

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Fourth Legislature*

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, May 6, 1949

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

Prayer by the Rev. Mr. Riedel of Augusta.

Journal of the previous session read and approved.

**Conference Committee Reports**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Maintenance of Sewers" (H. P. 2034) (L. D. 1448) reporting that they are unable to agree.

(Signed)

Messrs. **ATHERTON** of Bangor  
**JEWETT** of Manchester  
**WILLIAMS** of Auburn

—Committee on part of House

**BATCHELDER** of York  
**BREWER** of Aroostook  
**EDWARDS** of Oxford

—Committee on part of Senate

Reports were read and accepted and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse" (H. P. 1786) (L. D. 1125) reporting that they are unable to agree.

(Signed)

Messrs. **ATHERTON** of Bangor  
**JEWETT** of Manchester  
**WILLIAMS** of Auburn

—Committee on part of House

**BATCHELDER** of York  
**BREWER** of Aroostook  
**EDWARDS** of Oxford

—Committee on part of Senate

Reports were read and accepted and sent up for concurrence.

**Papers from the Senate**  
**Senate Reports of Committees**  
**Conference Committee Report**

Report of the Committee of Conference on Bill "An Act Relating to the Financial Responsibility Law" (H. P. 2027) (L. D. 1416) reporting that the Senate indefinitely postpone (H. P. 2027) (L. D. 1416) in concurrence with the House, and reports a new draft (S. P. 695) (L. D. 1616) under the same title; and that the Bill in new draft be given its first reading, and laid upon the table for printing; after which it be given its second reading and passed to be engrossed and that the House concur with the Senate, in passing the Bill to be engrossed.

(Signed)

Messrs. **BARNES** of Aroostook  
**WARD** of Penobscot  
**ELA** of Somerset

—Committee on part of Senate

**SARGENT** of Bucksport  
**FITCH** of Sebago

**GAUTHIER** of Sanford

—Committee on part of House

Came from the Senate read and accepted and the new draft (S. P. 695) (L. D. 1616) passed to be engrossed.

In the House, the Report was read and accepted, and the new draft had its two several readings and was assigned for third reading this afternoon.

The **SPEAKER**: The Chair will state that Item 4, as appearing on the calendar, has been returned to the Senate.

**Ought Not to Pass**

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in Favor of the Town of Fryeburg (S. P. 343) (L. D. 569)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

**Leave to Withdraw**

Report of the Committee on Judiciary on Bill "An Act Relating to Assistant County Attorneys for

Cumberland County" (S. P. 206) (L. D. 269) reporting leave to withdraw.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

#### Ought Not to Pass

##### Covered by Other Legislation

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Relating to the Superintendent of the Public Works Department of the City of Lewiston" (S. P. 471) (L. D. 924) as it is covered by other Legislation.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

#### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Appropriating Funds to Provide for a Reclassification and Compensation Survey (S. P. 562) (L. D. 1227)

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

In the House, Report was read and accepted in concurrence and the Resolve read once and assigned for this afternoon.

#### Ought to Pass in New Draft

Report of the Committee on Agriculture on Bill "An Act Repealing Portions of the Bang's Disease Law" (S. P. 618) (L. D. 1335) reporting a new draft (S. P. 693) (L. D. 1605) under title of "An Act to Control and Eradicate Bang's Disease" and that it "Ought to pass".

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

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

Mr. Campbell of Garland, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to S. P. 693, L. D. 1605, Bill "An Act to Control and Eradicate Bang's disease."

Amend said Bill by striking out the underlined figure "30" in the 2nd paragraph of that part designated "**Plan B—CERTIFIED VACCINATED HERDS**" and inserting in place thereof the underlined figure "36".

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

#### Senate Divided Report

Report "A" on the Committee on Sea and Shore Fisheries reporting "Ought to pass" on Bill "An Act Relating to the Shipping of Clams, Quahogs and Mussels" (S. P. 410) (L. D. 747)

Report was signed by the following members:

Messrs. SLEEPER of Knox  
LARRABEE of Sagadahoc  
—of the Senate

AMES of Vinalhaven  
PHILLIPS  
of Southwest Harbor  
PRINCE of Harpswell

—of the House

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

Report was signed by the following members:

Messrs. BROWN of Washington  
—of the Senate

HANSON of Machiasport  
BUCKNAM of Whiting  
STEVENS of Boothbay  
LITTLEFIELD

of Kennebunk

—of the House

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

In the House, on motion by Mr. Ames of Vinalhaven, the House voted to accept Report "A" "Ought to pass", in concurrence with the Senate.

