the warden within twenty-four hours, and that he must, within sixty days, forward a receipted repair bill to the Commissioner of Inland Fisheries and Game. This proposed amendment, which I am offering, tends to cover the interim period between now and the effective date of the act. I move its adoption.

The SPEAKER: The gentleman from Bingham, Mr. Hill, offers House Amendment "A" to House Amendment "A" and moves its adoption. The Clerk will read the amendment.

HOUSE AMENDMENT "A" to H. P. 1271, L. D. 751, Bill "An Act Relative to Payment of Damage Caused by Collision Between Motor Vehicle and Deer."

Amend said Amendment by adding at the end thereof the following underlined paragraph:

In case of damage to a motor vehicle as provided for herein which occurred prior to the effective date

of this section and which was reported to a fish and game warden within 24 hours after such accident, the commissioner may waive the requirement that the receipted repair bill of the damage claimed shall have been sent to him within 60 days after such accident but before any authorization for payment for such damage is made he must nevertheless require a receipted repair bill.

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

House Amendment "A" as amended by House Amendment "A" there-to was then adopted.

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

Mr. HILL: Mr. Speaker, I now move that this bill be passed to be engrossed.

Mr. McGLAUFILIN of Portland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. McGLAUFILIN: Mr. Speaker, I would like to ask a question.

The SPEAKER: The gentleman may do so if he wishes.

Mr. McGLAUFILIN: Mr. Speaker, I would like to ask what we are voting on now.

The SPEAKER: Would the gentleman from Portland, Mr. McGlauffin, kindly repeat his question?

Mr. McGLAUFILIN: Mr. Speaker, with all of these amendments, I do not know what we are voting upon. I would like to have the gentleman explain what this bill provides now with all of these amendments.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, has asked a question of the gentleman from Bingham, Mr. Hill and the gentleman from Bingham, Mr. Hill, may reply if he cares to.

Mr. HILL: Mr. Speaker, I thought I explained the matter once, but for the benefit of the gentleman, Mr. McGlauffin, I will explain it again if I can. Previously in the session this House passed Legislative Document 490,

which was An Act Relating to Motor Vehicle Damage by Protected Wild Animals and Birds. This bill provided that instead of these claims going before the Legislative Claims Committee, that they be forwarded to the Commissioner of Inland Fisheries and Game. Later in the session, and we have it on the calendar here as an enactor, Legislative Document 751 which limits the payment of claims to \$100. Now we have an interim period here between now and the effective date of this act which this amendment tends to clarify. In other words, the original bill provided that the person suffering the collision must forward to the Commissioner of Inland Fisheries and Game, before the sixty-day period is up, the receipted repair bill. What we have attempted to do in this amendment is to clarify that situation whereby that sixty-day period can be waived if there is any collision between now and the effective date of the act.

Mr. McGLAUFILIN: Mr. Speaker, I still do not know whether the \$100 limitation is there or not.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Hill, for the purpose of answering the gentleman from Portland, Mr. McGlauffin, if the gentleman from Bingham, Mr. Hill, so cares to do.

Mr. HILL: Mr. Speaker, the \$100 limit is still on the law.

Mr. McGLAUFILIN: Thank you.

The SPEAKER: Is it the pleasure of the House that the Bill now pass to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto?

The motion prevailed, and the Bill was passed to be engrossed as amended in non-concurrence and was sent up for concurrence.

The SPEAKER: The Chair now lays before the House the special order of business assigned for 1:30 P. M. this afternoon, Eastern Standard Time. The Clerk will read the title.

House Paper 2006, Legislative Document 1388, An Act Relating to Night Harness Horse Racing.

The SPEAKER: This Bill, having had its two several readings in the Senate and having been passed to be engrossed, and having had its three several readings in the House and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it now be passed to be enacted?

This being an emergency measure, it requires the consent of two-thirds of all the members elected to the House.

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

Mr. DOW: Mr. Speaker and Members of the House: I promise not to take more than two or three minutes. That ought to be gratefully received.

A cub reporter published a statement which rendered his paper subject to a libel suit. He was called on the carpet and cautioned that in the future he must qualify his statements. A little later he was assigned to cover a wedding, and he named the guests as they came along, and he finally came to a point where he said next was a lady who was said to be the widow of a Mr. Peters, accompanied by her so-called daughter wearing the famous necklace of alleged diamonds.

This bill, night harness horse racing, is a so-called emergency measure. I fail to see the emergency, and I hope there will be enough vote with me that it ought not to be enacted.

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

Mr. McGLAULFLIN: Mr. Speaker, I shall not undertake to argue this matter for you have already made up your minds, but I want to say that it strikes me that we are going a long, long way when we decide that it is an emergency to

give us a chance to do more gambling, and I am against it.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: It is no secret to the members of this House that I am opposed to this measure. I opposed it two years ago, I shall vote against it today for several reasons. One is that our State Constitution provides that "an emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety." We have stretched that provision to the breaking point, but it seems to me that if we pass a bill of this kind as emergency legislation, we are more than stretching it. I fail to see why any grave harm will be done or how the public peace, health and safety will be endangered if this bill should not become a law until early August.

There has been some discussion and some talk of a referendum on this bill. I have heard that, and so have you. If there are people in this State who wish to sign a petition and ask for a referendum on this bill, I, for one, would not want to prevent them doing so.

I have nothing against any individual in the State of Maine who is interested in the racing business. In a prior discussion of this measure some of the proponents took the viewpoint that anyone who opposed this bill was attacking some particular individual. I do not think that it quite fair. We have nothing against any individual but we do not like the proposition of broadening the gambling base. I do not believe that any one individual or any small group of individuals in the State of Maine will long control a racing meet in the State of Maine that is operated on a large scale, over an extended period. If we do, we would be an exception to the rule.

The large tracks across our country, about ninety percent of them, are controlled by the Syndicate,

Mr. Costello or Mr. Ericson and they take a large cut out of the profits. Every \$10,000,000 that go through the pari-mutuel window would produce \$500,000 for the State; it would produce \$1,000,000 for the interests operating the track. In my judgment, that is the most expensive, the most destructive method of collecting taxes that the ingenuity of man has yet devised. I believe that we should not pass this as emergency legislation.

The SPEAKER: The question before the House is on the passage of Bill "An Act Relating to Night Harness Horse Racing."

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

Mr. SILSBY: Mr. Speaker and Members of the House: This bill has been debated both pro and con in this House on two separate occasions, and I do not feel that I should tire your patience any more by debating the merits of this bill. I am sure you all understand its purpose, its objective, and what it will accomplish for the State of Maine.

Very briefly I want to state to you that we have had many, many hours here of debate on the matter of revenue, and this bill is a producing bill in revenue, and under the circumstances that obtain it would seem to me that from the sounding board that we have had by previous votes, that this bill would probably pass this House on a majority vote, and in view of that fact, would it not be better if we, at this time, permitted this bill to become law whereby we could have the revenue for this year, which we need so badly, as we have been told, for our Old Age Assistance and for other purposes?

Now just a word on the need. I believe my good friend, the gentleman from Auburn, Mr. Williams, has stated that the constitutional emergency was upon the peace, health and safety of the people, and certainly there is need for this money. I think we all are sure that in the past few days the money that

we have spent out of the unappropriated surplus would be within the rule that there was a necessity for this money.

Now, as you have been told before, this increases the take, and I am sure that, considering what pari-mutuel paid under the old rate, at 3 1-2 percent, that this year, if this is passed as an emergency, the \$215,000 might be well increased to half a million dollars, and that certainly is money that we can use.

Now I am not going to tire you with a long discourse on this matter; we all want to get out, and I will leave it to your good judgment as to whether or not this should be an emergency bill, and I hope it passes for enactment.

The SPEAKER: The Chair recognizes the gentleman from Lovell, Mr. McKeen.

Mr. McKEEN: Mr. Speaker and Members of the House: I have seen quite a number of measures pass this House as emergencies but I fail to see any emergency here unless it is to the benefit of the Agricultural Association. If this bill is defeated, going through here as an emergency, it will give the Agricultural Associations of the State of Maine time to get their feet before the money from the pari-mutuel betting is taken away from them. As I explained to you before, speaking on this bill, pari-mutuel betting came about for the benefit of the Agricultural Societies. Now we are told if we turn it over to one individual we are going to get a lot more money for the State than we did from the agricultural side. We have just about so much money to bet here in the State and when that money is expended, that is the end and I can't see where the State is going to get any more money from this bill than it would under the old bill, or the Agricultural Associations. It has been a mystery to me why so many people here in the State of Maine are so anxious to take the benefits of pari-mutuel betting away from the agricultural associations and donate them to one individual. I still cannot see the point, and I hope

that when we vote on this that we shall vote "no".

The SPEAKER: The question before the House is on the passage to be enacted on Bill "An Act Relating to Night Harness Horse Racing" (H. P. 2006) (L. D. 1388). All those in favor—

The Chair recognizes the gentleman from Harrison, Mr. Chute.

Mr. CHUTE: Mr. Speaker, I move that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Harrison, Mr. Chute, has requested that when the vote is taken, it be taken by the yeas and nays. The yeas and nays are in order at the desire of one-fifth of the members present. All those desiring the vote to be taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

Twenty-three members arose.

The SPEAKER: Would the monitors return the total count in their respective sections.

Less than one-fifth of the members present having arisen, the yeas and nays are not in order.

Mr. EASTMAN of Paris: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from Paris, Mr. Eastman, requests a division. All those in favor of the passage of the Bill to be enacted will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One-hundred and three having voted in the affirmative and thirty-one in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. BURGESS: Mr. Speaker, as we are nearing the end of our deliberations of this assembled session, we, the members of the House, would like to take time now to pay a long overdue tribute to you, our Speaker.