Thereupon the Bill was given its two several readings and was assigned for third reading this afternoon.

**Non-Concurrent Matter**

Bill "An Act to Enable Certain Cities to Impose a General Business and Occupation Tax" (H. P. 2088) (L. D. 1559) (New Draft of H. P. 1805, L. D. 1131) on which the House indefinitely postponed the Report of the Committee on Taxation, and the Bill.

Came from the Senate with the Report of the Committee read and accepted and the New Draft passed to be engrossed in non-concurrence.

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

Mr. FITCH: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Sebago, Mr. Fitch, moves that the House do insist on its former action whereby the Bill and Report were indefinitely postponed and ask for a Committee of Conference. Is this the pleasure of the House?

The question before the House is on the motion of the gentleman from Sebago, Mr. Fitch, that the House do insist on its former action and ask for a Committee of Conference. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the House voted to insist and ask for a Committee of Conference.

The SPEAKER: With regard to the disagreeing action of the two branches of the Legislature on Bill "An Act to Enable Certain Cities to Impose a General Business and Occupation Tax", the New Draft being House Paper 2088, Legislative Document 1559, the Chair appoints, on the part of the House as the members of the conference Committee:

Messrs. ALBEE of Portland  
McGLAUFLIN of Portland  
FITCH of Sebago

**Non-Concurrent Matter**

Bill "An Act Appropriating Moneys for Child Welfare Services" (S. P. 286) (L. D. 487) which was passed to be enacted in the House

on March 23rd and passed to be engrossed on March 11th.

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.

**Senate Divided Report**

Majority Report of the Committee on Temperance on Bill "An Act Relating to Liquor Licenses in Unincorporated Places" (S. P. 511) (L. D. 1010) reporting "Ought to pass" as amended by Committee Amendment "A"

Report was signed by the following members:

Messrs. BAKER of Kennebec  
BOUCHER of Androscoggin  
SMART of Hancock

—of the Senate

ATHERTON of Bangor  
DeSANCTIS of Madison  
JALBERT of Lewiston

—of the House

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

Report was signed by the following members:

Messrs. BIRD of Rockland  
MAXELL of Orient  
BROWN of Robbinston  
SANDERSON of Greene

—of the House

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

In the House:

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

Mr. DeSANCTIS: Mr. Speaker and Members of the House: I move that we accept the majority "Ought to pass" report of the committee.

Two years ago we had four bills introduced in the Legislature pertaining to the same matter, liquor licenses in unincorporated places. With the assistance of two members of the Aroostook Delegation, the

committee put in considerable time on the matter and finally came out with a report which was satisfactory to all concerned. This year we are faced with the same issue, four more bills introduced, this one being the better of the four.

The whole idea is that a certain few in Aroostook County don't feel that the State should have the handling of the local option issue and want to leave it entirely up to the County Commissioners.

I will read to you on Page 2 of Legislative Document 1010: "The affirmative or negative vote, as hereinabove case, on each such local option question, shall prevail, in such unincorporated place, unless and until changed by another local option vote, subsequently held, on petition to said commission as hereinabove provided. No such local option vote shall be taken more often than once in any 2-year period."

This just puts the voting in the hands of the Secretary of State and the Liquor Commission, which it should be. Therefore I hope my motion to accept the majority "Ought to pass" report prevails.

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

Mr. MAXELL: Mr. Speaker and Members of the House: This bill, perhaps, affects Aroostook County more than any other county in the State since as a matter of fact Aroostook County is the largest county in the State and we are spread over quite an area, and for that reason we have a good many plantations and other unorganized places in our county.

The problem that we have been up against, on this liquor question, is that we would have, for instance, a group of towns which are organized and are capable of running their own affairs, that have for years voted dry and have kept the liquor out of those communities.

Now, then, perhaps surrounding these towns, or amongst these towns, are incorporated towns, and those incorporated towns, through the easiness of their be-

ing able to secure a beer license, have been able to get beer licenses, which have really proved a menace to these other dry communities, and I maintain that that is an infringement upon their rights and privileges. So we have tried to get something here that would cover that situation to cut down on the easiness of these plantations in securing a license to sell beer.

This bill, to my mind, does not cover the situation, but rather weakens the situation, for under the older system, the plantation, after it had had its election, then they applied to the County Commissioners, and if the County Commissioners disagreed, then they had that privilege of applying to the State Liquor Commission.

Now under this bill, they have simply cut out that applying to the County Commissioners and made this so they apply directly to the State Liquor Commission, which, in my opinion, is dead wrong. As a matter of fact, when the Liquor Commission comes into the town to hold a hearing, they simply hear what is going on at that hearing and, as a matter of fact, they only hear the things which the people perhaps want them to hear, whereas, under the County Commissioners, if they apply to them, the County Commissioners are located in that county, they know the surroundings, they know that town or plantation, and they also know much about the individuals in that county. So, for that reason, I think that we are really weakening our case rather than strengthening it. And so far as who sets up these elections, whether it is the Secretary of State or whether it is the Liquor Commission is immaterial; that has no bearing.

And then it says that twenty percent of the voters of any unincorporated town, if they vote, then they can have this election and apply to the Liquor Commission for their right to sell beer.

Now, as you can imagine, it is quite a problem to go out into an unorganized plantation with four

houses and get twenty percent of the voters of those communities.

And then, too, this bill says that this election can be held at any time. Now, under our ordinary law, we have to wait two years, but these unorganized plantations can have this election held at any time, and then, too, it adds to the expense of the State. This thing has to be set up, and just to please the people, perhaps, of four houses, as I know the case in one locality, then we have to go to that expense of holding this local option election.

To my mind, this thing is a dominating of these small communities over the organized towns and towns which really have a population and have voted dry and have kept this thing out of their communities. To my mind, this bill is loosely drawn, and one clause there conflicts with another, and while I might say a lot on this bill, and might perhaps indulge in personalities, I am not going to that extent. For this reason I think this bill is a weakening, and it is not a thing we want.

As the gentleman from Madison, Mr. DeSanctis, says, we have had four bills entered at this session. One of those bills is my own, and when he came in to that hearing, I suggested that my bill perhaps did not cover the situation, nor did I think that the other three would cover the situation. I proposed in that hearing that these entire four bills be reported out as "Ought not to pass", and it was agreed and signed, to my thinking, in that committee, but somehow or other this bill has been brought back in here, through some dickering or some political scheme, I don't know how, but as a matter of fact, this bill does not cover our situation, and without any further discussion, I move the indefinite postponement of this bill.

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

Mr. DeSANCTIS: Mr. Speaker and Members of the House: It

seems foolish to take up time on such matters as this, for the simple reason that it has been gone over and over again. We went over the same thing two years ago and four years ago, just trying to do something that would please everybody, and you know that is impossible.

They would like to have it in the hands of the County Commissioners where there could be prejudice and it could be played with. Their only thought there is being afraid of somebody opening up a new beer store in a town by some person who has been driven out of business in another town.

I will read to you a paragraph in the law that will take care of that: ". . . In no event shall the liquor commission issue a license to any person when it appears to it that such person or any other person for his benefit, has moved a licensed store or restaurant from some organized or unincorporated place where a local option vote has resulted in his being unable to continue such business there or established a new store in such town for the same purpose."

Two years ago there was a certain group that was very much interested in a little town in Aroostook County. After the committee got together with the two members of the Aroostook Delegation and spoke to the others as well, they formulated the plan which was satisfactory, as I stated earlier this morning.

An election was held in that particular town, but this particular bill we worked on wouldn't have any bearing on it, and it was remarkable to see that only ten people out of sixty that were able to vote in that particular town, showed up to vote. I think the Liquor Commission is very capable of handling the issuance of licenses and they refused a good many in the past which were not merited, and I therefore move the acceptance of the "Ought to pass" report of the committee.