All during this session the House has been proud to respond to and obey the sound of your gavel. You

have used it, not arbitrarily, but prudently as you were so admonished.

Almost daily, throughout this session, our hearts have swelled with pride at that little extra courtesy you have shown to those of us who are not familiar with parliamentary procedure, and during the many occasions of lengthy and serious debate, and sometimes when tempers seemed short, you have maintained a constant calm, tempered with humor, and from you has emanated a confidence which has reached beyond the four walls of this room. In short, Nathaniel Haskell, you have presided over this House in a manner which not only designates you as a great presiding officer but as a man, loved and respected in the hearts of every member of this House.

On behalf of all the members of this House, I now present to you a small token of our respect and esteem, and with the token we wish to convey to you our thanks for your constant guidance, and we wish for you a long and fruitful lifetime, and we predict that you will be constantly called upon to assume greater and greater responsibilities.

We hope that occasionally, upon the dial of this watch, you will see the faces of the Members of the 94th Legislature, to remind you of their constant friendship and esteem. Thank you, Sir. (Prolonged applause, the Members rising)

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

Miss LONGSTAFF: Mr. Speaker, I note the presence in the Hall of the House, of the wife of our Speaker, and I request the Sergeant-at-Arms to accompany her to the rostrum.

Thereupon, Mrs. Haskell was conducted to the rostrum by the Sergeant-at-Arms, amid the prolonged applause of the House, the Members rising.

Miss LONGSTAFF: Mrs. Haskell, just one of the many advantages of having had your honored and esteemed husband serve as Speaker of

this House is the privilege of having known and been associated with you.

We are very grateful to our First Lady of this House and for her charm and respect, and I wish to present to you these roses just as a slight token of this respect, from the Members of the 94th Legislature.

Mrs. HASKELL: Thank you, Miss Longstaff, and all of the Members of the 94th Legislature. (Prolonged applause, the Members rising)

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

Mr. PALMER: Ladies and Gentlemen of the House: On January 1st, 1949, we, in this body, embarked on another legislative session. We elected as our leader one Nathaniel Haskell of Portland, and as our leader his firm and forthright leadership has made us proud of the choice we made.

Members of this House, during these months of this legislative session our leader has presided with firmness and fairness. To be sure, he has had much to contend with. He has had to contend with a very belligerent body across the hall. He has listened intently to all the talk about taxes and roads, the old people and the pigs in the bag; all of these things he has had to listen to while we could step out into the corridor for a moment or two of relief if we needed it. It indeed takes courage and strength and stamina to stand up under such a strain, but there he is, still standing, and it is a privilege at this time to honor him.

Ladies and Gentlemen of this House, I give you our Speaker. (Prolonged applause, the Members rising)

SPEAKER HASKELL: Ladies and gentlemen of the House: Shortly after this House chose the Speaker, a very good friend of mine confided to my wife that there were only two happy days in the life of a Speaker, the day he is elected and the day the House finally adjourns. With that statement, however, I cannot agree, because, for me, each

day of this session has been one of enjoyable and rich experience.

Because of that fact I can truthfully say to you that as appreciative as I am of this remembrance, that you have so kindly and graciously provided, no visible symbol is needed to remind me of the many friendships that I shall always associate with this, the 94th Maine House.

At the very start of this session, I stated to you that I recognized that with the honor and with the privilege which you had conferred went corresponding duties, and that it would be my continued and steadfast purpose of mind, throughout the days of this session, to discharge those duties to the best of my capabilities. Believe me, Ladies and Gentlemen, through your cooperation I have tried to do just that.

I wish to thank each Member of the House for the very many courtesies shown throughout the session. You have been more than kind at all times. Particularly would I thank our Clerk, Harvey Pease, and the Assistant Clerk, Mrs. Chapman, and the entire staff in the office of the Clerk of the House, and the Secretary in the Speaker's office, the Sergeant-at-Arms and his Assistants, the Pages, the Messengers, the Doorkeeper, the Document Clerk, the Postmaster and the girls on the switchboard for each of his or her untiring cooperation and full willingness, at all times, to assist in the proper dispatch of the business of this House.

Yesterday I called attention to the fine work being done by the Legislative Reporters and their staff, and I am happy, again, to thank each one of them for all that they have done to facilitate the work of the session.

I am sure, also, that we are all indebted to the genial operators of the elevators who have shared our "ups" and "downs."

Last, but not least, I should like to thank the members of the Press for their patience and their consideration and for their excellent coverage of this session.

Looking back into the Record of the first day of the session, I find, also, that I said this: "I bring to the House no pledges whatever except that of a very real and earnest desire to be of service at all times to each and every member of this House to the end that the very real and vital problems with which we are now faced, as the elected and qualified representatives of the people of this State, may be dispatched in a proper and fair manner, to the credit of the House and to the benefit of the people of this State."

Now that we are in the closing days of the session, I, for one, am positive that the members of this House have faced their problems, have dispatched their business in a fair and a proper manner, and that their decisions have been based on full, free and frank exchange of oftentimes conflicting opinions, but always in the best traditions of a free government. Though there may be some to disagree, and though I may be open to the charge of being prejudiced on the point, it is my firm opinion that this House has been a credit to itself and of benefit to the people of our State. I am proud to have been a member of this House.

Speaking very personally for a moment, may I say that I am particularly pleased to have Mrs. Haskell here this afternoon, and I rather think she is proud to be here. I am sure that neither of us will have other than most pleasant memories of this session. I thank you, one and all, most sincerely for your patience, your cooperation and your kindness, and although I am very appreciative of the watch which has come from the Members, which I will always cherish, I say to you, sincerely, much as it will be used and admired and treasured, it is not necessary to have such a remembrance as that for me to remember this House. I thank you. (Prolonged applause, the Members rising)

The SPEAKER: The Chair recognizes the gentleman from Water-ville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker, it has been a pleasure to listen to this well-deserved tribute that is being paid to you, and I want to join in it, as the leader of the Democrats in this House. You will note that I do not describe myself as the leader of the minority at this time because I feel that in our affection for you, we are men of equal size with the larger members in your own party.

Our numbers here are small and our lot, this season, could have been a hard one, but from the start you have gone out of your way to make us feel at ease in this home which your party has, shall we say temporarily, leased. (Laughter) As a Republican, we recognize in you a worthy adversary, one whose ability we respect and one whose sense of fair play and sportsmanship we have never questioned. We know that when we meet you on the field of political battle the rules are always that of a gentleman. In your capacity as Speaker we have seen you place impartial judgment above party considerations. You have interpreted the rules to the end that all might be treated fairly and equally.

Socially, you and the charming Mrs. Haskell have always been eager to depart from your political capacities to know us as friends, and for our part, as Democrats, we are proud to have worked under your gavel and to have served with you in this Legislature as friends. We extend to you our best wishes for future success and happiness. (Prolonged applause)

SPEAKER HASKELL: Ed, the Chair thanks you and thanks the members of your minority party, and hopes, just the same, that the lease continues a bit longer, and is glad to have had the privilege of serving the members of your party who have worked so well, in my opinion, with the members of the majority party. Thank you very much, Ed. (Applause)

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House the Senior Class of the Mat-

tanawock Academy of Lincoln, Maine, with Miss Arlene Ray in charge of the group. On behalf of the House, we bid you welcome here this afternoon. (Applause)

The SPEAKER: The Chair, at this time, lays before the House the first item of unfinished business, being Bill "An Act Providing for the Expenses of the Banking Department" (H. P. 1924) (L. D. 1284) tabled on May 3rd by the gentleman from Limestone, Mr. Burgess, pending assignment for third reading; and the Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: I do not pretend that I am having a great deal of difficulty, but I do have a problem on keeping L. D. 1352 ahead of this 1284, and I would like your kind indulgence to allow me to retable this and specially assign it for tomorrow morning, pending the outcome of 1352, which so far has been very successful.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that Bill "An Act Providing for the Expenses of the Banking Department" (H. P. 1924) (L. D. 1284) lie on the table pending assignment for third reading, and be specially assigned for tomorrow morning. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the second matter of unfinished business, House Report "Leave to Withdraw" of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland re Powers of Assessors" (H. P. 1643) (L. D. 955) tabled by the gentleman from Portland, Mr. Chapman, pending acceptance of report of the committee; and the Chair recognizes the gentleman from Portland, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker and Members of the House: After all

the gracious occurrences that have just taken place I feel just a little but like a ditch digger to go to work on a bill.

I am going to move to substitute the bill for the report in regard to this matter, solely for the purpose of permitting an amendment, which is in the nature of a redraft, which appears under the filing number 470. I request that the members of the House go along with that motion, and then, perhaps—not only perhaps but probably—we can debate the issue of the propriety of the acceptance or non-acceptance of the amendment in its own right. I therefore move that the Bill "Act Amending the Charter of the City of Portland re Powers of Assessors" (H. P. 1643) (L. D. 955) be substituted for the report.

The SPEAKER: The gentleman from Portland, Mr. Chapman, moves that the Bill be substituted for the report.

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

Mr. McGLAULIN: Mr. Speaker: I am opposed to substituting the bill for the report even for the purpose of making an amendment, because if you get anything out of this measure at all, it is something that has got to go to the people of Portland to vote on again, and there is no general demand for any such change as is suggested here.

Since I have been in this Legislature there have been at least five different propositions to amend the charter of the City of Portland. Four years ago the Legislature passed an act that increased the number of Councilors and they changed from five to ten. In my opinion, they made no improvement whatsoever. I think we have no better city government than we had before, but they provided in that bill, good, bad or indifferent, that certain councilors should be elected by the whole city instead of by wards.

Now I served in the old City Council of Portland. We had nine

wards. Three members were chosen from each ward to the Common Council. One member was chosen from each ward to the Board of Aldermen. I served in both branches and was chairman of the Board of Aldermen. That system had just one advantage that I know of. It did create an interest in politics, but for general efficiency, I was convinced that the City Manager form of government was vastly superior to the form then in force.

I might give you one illustration of how that old system worked: We had a short street called Pleasant Avenue that ran from Forest Avenue to Stevens Avenue, perhaps a third of a mile long. They started in by putting in a pavement that went about a third of the way on one side of the street. Then, a year or two later, they added another patch of pavement of a different type, a different kind, that ran about another third of the way on one side of the street. During that time that I was a member of the Board of Aldermen from Ward Nine. Now it was our custom, at that time, for each one of the Aldermen, particularly, to get everything he could for his own ward, and of course that was my policy too. This particular year I tried to get an appropriation for some money to complete that pavement on one side of that short street, and what did that brilliant city government do? McGlaufflin, they felt, had already gotten his share. I'll come to the point pretty quickly; they think I am off the subject but I am coming to it. They gave Ward Eight an appropriation to put a pavement on the other side.

Now, to come back to what I am talking about: This bill, that the Speaker thinks I don't know what I am talking about (Laughter) is an attempt to get back to that Ward system, so that you would elect a man from the particular ward, and that is the very thing that I am against—

The SPEAKER: Judge, the Chair hates to object, but there are two matters, both involving charter bills

in the City of Portland. The thirty-third matter involves the election of members of the City Council. This one now under consideration involves "Powers of Assessors".

Mr. McGLAUFFLIN: I apologize to the Speaker. He is correct. I will try to get out of the hole I am in, as my seat mate did yesterday. I acknowledge I am wrong, and I hope to be forgiven, and I will try to get back to the right speech. (Laughter)

The SPEAKER: The Chair will state that the good Judge has been a member of this House so long that I don't think he needs to apologize to anyone.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: Although the Judge was speaking on the wrong bill, I hope he will remember what he had to say, and I hope that he will take the same position when the thirty-third matter is before you. I also hope, that when he gets oriented, that he will rise in support of the position taken by the Legal Affairs committee and that he will be equally opposed to the motion of the gentleman from Portland, Mr. Chapman, to substitute this bill for the report.

Now, at first blush it might appear that again the Legal Affairs Committee is taking issue with the City of Portland, and that if this be a matter this is local to Portland, no one else but Portland should pass judgment on it. Also it may appear that this is a matter in which again two lawyers are unable to agree. Now let me assure you that this is not a legal matter; this is not a matter in which two lawyers cannot agree. As a matter of fact, this matter should have been heard, I feel justified in saying, by the Taxation Committee, as it involves a principle of taxation; there is nothing legal about it at all. The only reason that it happened to get into the Legal Affairs Committee is because it does propose an amendment to

the charter of Portland. Now so that we will all know the bill that we are talking about and because it only consists of two sentences, I am going to read it to you. The bill is Legislative Document Number 955.

"The assessors or their duly authorized agents or employees shall have power to inspect the books and records of any person pertaining to his taxable property. Any person who wilfully refuses access to his books or records for the purposes aforesaid shall be guilty of misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both such fine and imprisonment."

Now you don't have to come from Portland to know whether you would want that sort of legislation in your town, whether you would want the Tax Assessors to come into your place of business and take your books and inspect them in connection with anything that had to do with taxes.

Now the gentleman from Portland, Mr. Chapman, says that he wants to offer an amendment, but I assure you that the amendment provides, practically speaking, the very same thing, and to prove it to you, I am going to read a portion of it.

"In the event that the assessors believe that the information submitted on such list or lists is false or incomplete, they shall have the power to administer oaths and affirmations certified to official acts and issue subpoenas, to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with the administration of this section.

"Any person, who without just cause, fails or refuses to attend and testify or to answer any lawful inquiries or to produce books, papers, correspondence, memoranda and other records, if it is in his power so to do, in obedience to a subpoena of the assessors, shall be punished by a fine of not more

than two hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment."

Now the rest of this amendment pertains to the requirement that all taxpayers in the City of Portland shall file with the assessor a list of their property, both personal and real. Well, now that is the law now. You know that. You are supposed to file with your assessor a list of your property, and you know full well that if you don't do it, and you don't because nobody ever does, that the assessors, in their judgment, assess your property, and that by your failure to have filed that list, you do waive certain rights with respect to the abatement of the tax.

Do you think that you would want a tax system that would require you to come in and bring in your books and records and permit these assessors to examine the people that work for you all to the end that they could check your affairs and ascertain what your personal affairs are and what property you have? I cannot believe that the people in Portland want that. It seems to me that if this is good at all, and I certainly do not think it is, that it ought to be a part of the general law. I cannot see why Portland should have a different system of collecting taxes than anybody else. It seems to me that there must be a lot of non-residents in Portland who are justified, in reading our general law with respect to collection of taxes, in knowing what their rights may be, and that they should not have to read the city charter of Portland and be subjected to this infringement on their personal rights just because the city hall crowd in Portland think this would make their job easier. I therefore hope that you will accept the report of the committee "Leave to Withdraw" report.

In conclusion I might say that the committee report should have been "Ought not to pass". The only reason that the report was

"Leave to withdraw" was to make it possible for Mr. Chapman to introduce, if he could, a bill to accomplish something of this sort as an amendment to the general laws. You recall that he did not get that bill in; there was objection to it. But for that fact, the committee report, or a majority, certainly would have been "Ought not to pass".

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

Mr. MCGLAUFLIN: Mr. Speaker, now that I have learned what we are talking about I still am more opposed to this bill than I was to the other one. (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Chapman, that Bill "An Act Amending the Charter of the City of Portland re Powers of Assessors" be substituted for the leave to withdraw report of the committee.

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

Mr. CHAPMAN: Mr. Speaker and Members of the House: I quite agree with my colleague, the gentleman from Augusta, Mr. Campbell, that the original draft of this bill which he read in full, L. D. 1955, is very bad legislation. That is the reason that the complete redraft was prepared. When the matter was discussed in committee at the time the redraft was prepared, the suggestion was made that perhaps the matter related more properly to taxation and a general bill was prepared and introduced, or the attempt to introduce it was made with that in view. It was discussed as a matter of fact with the Committee on Taxation prior to its introduction. They felt the matter was sufficiently novel so that a public hearing should be held on it.

Since the change and the introduction of the redraft occurred rather late in the session and it was not feasible to hold a public hearing, the matter was deferred and the objection to its introduction was predicted on that basis,

as a matter of fact it occurred in the Senate. With that I have no quarrel; I think that is probably the proper procedure. As you look at the bill, or the amendment, and I would rather refer you to the amendment because that is what I am talking about now, filing number 470, I would like to call your attention to the fact that it is a mixed matter of taxation procedure and law. When we talk about the question of infringement of civil liberties, I think the matter is as much legal as it is taxation and I am willing to discuss it on that ground. Now, there is a reason for this bill. I didn't mention the reason before at the time I made my original motion. I was hoping at that time to get it before you. In the City of Portland, and I don't like to refer to the City of Portland as a municipality which has problems which are different from those of the other municipalities and towns in the State of Maine because that seems to claim a special privilege or seems to carry with it the notion that we set ourselves apart as being distinct and separate and I don't mean to imply or infer anything of that sort, but there is and there has been for some years a very serious problem which the assessors have been unable to meet with regard to the matter of making proper assessments on business inventories. As a matter of fact, the matter of assessing business inventories is the sole reason for the introduction of this bill or the introduction of this amendment.

As you members all know under the general law as we now have it, sample lists, blank lists are sent to taxable persons, taxable corporations, with the request that they be filled out and returned. They have categories for the various types of property. It's an optional matter as to whether or not such a list shall be returned, and the experience of assessors indicates that very frequently a small percentage comes back filled out. Now if a list is not made out and not returned, as Mr. Campbell has al-

ready stated to you, it is then necessary for the assessors to go in and physically assess the property and they have what they call the right of dooamage in doing that. In other words, if you don't fill out your list and the right of dooamage is exercised, whatever the tax assessors state as the estimate of your taxable properties in a certain category is it. Unless, of course, the tax assessors are kind enough to allow you to have a hearing and allow you to come in with evidence to support a request for abatement. Now the right of dooamage, of course, and the so-called procedure of abatement does give partial protection to persons and business concerns which are taxed, but in the City of Portland, where we have many very large concerns with tremendous business inventories which fluctuate frequently and fluctuate over quite a wide margin we have had a very serious problem.

In the first place, the assessors can't physically go in and take an inventory of the property. It is just impossible to do it. If a business concern wants to inventory its property, it usually takes a number of personnel with lists and sends them through and the procedure could last for weeks. And when it is done, it is an inventory that relates to only one occasion at the time the inventory is taken. The law states that business inventory assessments shall be made on the average of the current year related to the date of April 1st.

Now, if the inventory fluctuates during the year, the assessors have no way of knowing it. All the assessors can do now is guess. In cities and towns where there are not large business inventories which have to be assessed, it seems to me that the physical viewing of property does work satisfactorily, our experience has been that way. But where you do have large business concerns, very, very large wholesale depots and stores, in fact the type of concerns which were mentioned yesterday in the debate on another type of tax. We have that kind of

a situation and now of determining what it is, the assessors don't. That raises the point of exercise of dooamage. If the assessors don't know how to assess the property fairly and equitably as between the various concerns, one to another, why not make a guess assessment, make it high enough so that people have to come in, request the abatement and justify it. That would be the natural answer to the question which I have put to you. That has been done in the City of Portland; it was started four years ago to do that, and the way in which they did it was to pick certain assessments for certain returns which seemed to be very much underestimated where there were returns and they picked certain other concerns where there were no returns at all on the lists and made these so-called guessed at dooamage figures. The result was complete chaos and resentment among the taxpaying group. The assessors were unable to hear the complaints of the various concerns because there were too many of them; they ran into the hearing problem; ran into the problem of making abatements and yet trying to make them equitably as between various concerns and they came reasonably close to what you might call a tax strike but I think that is very much of an exaggeration. But there was much confusion in the assessor's office; the thing didn't work. Now, this particular redraft of the assessors' bill was drawn up along the lines similar to those which we now know as well as procedures in federal tax returns and the mere existence of the power, if it is granted in such a situation as this making it obligatory to file a return and only if requested. If you will look at the draft of the amendment, you will notice that—only if requested. And the intention, there, of course, is only to request it in the case of a business inventory. As I said before, the existence of the power to require the list be submitted and submitted under oath and subjected to examination later on, if necessary, would take

care of ninety-nine per cent of the difficulty. The other one per cent of the difficulty would probably occur only where you had a real recalcitrant, a person who is really uncooperative, one who did not desire to submit a true and perfect list of his taxable polls.

Now, the existence of such a statute, the certain broad language in it does have a fearsome aspect to it; I won't deny that. But, how many of the gentlemen in this House have been really troubled, let's say, by the federal revenue agents with regard to submission to income tax laws? You do it, you do it as a matter of course, you do it honestly and you do it right. And our feeling in the City of Portland is that if the procedure is correct, so that concern knows that another concern is returning and paying a tax on his true inventory, on his true property, so that the theory of equitable taxes is well established, then we will have no more trouble.

Now, I didn't mean to debate this thing at such length; I am definitely on the minority on it, as Mr. Campbell has already mentioned the Committee was not favorably inclined towards the original bill; I don't blame them for that; I wasn't myself. I do think the redraft which has been worked over with many heads so to speak thinking about it, although somewhat strong is a fair and proper bill. In view of that, I won't take up any more of your time but I merely again state that I hope my motion to substitute the bill for the report, solely for the purpose of offering this amendment, prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Chapman, to substitute the Bill for the leave to withdraw report of the committee. As many as are in favor of the motion will say aye; those opposed, no.

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

Thereupon, the leave to withdraw report of the committee was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the third matter of unfinished business, Bill "An Act Relating to Harness Horse Racing Meets" (S. P. 445) (L. D. 894) tabled on May 3rd by the gentleman from Palmyra, Mr. Millett, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. MILLETT: Mr. Speaker and Members of the House: I move that "An Act Relating to Harness Horse Racing Meets" Senate Paper 445, Legislative Document 894, be indefinitely postponed because it has been covered by the previous night racing bill.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 4th matter of unfinished business, An Act to Provide for the Annual Salary of Members of the Public Utilities Commission (H. P. 368) (L. D. 128) tabled on May 3rd by the gentleman from Unity, Mr. Brown, pending his motion to indefinitely postpone; and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker and Members of the House: When I told you on May 3rd that the cost of this bill \$3,000 per year, \$6,000 per biennium, I was in error. I now say that the bill costs \$2,000 per year or \$4,000 for the biennium.

The SPEAKER: The pending question is on the motion of the gentleman from Unity, Mr. Brown, that this Bill be indefinitely postponed.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: I think we can properly assume that the increase proposed by this bill is fair and just as otherwise the Committee on Salaries and Fees would not have recommended it unanimously "Ought to pass". It is one of the very few bills that have seen fit to favor. Now, if that is true, the only question before us today is as to the availability of funds.

Mr. Brown tells you what the bill would cost. He does not say, however, that this bill requires an additional appropriation, and I assure you that it does not. I am reliably informed that if this bill passes and if this increase is provided that it can properly be charged to a special revenue account of the Public Utilities Commission and that it does not require any additional appropriation.

I, therefore, hope that the motion of the gentleman from Unity, Mr. Brown, that the bill be indefinitely postponed does not prevail.

The SPEAKER: The question before the House is on the question of the gentleman from Unity, Mr. Brown, that the Bill be indefinitely postponed.

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

Mr. BURGESS: Mr. Speaker and Members of the House: On yesterday morning, I asked the Budget Officer, Mr. Mudge, to make for me a list of each and every legislative document which required funds that were not included in the general appropriations bill, designating in that list whether the funds came from general funds or unappropriated surplus.

Assuming that the figures Mr. Mudge has made up for me are correct, this legislative document now under consideration would require from the current revenue the \$2,000 which Mr. Brown has stated.

That, I know, is a point which can be cleared up very easily but the point I wish to make is this. That until such time, and believe me I have every regard for the members of the Public Utilities Commission or for any other administrative officers in this State, but until such time as we may find it possible to continue our regular State employee and especially those earning under \$50 per week, until we are able to reasonably care for them, I do not believe it proper to appropriate or to pass any legislation which would increase the salary of an administrative head.

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

Mr. McCLURE: Mr. Speaker and Members of the House: I want to concur with the remarks of my majority floor leader (Mr. Burgess). I think when we penalize the people of the laboring class who have incomes of about \$25 per week, not counting the \$2.00 or \$2.50 per week that the federal government takes out of that, I feel that we shouldn't increase anyone's salary in an amount in many cases more than these people receive for a year's work now. And I will go along, certainly, with the indefinite postponement of this measure.

The SPEAKER: The question before the House is on the motion of the gentleman from Unity, Mr. Brown, that the Bill be indefinitely postponed. As many as are in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 5th matter of unfinished business, 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 May 4th by the gentleman from Manchester, Mr. Jewett, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. JEWETT: Mr. Speaker and Members of the House: I certainly appreciate the courtesy you had in letting me retable this bill. I went down to the committee hearing and all the members at the hearing were in favor of it. This bill merely lets the town where the boats are located on the first day of April tax them in that town rather than the town of residence as it is now. The only one who was against the bill was not there. I found him later and he just didn't want to talk about the matter at all. He didn't think it was good legislation. I feel that it is good legislation as

most of these Chris-crafts are run by the people in the cities, and are located in the small towns where the ponds are located. The cities don't know whether they have got Chris-crafts or not, so that is just tax evading. It has become more or less a personal matter. The town which I represent has a population of 626, the 1940 census, and we have approximately twenty Chris-crafts there that we cannot tax. If we could tax those Chris-crafts \$400 apiece on a \$3,000 boat which I don't feel is exorbitant; that is what we tax them, it would mean a half mill difference in our tax rate. I feel that there are many other towns in the State similar to us. The gentleman who was opposed to this measure comes from a town of 2883 persons, 1940 census; they have a valuation of approximately \$4,000,000. The streets are lined with houses valued anywhere from \$10,000 to \$50,000. As in our town, except for houses which have been built in the last ten or fifteen years, we are a farming town. Therefore, I would like to substitute the bill for the report.

The SPEAKER: The gentleman from Manchester, Mr. Jewett, moves to substitute the Bill for the "Ought not to pass" report on Bill "An Act Relating to Taxation of Boats".

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

Mr. DOW: Mr. Speaker and Members of the House: For the last four years, living in a coast town, I have had the duty of assessing boats. Probably you are all familiar with the method of assessment. The boat owned by an out of state person is assessed in the town where it is situated on April 1st unless it is out for temporary repairs. A boat owned by a resident of this State is taxed in the town of his residence wherever located.

This bill, the change in this bill, is only to boats other than those used exclusively in tidal waters. It has been stated that that would have no effect whatever on the boats along the coast. It might have

effect on any towns near the coast, because a good many of the residents of towns which do not border on the coast do keep their boats in tidal waters. Also, in my own particular town, we have many boats in tidal waters. We have a boat in Moose Pond, Bridgton, which is owned by residents of my town. We have boats on Highland Lake, which borders on both Falmouth and Windham, and we have had boats in Sebago Lake owned by Falmouth residents. However, the change as it regards my particular town does not amount to very much. One part I had in mind on this bill and I think is shared by some other committee members was that the tax paid by any of us wherever we lived, a large percentage of it is used for the education of the children, and for that reason the tax that any individual pays should be paid in the town where his children or other children are educated. If a resident of Augusta, for instance, owned a boat that was kept on inland waters, in the town of Manchester, perhaps, were assessed for his boat in the town of Manchester, they would receive the benefit, in my opinion, that should go to Augusta. The people who own the boats in a situation like that do not have their children educated in that town but they do contribute to that town in various ways in the rental or if they own property in various ways. And for those reasons and one other reason that was mentioned, that many boats now have state taxation. That is true but I believe there would be just as many under state taxation under this proposed change as there are now and, as Camp Meeting John Allen once said from this rostrum when he was chaplain, "Lord enable them to stop when they are through", and I am through now.

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

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

Mr. GATES: Mr. Speaker and Members of the House: Under the existing laws, boats are taxed where owned; that covers all of the boats. If Mr. Jewett's bill goes through they will be taxed where they are found. I hope you will pardon this statement; it may sound selfish but it is not because it applies to other towns other than my own. If this bill goes through, the town of Millinocket will lose in valuation approximately \$44,000; that isn't hay.

There is no reason why boats should escape taxation; if the assessors in the towns perform their prescribed duties, follow their oath of office, they will notify the town in which that boat is owned that they have found it in their area so that it may be taxed. That applies to incorporated towns. I have talked this matter over with the tax assessor and he assures me that in this year's listing that they will require from all voters in unorganized townships along the lake that they give the place of their residence. When they list their boats, the town of ownership or the town where that man resides will be notified and that boat will be taxed, so the statement they are losing taxes is not borne out.

Here's something else you might consider. All of these Chris-craft boats which the gentleman has mentioned are portable. There is no reason whatsoever why the owner of the boat should not take it out on the first day of April or the last day of March and transport it into an unincorporated town and therefore evade the tax. Therefore, I make a motion that when you take action on this bill, you indefinitely postpone it.

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

Mr. JEWETT: Mr. Speaker, I am sorry to take up more time on the discussion of this matter, but I believe Mr. Gates forgot that I have an amendment put on this bill which covers his commercial boats in Millinocket. I have an amend-

ment, I don't know what the number is right now, it takes out and adds in all pleasure boats. The only ones he is worried about are a couple of commercial boats he has up there. We haven't any commercial boats and I also believe that most of the Chris-crafts in this State are not in unorganized territory.

My own problem is probably local. I imagine at Sebago and Standish and down around Sebago, they have the same problem as I do. As far as Mr. Dow is concerned, he has three Chris-crafts he is worrying about. I have twenty. Therefore, I hope that my motion to substitute the bill for the report can prevail.

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

Mr. MAXELL: Mr. Speaker and Members of the House: I have noticed this boat bill on our calendar and yet I haven't paid much attention to it. As a matter of fact, it seems to me that this boat situation has considerable to do with my town. I happen to live on the shore of a beautiful lake, East Grand Lake, and we have there, in my town alone, something over one hundred cottages which are owned largely by people from other towns. Each and every one of these cottages have Chris-crafts; they have sail boats and boats of all types, and yet those boats if those should be taxed in the Town of Orient, my town, it would mean much to our taxation. But as a matter of fact, they pay their taxes in the towns where the people reside and I understand in many of these towns where they reside, many of these boats do escape without having to pay any taxation. For my part I think I would like to go along with this proposition.

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

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

Mr. DOW: Mr. Speaker and Members of the House: I thought I was all through but I find I am not. It had one case of a boat that was assessed for two years in succession that had never been in the Town of Falmouth; it was out of the State at assessment time and it was quite a good-sized boat. Because that was in tidal waters but if it had not been assessed to the owner where he resided, he would have escaped altogether. That applies to boats on inland waters just the same; they can be moved.

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

Mr. GATES: Mr. Speaker, I would like to ask for a point of information. If this amendment which Mr. Jewett has spoken of is attached to this bill, has it been accepted or what is the status of it?

The SPEAKER: The present situation is that the committee has reported that the Bill "Ought not to pass" and the gentleman from Manchester, Mr. Jewett, has moved that the Bill be substituted for the "Ought not to pass" report of the committee. The House has not reached any amendment as yet.

As many as are in favor of the motion of the gentleman from Manchester, Mr. Jewett, that the Bill be substituted for the "Ought not to pass" report of the committee will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Fifty-one having voted in the affirmative and thirty having voted in the negative, the motion to substitute the Bill for the "Ought not to pass" report of the committee prevailed.

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

Mr. GATES: Mr. Speaker, I don't know whether I am in order or not. I would like to move this bill be tabled until this amendment which has been spoken of has been prepared.

The SPEAKER: The Chair will state that the amendment to which the gentleman from Millinocket, Mr. Gates, refers has been filed with the office of the Clerk, reproduced, distributed to the members under filing number 401.

Thereupon, the Bill, having already been printed, was given its two several readings under suspension of the rules.

Mr. Jewett, of Manchester, 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. 1743, L. D. 1096, Bill "An Act Relating to Taxation of Boats."

Amend said Bill by adding after the underlined word "and" in the line of the second paragraph the underlined words 'all pleasure'.

The Bill was read by the Clerk in the form which incorporated House Amendment "A".

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

The Chair now lays before the House the 6th matter of unfinished business, House Amendment "A" to Resolve Providing for the Payments of Certain Pauper Claims, (H. P. 2116) (L. D. 1611) tabled on May 4th by the gentleman from Unity, Mr. Brown, pending adoption.

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

Mr. DeSANCTIS: Mr. Speaker, for information.

The SPEAKER: The pending question is on the adoption of the amendment.

Mr. DeSANCTIS: Mr. Speaker, I move the adoption.

The SPEAKER: The question before the House is on the adoption of House Amendment "A" to Resolve Providing for the Payment of Certain Pauper Claims. Is it the pleasure of the House to adopt House Amendment "A"?

Thereupon, House Amendment "A" was adopted and the Resolve, having been printed, was given its

first reading under suspension of the rules and assigned for second reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the 7th matter of unfinished business, House Divided Report of the Committee on Military Affairs on Bill "An Act Relating to Maine Soldiers and Sailors in the War with Spain", H. P. 1655, L. D. 963, tabled on May 4th by the gentleman from Gardiner, Mr. Johnson, pending the motion of the gentleman from Strong, Mr. Jennings, to accept the Majority "Ought to pass" Report.

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

Mr. JOHNSON: Mr. Speaker and Members of the House: The amendment which I suggested, yesterday, has been prepared and distributed and will be offered at the proper time. This bill, here, is a long overdue bill. It is a bill from the State of Maine to the Spanish War Veterans and I move that we now accept the majority report on the motion of Mr. Jennings of Strong.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Jennings, that the House do accept the Majority "Ought to pass" Report of the committee.

Thereupon, the Majority "Ought to pass" Report of the committee was accepted and the Bill, having already been printed, was given its two several readings under suspension of the rules.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Jennings.

Mr. JENNINGS: Mr. Speaker, the reason for tabling this was explained by Representative Johnson. We wanted to make it clear to the House that with this amendment, it would have to do with those who are living. Therefore, I offer this amendment 460.

The SPEAKER: The gentleman from Strong, Mr. Jennings, offers House Amendment "A" and moves its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1655, L. D. 963, Bill "An Act Relating to Maine Soldiers and Sailors in the War with Spain."

Amend said Bill by inserting after the word "Spain" in the 3rd line of said Bill the following:

'and who shall be living on the effective date of this act'

Thereupon, House Amendment "A" was adopted.

On motion by Mr. Johnson, of Gardiner, the Bill was given its third reading under suspension of the rules, passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 8th matter of unfinished business, Bill "An Act Relating to Cattle Tested for Bang's Disease" S. P. 335, L. D. 566, tabled on May 4th by the gentleman from Garland, Mr. Campbell, pending passage to be engrossed.

On motion by Mr. Campbell, of Garland, the Bill was passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the 9th matter of unfinished business, Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying for the Issue of Paid-up Life Insurance Policies to Maine Members of the Military and Naval Forces in World War II, H. P. 2109, L. D. 1599, tabled on May 4th by the gentleman from Portland, Mr. Chapman, pending passage to be engrossed.

Mr. Chapman 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. 2109, L. D. 1599, Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying for the Issue of Paid-up Life Insurance Policies to Maine Members of the Military and Naval Forces in World War II.

Amend said Resolve by striking out the words "at the next state-

wide election held on 2nd Monday in September," and inserting in place thereof the following:

'at the next general or special state-wide elections'

Thereupon, 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 now lays before the House the 10th matter of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Providing for Annual Sessions of the Legislature, H. P. 921, L. D. 373, tabled on February 24th by the gentleman from Baileyville, Mr. Brown, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker, I rise and ask if it is possible to have this tabled until tomorrow morning?

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that this matter be tabled until tomorrow morning. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of the motion of the gentleman from Baileyville, Mr. Brown, that this matter lie upon the table until tomorrow morning will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-one having voted in the affirmative and thirty-five having voted in the negative, the motion to table did not prevail.

The SPEAKER: The question before the House is on the acceptance of the "Ought not to pass" report of the committee.

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

Mr. BROWN: Mr. Speaker, I move that we substitute the bill for the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves to substitute the Bill for the

"Ought not to pass" report of the committee.

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

Mr. WOODWORTH: Mr. Speaker and Members of the House: I was delegated to present the unanimous "Ought not to pass" report of the committee. There is no apparent question of law in this case. The question simply is this: Shall we have the Legislature meet every year instead of every other year? I think one man's judgment on this matter is just as good as another. The Judiciary Committee thought that the State of Maine is not ready for it. I hope the motion may be defeated.

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

Mr. BROWN: Mr. Speaker and Members of the House: Those of you who have served in the Legislature for the past two years or even those who have served in this last Legislature, and who have seen the amount of work that is thrown upon us must realize that the affairs of the State of Maine are getting too large to be left for two years and then come in here and in a short time we expect to give due consideration to all the problems that affect the State of Maine.

We are coming now to the close of this Ninety-fourth Legislature. For the past week, we have been rushed and I wonder if there is a member of this House who can say that he has given the right amount of consideration to every piece of legislation that has come before us.

I do not consider that we have devoted the right amount of thought and study to each piece of major legislation that has come before us. That is an impossibility. We have seen all down through this session and we saw it in the last session when legislation would be brought before us, we would make a hasty decision; the next day we would reconsider it; sometimes we have reconsidered bills two times. We have reconsidered amendments

and that is just what is taking place every session of our Legislature.

Several of the states throughout the country have recognized the need of our legislature meeting once every year. There are certain problems which arise that are too important to lie over for two years. We are faced right at the present time, right here in the State, with this question that we have heard so much about, the question of taxation. Some of us have been of the opinion that at the present time we are all right as far as the income from tax measures here in the State are concerned, but, before six months, the views we have had at this time may be altogether wrong, and I believe the only way that we can clarify those things and take care of the immediate problems facing the State of Maine is that our Legislature meet annually.

Another thing I have heard since this session started—we have in certain sections of the State certain agreements whereby a man can come to the Legislature only once and serve one term. He does not receive during that time the proper insight into the work of the legislator. If we were holding annual sessions, he would come here the first year, he would be well educated in the work of our Legislature and when he returned for the next session, he would be a valuable Legislator for the State of Maine. That is a very important factor to take into consideration. Another thing which I want to bring to your attention is this. For the past few years, we have just attacked the immediate problems in our session of the Legislature.

My belief is that a Legislature to serve the State of Maine must not only be taking care of immediate problems that face us but we must be looking ahead, we must be planning for the future and had this been done in the past, we would not be facing the serious situation that we are facing at the present time. Our Legislature is the dominating branch of democratic government. Our citizens look to the State of Maine for solving of all their prob-

lems and your Legislature is the body to do that.

Now, I could go on here all the afternoon and cite instances whereby it would bring out and substantiate my claims that we are going along at the present time in the wrong way. That we are neglecting our State of Maine because we are not meeting the problems as they should be met at the present time. Six states in the Union, and I believe they are six of the most progressive states, already have annual sessions. I believe the State of California has annual sessions; one year they take up financial problems, the next year they handle the other problems—problems that are facing the State of Maine. And I trust that here in the State of Maine that we look at this problem at the present time and that we start some move to rectify the situation that does exist at the present time.

Maybe it is, at this session, too early to pass this bill but I would like to see us substitute the bill for the report and then refer this problem to our Legislative Research Committee for study and report back at our next session. I believe in the Research report that was placed on our desks at this session. It brought out some of the defects in our legislative machinery here in our State Capital and I believe this is another defect, this meeting biannually to solve the problems of the State of Maine. I trust that here today, we will substitute the bill for the report and that this problem will be turned over to our Research Committee for proper study and that a decision will be returned to our Ninety-fifth Legislature.

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

Mr. McCLURE: Mr. Speaker and Members of the House: As many of you know, I shall not become a candidate for re-election to this House or Senate. I sincerely hope you will follow along with the recommendations of my good friend,

the gentleman from Baileyville, Mr. Brown. Many of you members here have spent a good many hours after leaving here. When I look around I can find many who have sat up with me until dawn working on problems and studying them that we had to talk on the next day in this House. Now, none of us stayed up all night due to the fact that we love to work on problems. Had we not been interested in our State government or had we had ample time by having annual sessions, we would not have been obliged to have done that. Now, members, I hope that we will follow the recommendations for the benefit of the citizens of Maine. Changing times make for changing conditions. Although I was one of those and I still feel that way that thought no new taxes were necessary at this time, a year would change many things. I trust I was right in the decision I made which I made in all sincerity. I trust you will go along with his recommendations.

The SPEAKER: The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the House substitute the Bill for the "Ought not to pass" report of the gentleman from Baileyville, Mr. Brown, will say aye; those opposed, no.

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

Thirty having voted in the affirmative and fifty-seven having voted in the negative, the motion to substitute the Bill for the "Ought not to pass" report of the committee did not prevail.

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

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

Mr. BURGESS: Mr. Speaker, I would like to move that the House reconsider its action of earlier today on an item on page 2 of our calendar, Item 15, Bill "An Act

Relating to the Banking Department," being L. D. 1352.

I might state very briefly that if my motion to reconsider carries, I would then like to make a motion that it be tabled and assigned tomorrow for the further purpose possibly of amending the bill with the hope of replacing some of the loss of revenue.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that the House reconsider its action taken earlier today whereby it passed Item 15, page 2 of today's calendar, Bill "An Act Relating to the Banking Department," H. P. 1969, L. D. 1352, whereby the House passed the Bill to be engrossed as amended by Committee Amendment "A" and House Amendment "A" as amended by Senate Amendment "A".

Thereupon the motion to reconsider prevailed.

On further motion by Mr. Burgess, the matter was tabled and specially assigned for tomorrow morning.

The SPEAKER: The Chair lays before the House the 11th matter of unfinished business, House Report "Ought not to pass" of the committee on Inland Fisheries and Game on Resolve Closing Embden Pond in the Town of Embden to Ice Fishing, H. P. 918, L. D. 370, tabled on March 16th by the gentleman from Madison, Mr. DeSanctis, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. DeSANCTIS: Mr. Speaker and Members of the House: I move to substitute the resolve for the "Ought not to pass" report of the committee.

My few brief remarks in that respect are that, according to a record taken from the Department of Inland Fisheries and Game, there were only four fishing licenses issued from the first of January to the 30th of March in the Town of Embden, and a total of thirty-five fishing licenses for the whole season.

I had a petition come into the Committee on Fish and Game of over 150 property owners and some townspeople in the Town of Embden, who were very much in favor of closing Embden Pond to ice fishing. Speaking to a member of the Board of Selectmen of the Town of Embden, he told me that there is a \$30,000 tax commitment in the Town of Embden, and that between seven and eight per cent of their tax is paid by the residents of the town and between forty-one and forty-two per cent of the taxes paid in the Town are paid by the non-residents and the balance is paid by the Central Maine Power Company on their dam in the town of Solon.

The day the bill came up for hearing I was tied up in two other committees and could not appear. They had one or two who spoke in favor of the resolve and one gentleman made a slight error. I had given him some figures but he misunderstood me. On several trips up here to Embden Pond in the past fishing season, I did not fish it myself this year, but at one time there were thirty-seven cars parked alongside the road with people fishing in the pond. The committee stated 137 but they made a mistake. Out of the thirty-seven, twenty-seven of them, I took the number plates on every one of them and checked with the department, twenty-seven of them were from different parts of the State, namely, Waterville, Augusta, Norridgewock and down further this way. The balance were one or two from North Anson and the rest from around Madison, people who didn't own property there. In this respect, I feel, the property owners feel and a good many people of the town of Embden feel we should have some consideration. Therefore, I move to substitute the resolve for the "Ought not to pass" report.

The **SPEAKER**: The gentleman from Madison, Mr. DeSanctis, moves that the House substitute

the Resolve for the "Ought not to pass" report of the committee.

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

Mr. **SHARPE**: Mr. Speaker, if it weren't for the fact that it takes time to debate these issues and we are all in a hurry to get out of here, I would be glad of the proposal made by my friend, the gentleman from Madison, Mr. DeSanctis, because it gives me a chance to have an argument with him in public. (Laughter) Previous to now, he and I have always argued in privacy or semi-privacy. I think our most exciting and briefest argument we ever had was one time when I held a straight flush and he only had an ace full.

This Embden Pond ice fishing bill is quite a hot issue up in my section, up in North Anson, Madison and Embden. Before I came down here, I was approached by several people who own cottages on Embden Pond and they asked me to put in a bill closing the pond to ice fishing. I put the bill in by request. There was presented to the Committee on Inland Fisheries and Game two petitions. One containing approximately one hundred fifty signers asking for the pond to be closed to ice fishing; another containing approximately one hundred fifty signers asking that it not be closed to ice fishing. The committee saw fit unanimously after due consideration of all the facts and evidence to report the bill out "Ought not to pass" unanimously.

Now, I have been talking about this Embden Pond bill all winter with people who live in North Anson and Embden. Embden is adjacent to North Anson, I mean the town of Anson. Madison is adjacent to the town of Anson. Embden Pond is about four miles from the village of North Anson, nine miles from the village of Madison and so Mr. DeSanctis and I are quite familiar with the circumstances up there.

As I say, I have been discussing this Embden Pond matter all winter, ever since this bill was pre-

sented, and I find that with the exception of perhaps only a few, everybody signing the petition asking that the pond be closed to ice fishing were cottage owners and I also found that their only purpose in asking for the waters to be closed to ice fishing is because there has occasionally been somebody go up there fishing in the wintertime, and I think they believe that it is people from outside of any of these localities who have done some malicious mischief to the cottages or to the trees around the cottages and for that reason they seek to have the pond closed to keep people away from there in the wintertime. Now, while I know that is a bad situation for people owning a cottage, to tear white birch off the trees or steal wood out of your woodpile, that is bad, but that is not an excuse for closing the waters to ice fishing and there seems to be no other reason for wanting those waters closed. Everybody agrees up there that no fish are caught in the wintertime except a few togue, very, very seldom they catch a salmon. Everybody agrees that the fish are not being unduly caught off; they are still as abundant as they ever were and there is no conceivable reason in the world for closing Embden Pond to ice fishing except that the cottage owners don't have to have people up there on the ice in the wintertime when they occasionally do some malicious mischief to their property. But that is a situation for the officers, peace officers, to attend to. If somebody is breaking into your camp or stealing your woodpile, or peeling bark off your trees, there are authorities to look after a situation like that. It is no excuse for closing the pond to ice fishing.

Now, the people who signed the petition asking that the pond not be closed are people who live in North Anson, in Madison and in Embden. The fact that only four fishing licenses were bought in Embden during the winter has nothing to do with it whatever.

I hope the motion of the gentleman from Madison (Mr. DeSanctis) does not prevail.

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

Mr. DeSANCTIS: Mr. Speaker and Members of the House: The question before the House is not whether the people go up there and tear bark off the trees, damage property or why they do not have police officers on Embden Lake. The question is to close the pond to ice fishing, to preserve the fish and something that I didn't want to say but I will say it now, I have been told, with all due respect to the Committee on Inland Fisheries and Game, they felt that this was merely a local issue and they left it up to the judgment of one man on the committee as to whether or not it should be closed. I do not know what he said but it stands to reason he figured the pond ought to be closed. I still stick to my motion to substitute the Resolve for the "Ought not to pass" Report of the Committee.

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

Mr. SHARPE: Mr. Speaker, there is already a law that they can only fish through the ice on Embden Pond I think it is on Thursdays. I could be wrong about that; it is either one or two days a week. So there is already some restrictions on ice fishing in Embden Pond. I might ask to be clarified on that. I will ask the gentleman from Madison, he knows whether it is Thursday or Sunday they are permitted or only Thursday.

Mr. DeSanctis was granted unanimous consent to address the House.

Mr. DeSANCTIS: Mr. Speaker, for the information of Mr. Sharpe, it is Thursdays and Sundays.

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

Mr. WIGHT: Mr. Speaker and Members of the House: I think no one member of the committee made this decision. I think it is the

unanimous report by the committee. It is a fact that that pond is open two days a week, I believe, Thursday and Sunday.

There appeared before the committee, an attorney who represented, I believe, a group of citizens who were for the bill and also there was a petition in favor of the bill and also some of the citizens appeared against the bill. I think it is a local issue but the committee considered the situation very carefully and made a unanimous decision that the bill should not pass.

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

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

Thirty-eight having voted in the affirmative and thirty-three having voted in the negative, the motion to substitute the Resolve for the "Ought not to pass" Report of the committee prevailed. This Resolve, having already been printed, was given its first reading under suspension of the rules and assigned for second reading tomorrow morning.

Mr. McClure of Bath was granted unanimous consent to address the House.

Mr. McCLURE: Mr. Speaker and Members of the House: There is one lady I would have rise at this time, one whom we have witnessed here throughout the session, Mrs. Mary Gates.

If any non-member of this House deserves recognition for undying devotion in the interest of the welfare of this government, it is none other than our good citizen, Mrs. Mary Gates.

On behalf of the members of not only the House but the third House as well, we in all sincerity present

to you this token of our appreciation and consider you as a true example of the womanhood of our great State of Maine.

(Thereupon Mrs. Gates was presented with orchids amidst the prolonged applause of the Members.)

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

Mr. SHARPE: Mr. Speaker, I am sorry I am ignorant of the proper procedure here but I wish to place in possession of the House, House Report of the Committee on Conference on Bill "An Act Relating to Salaries of Somerset County Officers."

House at Ease

The House was called to order by the Speaker.

The report of the Committee on Conference was read by the Clerk as follows:

Report of Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Salaries of Somerset County Officers", S. P. 663, L. D. 1494, report that they have had the same under consideration and ask leave to report that both the Senate and House recede and concur in the adoption of Committee Amendment "A" submitted herewith and passage of the Bill to be engrossed as amended by Committee Amendment "A".

Messrs. SHARPE of Anson
DeSANCTIS of Madison
WOODWORTH of Fairfield
—Committee on the part of the House.

SAVAGE of Somerset
COLLINS of Aroostook
ELA of Somerset
—Committee on the part of the Senate.

The House reconsidered its action of April 26th whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" and its actions whereby Senate Amendment "A" was adopted and House

Amendment "A" was adopted, and the amendments were indefinitely postponed.

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

COMMITTEE AMENDMENT "A" to S. P. 663, L. D. 1494, Bill "An Act Relating to Salaries of Somerset County Officers."

Amend said Bill by striking out the underlined figure "\$2,200" in the last line of section 4 thereof and inserting in place thereof the underlined figure '\$2,300'

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

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

Mr. ROBBINS: Mr. Speaker, I move to reconsider our action by which earlier in today's session we tabled until tomorrow, House Paper 2098, Legislative Document 1584, Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River. It was my intention to merely table it for later in today's session.

The SPEAKER: The Chair will state the rules do not permit a member to take from the table an item that is assigned for the following day or reconsidering the action whereby it was tabled. The gentleman may, however, by unanimous consent, request to take the item from the table out of order.

Mr. ROBBINS: Mr. Speaker, I ask unanimous consent to take that from the table out of order.

The SPEAKER: Will the gentleman please state where it is on this morning's calendar?

Mr. ROBBINS: Mr. Speaker, it is Item 23 of the Enactors.

The SPEAKER: The gentleman from Houlton, Mr. Robbins, requests unanimous consent to take up out of order Resolve Authorizing Highway Commission to Study Desirability of a Bridge Across the Androscoggin River which was tabled and

assigned for tomorrow. Is there objection to the motion?

Mr. McCLURE (of Bath): Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. McCLURE: I just didn't understand the question entirely and

The SPEAKER: The Chair will state that the only question before the House is whether or not the member objects to the item being now taken up.

Mr. McCLURE: Mr. Speaker, I don't know that I see the member from Lewiston is here.

The SPEAKER: Is there objection upon the part of the House? The Chair hears objection and the matter cannot be taken up.

The SPEAKER: The hour of 2:00 P.M., Eastern Standard Time, having arrived, which was assigned for third reading of Bills, the House will now take up the third reading of Bills.

Passed to be Engrossed

Resolve in Favor of New England Telephone and Telegraph Company, of Augusta (H. P. 1465) (L. D. 1620)

Resolve to Reimburse Wallgrass Plantation for Support of the Family of Edward Berube (H. P. 417) (L. D. 1618)

Resolve in Favor of Louise W. Cony, of Augusta. (H. P. 1371) (L. D. 1619)

Bill An Act Relating to Attachment of Wages (H. P. 2119) (L. D. 1613)

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

Amended Bills and Resolve

Resolve for Preliminary Investigation of Quoddy Project (H. P. 1764) (L. D. 1129)

Bill An Act to Incorporate the Town of Mount Desert School District (H. P. 485) (L. D. 160)

Bill "An Act to Incorporate the Town of Southwest Harbor School District" (H. P. 484) (L. D. 159)

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

The SPEAKER: The Chair now lays before the House the 12th matter of unfinished business, Senate Divided Report of the Committee on the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council, S. P. 260, L. D. 391, Majority Report "Ought not to pass", Minority Report "Ought to pass" tabled on March 24th by the gentleman from Brunswick, Mr. Lacharite, pending acceptance of either report.

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

Mr. DOSTIE: Mr. Speaker, since Mr. Lacharite is absent, I would move that you have this tabled until tomorrow morning.

Thereupon, the matter was so tabled and specially assigned for tomorrow morning, May 6th.

The SPEAKER: The Chair now lays before the House the 13th matter of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relating to Filing of Accounts in Estates upon Petition of Sureties on Bonds," H. P. 1979, L. D. 1361, tabled on March 31st by the gentleman from Portland, Mr. Chapman, pending acceptance of the committee report; and the Chair recognizes that gentleman.

Mr. CHAPMAN: Mr. Speaker and Members of the House: Making reference to the little handy glossary which is indispensable for orderly legislative process with which most of you are familiar, I find this definition quoted "I shall be brief", unquote, which is defined as bait to keep the suckers in their seats. De-

spite the ironic symbol of that definition I will try to be very brief.

This bill, which is now before the House relating to the filing of accounts is a technical bill which relates to probate law. It was not my idea to file the bill; it was the result of certain thoughts on the part of attorneys who practiced in the probate courts down in the coastal region. The bill provides that certain types of accounts will be filed as a matter of course namely, every three years instead of at the complete discretion of the probate judge. Now, I am certainly the last person in the world to ever criticize the discretion exercised by the probate judges because it is my experience and that of most of the attorneys I have dealt with or know about it has been very satisfactory. There are, it has been reliably reported, certain instances where estates have been lying dormant ten and twelve years where attempts have been made to get accounts filed; the attempts have been made by interested parties such as the beneficiaries of the estates and also the sureties on the bonds and they just can't get results. Consequently, this bill was drawn by probate personnel and presented to me for introduction. It merely provides that such accounts if, requested by a party interested, including the surety on a bond, should be filed as a matter of course but not oftener than once every three years. In view of the fact that the probate law is one field of law in which things can become very obscure over a period of time, and where many unfortunate things can happen, the temptations for embezzlement and so forth, wasting of assets are very great. I think any attorney will tell you that the greatest difficulty in regard to improper practice in law is in the field of probate law. It would seem that such a bill is a salutary bill.

Now, I realize that the Judiciary Committee which I have the very greatest respect for reported the the bill "Ought not to pass", but in discussing it with certain mem-

bers of the committee, they told me they thought the bill have very definite merit. It isn't appropriate for me to say who, because the committee report stands as a matter of record and I don't want to try to upset it.

In view of what I have said I am going to offer the motion that the bill be substituted for the report and I so move.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Portland, Mr. Chapman, that the House substitute the Bill for the "Ought not to pass" report of the committee.

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

Mr. **WOODWORTH**: Mr. Speaker, the bill has been on the table so long I don't really know much about it and it doesn't seem to me that there is a quorum of the Judiciary Committee left here. This bill apparently makes the surety on a bond a party to probate proceedings, and if the surety on a bond undertakes to answer for his principal, he really takes the position that he is responsible for all the acts of the principal for which the bond is given to secure the estate. It seems to me like making the court guarantee the responsibility of the principal to the surety. In other words, it takes our whole system of practice on a probate bond and turns it around and runs it backwards. We have always managed to get along without such a law as this and the only thing is for the benefit of the surety on the bond and not for the estate itself and I think we can get along without it for a while longer. I hope the motion may be defeated.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Portland, Mr. Chapman, that the House substitute the Bill for the "Ought not to pass" report of the committee.

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

Mr. **CHAPMAN**: Mr. Speaker and Members of the House: I don't want to belabor the points on this bill and I won't do so. I think there

is an appropriate answer to the objection raised by the gentleman from Fairfield (Mr. Woodworth). Now, this bill says it can be transacted on the request by any party in interest including the surety on a bond, then the accounting shall issue as a matter of course. The accounting, of course, is the only way that the status of an estate can be determined. If the accounting isn't filed, nobody knows where he stands. This does benefit the sureties on bonds to a certain extent. Cases of estates which have lain dormant and on which no action has been taken for a period of twelve or fourteen years do exist as a matter of record in some courts. The sureties can't get off the bonds, they are bound and they can't get the information whereby they can be released from the bond without an elaborate equity proceeding. A short and simple statute like this clarifies the matter and an accounting would be made, they would know where they stand, and there is no necessity to go into the elaborate branch of equity or probate proceedings. That, I believe, is the view of the attorneys who sponsored this bill and I don't think it is pertinent to say anything more about it except that I hope my motion does prevail.

The **SPEAKER**: Is the House ready for the question? The question before the House is on the motion of the gentleman from Portland, Mr. Chapman, that the House substitute the Bill for the "Ought not to pass" report of the committee on Judiciary.

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

Mr. **SILSBY**: Mr. Speaker and Members of the House: We passed upon this bill so long ago that I don't remember what the joker was. I do recall there was some joker and it seems to me that one of the pertinent issues why we thought the bill should not be passed was because of the fact that it was making the surety part of the administration of an estate. I haven't my notes here at hand, but I feel certain that the bill has had plenty

of consideration by the committee and I hope the motion to substitute the bill for the report does not prevail.

The **SPEAKER**: All those in favor of the motion of the gentleman from Portland, Mr. Chapman, that the House substitute the Bill for the "Ought not to pass" report of the committee will say aye: those opposed, no.

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

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

The **SPEAKER**: The Chair now lays before the House the 14th matter of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Abolish the Executive Council, H. P. 1874, L. D. 1214, tabled on March 31st by the gentleman from Waterville, Mr. Muskie, pending acceptance of the committee report.

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

Mr. **WOODWORTH**: Mr. Speaker, I notice the absence of Mr. Muskie and move that the matter be tabled until tomorrow morning.

The **SPEAKER**: Does the Chair understand that the gentleman moves that the matter lie upon the table?

Mr. **WOODWORTH**: Mr. Speaker, yes, and be especially assigned for tomorrow morning.

Thereupon, the matter was tabled and specially assigned for tomorrow morning, May 6th.

The **SPEAKER**: The Chair now lays before the House the 15th matter of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relating to Summation Arguments by Counsel in Criminal Cases", H. P. 1980, L. D. 1362, tabled on March 31st by the gentleman from Portland, Mr. Chap-

man, pending acceptance of the committee report; and the Chair recognizes that gentleman.

Mr. **CHAPMAN**: Mr. Speaker and Members of the House: It makes me very happy to be in a position to move the acceptance of the committee report on this bill and I do it sincerely and not because of what I might expect the attitude of the House to be.

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

The **SPEAKER**: The Chair now lays before the House the 16th matter of unfinished business, Bill "An Act to Aid Small Woodland Owners", S. P. 542, L. D. 1182, tabled on April 1st by the gentleman from Wayne, Mr. Brown, pending his motion to recede and concur; and the Chair recognizes that gentleman.

Mr. **BROWN**: Mr. Speaker and Members of the House: This is a subject upon which I could talk at great length. However, at this late date in the session, I don't believe that I will do that but merely briefly explain the bill and let it pass.

It is a very small bill and merely calls for the appointment of foresters to assist owners of small woodlands in the management of their woodlands. At the public hearing which was held on this bill there were a great many people in attendance representing not only the small woodland owners, but saw mill operators, and the representatives of the large tracts of timberland in the northern part of the State. At that hearing it was the unanimous opinion that it was a good and worthwhile bill and there was no objection raised to it. The report of the Committee on State Lands and Forest Preservation was unanimous "Ought to pass".

The only trouble with this bill is that it calls for a great deal of money and if my motion to recede and concur fails, I will offer House Amendment "A" which would cut

the appropriations down to around \$50,000. The amount would then be merely \$5,000 in each instance which would be merely enough to keep the program alive. I am sure the results of the work which will be accomplished in the next two years will have such a good effect that the Ninety-fifth Legislature will agree to continue the program on a more extensive scale.

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

Mr. **PARKER**: Mr. Speaker and Members of the House: I rise to state that I am certainly in accord with the gentleman who just spoke on this issue. There is no question in my mind, and I believe in the minds of most small woodland owners in the State of Maine, of the value that a forester can give them in selective cutting of their woodlands.

This bill calls for nothing else except some provision to pay them. The original appropriation was large. It would have done a big job if we had had an opportunity to put it in position to have accomplished what it was set up to do. I hope Mr. Brown has an opportunity to amend this bill and keep it alive so that the next Legislature may have an opportunity to enact a proper measure that will do what was originally planned for this bill.

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

Mr. **WEBBER**: Mr. Speaker and Members of the House: I realize it is getting late and I will confine my remarks to just a few of the large problems on this particular subject. I, too, am in favor of the passage of this particular bill. For the last several years, there has been an experiment in the western part of the State more or less along these same lines, in the town of Bridgton.

After the federal funds were exhausted on this particular project, the citizens of that particular part of the State were so enthusiastic

over the results of it, that they raised an additional amount of money to carry on the work of the foresters. I would like to point out that practically all of the important states in the Union having large forests already have this type of program. This would be an educational and practical program to encourage selective cutting. We all must realize that in the background there has been the threat of federal regulation of forest cutting. I think that if Maine made an honest and earnest attempt to begin this program even if it is only on a small scale it would be a step in the right direction and I would like to see this bill passed.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House recede from its action of March 29th whereby the Bill was indefinitely postponed.

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

Mr. **BROWN**: Mr. Speaker, I am a little bit confused. I thought the motion was to recede and concur with the Senate which passed the bill to be enacted.

The **SPEAKER**: The Chair will state that the Bill has not had its third reading. In order to get it in a position where it may possibly have its third reading, the motion would be to recede from its action, then the third reading of the Bill could be had if that motion carries.

Mr. **BROWN**: I will so move, Mr. Speaker.

The **SPEAKER**: And then the motion would be to concur with the Senate in the passage of the Bill to be engrossed. Would that be satisfactory to the gentleman?

Mr. **BROWN**: It would, Mr. Speaker.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Wayne, Mr. Brown, that the House do recede from its action whereby the Bill was indefinitely postponed. As many as are in favor of the mo-

tion that the House do recede from its former action taken on March 29th whereby the Bill was indefinitely postponed will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the Bill was given its third reading.

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

The **SPEAKER**: The Chair understands that the gentleman from Wayne, Mr. Brown, now withdraws his motion that the House concur with the Senate in the passage of the Bill to be engrossed and the same gentleman offers House Amendment "A" and moves its adoption.

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

HOUSE AMENDMENT "A" to S. P. 542, L. D. 1182, Bill "An Act to Aid Small Woodland Owners."

Amend said Bill by striking out in that part designated "**Sec. 2, Appropriation.**" the amounts "\$29,300" and "\$30,000" and inserting in both places the amount "\$5,000"

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

Mr. **WOODWORTH**: Mr. Speaker, this bill calls for the appointment of certain foresters to give technical guidance service to small woodland owners. The amendment reduces the appropriations from \$29,300 in the first year and \$30,000 in the second year to \$5,000 for each year. That is not a great deal of money but it seems to me that \$5,000 isn't going to furnish too much technical advice and guidance and I have a vague suspicion that the only reason for this amendment is to sneak it by the House now so that in a couple of years from now, we will get hooked about \$50,000 a year. If you think the State ought to go into this, it is all right with me but it is just as well to get the record straight.

The **SPEAKER**: The question before the House is on the adoption of House Amendment "A".

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

The **SPEAKER**: Is it now the pleasure of the House that the House insist on its action and join in a committee of conference? In order that there may be no possible confusion about the last proceeding, the Chair will restate the question. Is it the pleasure of the House to insist on its action and ask for a committee of conference?

Thereupon, the House voted to insist on its action and ask for a committee of conference.

The **SPEAKER**: The Chair now lays before the House the 17th matter of unfinished business, House Report, Leave to Withdraw, of the Committee on Legal Affairs on Bill "An Act Permitting Dog Racing," H. P. 1724, L. D. 1033, tabled on April 1st by the gentleman from Portland, Mr. Chapman, pending acceptance of the committee report; and the Chair recognizes that gentleman.

Mr. **CHAPMAN**: Mr. Speaker and Members of the House: Upon specific request of the sponsor of this bill who found it necessary to be absent at this time, I move that the matter be retabled and specially assigned for tomorrow morning.

The **SPEAKER**: The gentleman from Portland, Mr. Chapman, moves that Bill "An Act Permitting Dog Racing" lie upon the table pending acceptance of the leave to withdraw report of the committee and be specially assigned for tomorrow, Friday, May 6th.

Thereupon, the motion prevailed and the report and accompanying papers were tabled and specially assigned for May 6th.

On motion by Mr. Burgess of Limestone,

Adjourned until 9:00 A.M., E.S.T., May 6, 1949.