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

Mr. MAXELL: Mr. Speaker, as I said before, this bill is unfair and is not what we want. If I might just cite you a case of a hearing that we had there only last summer in one organized plantation. There was a certain gentleman there that wanted to handle beer. We held a hearing before the County Commissioners, and there was quite a group of people from the dry towns who were interested, that came in, and it was brought out at the hearing that there were only four houses in this plantation. Now where was this man going to be supported if he had to depend upon that plantation for his livelihood? He must have expected to depend upon the travelling public for he was on a through highway and depend upon the surrounding towns, which really was his big issue, for his support, and every one of these surrounding towns, for several years, voted dry on this issue. I ask you, in all fairness, is it right that this little one plantation, with only four houses, should control these organized towns surrounding it, which had voted to try and keep this thing out? As I say, this bill is unfair; it infringes upon the rights and the privileges of other people and other towns, and for that reason, I hope that this bill is indefinitely postponed.

The SPEAKER: Before recognizing any other member of the House, the Chair feels obliged to restate what was said last evening, just before we adjourned, that if we are trying to get through tomorrow night, it is essential that the members who are here remain in their seats as constantly as possible so that we can act on matters as fast as we can.

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

Mr. McGLAUFFLIN: Mr. Speaker, I just want to say that many of the questions that come before us are something that most of us know nothing about. As far as I am concerned, this particular measure is one which I know nothing about, but I am guided in my vote very much by the men that recommend

certain action. I have great admiration for the gentleman from Orient, Mr. Maxell, who has taken, repeatedly, the stand that I take on moral issues. Now this is something that I know nothing about, but I am going to follow Mr. Maxell because I have confidence in him, and I am going to vote for indefinite postponement.

The SPEAKER: The question before the House is on the motion of the gentleman from Orient, Mr. Maxwell, that the Report and Bill be indefinitely postponed.

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

Mr. ATHERTON: Mr. Speaker and Members of the House: As one of the signers of the majority report on this bill, I rise in support of the original motion that we accept the majority report of the committee. I feel that this is more of a legal question than a question of debate between the wets and the dries. It is true that this applies, perhaps, in most instances, in Aroostook County where many of these unorganized townships are located. However, there are some in the northern part of my own County of Penobscot, and I believe in some parts of other counties in this State.

I believe that an examination of the bill itself will disclose that a good many of the changes are nothing more or less than clarification of the language and meaning of the statute. The committee amendment, which has been submitted with the majority report of the committee, merely provides that the election in these unincorporated places be held under the supervision of the Secretary of State's Department rather than that of the Liquor Commission. And I think nearly anyone will agree that that is really more for the Department of State, rather than that of the Liquor Commission since, of course, the Secretary of States does supervise nearly all other elections in the State. It also provides for appeals from decisions or refusals of the Municipal Officers and County Commissioners to the Liquor Commission, which I be-



lieve is more or less in line with appeals in other instances.

It was my understanding, from the sponsor of this bill, when he appeared before the committee, that he was equally favorable to the so-called wets and drys. In other words, you might have some instances where you have a Board of County Commissioners who are more inclined to be on the wet side. In such case, then they would not of course be truly representative of the dry element, and this might be within that unorganized town, while the situation might be vice versa. To my mind, the bill is perfectly fair, from a legal standpoint at least, and I hope that it does receive favorable passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Orient, Mr. Maxwell, that the Report and 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 doubted, A division of the House was had.

Forty-five having voted in the affirmative and thirty-six having voted in the negative, the motion prevailed, and the Bill was indefinitely postponed in non-concurrence and was sent up for concurrence.

#### Non-Concurrent Matter

Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals (H. P. 2115) (L. D. 1610) which was passed to be engrossed in the House on May 4th.

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

In the House: The House voted to reconsider its action of May 4th whereby the Resolve was passed to be engrossed.

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

SENATE AMENDMENT "A" to H. P. 2115, L. D. 1610, Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals.

Amend said Resolve by striking out the figure "\$21,545.27" in the 1st paragraph thereof and inserting in place thereof the figure '\$21,551.62'.

Further amend said Resolve by striking out the figure "24.10" which appears after the following words "Rosaire Cliche of Lewiston, for damage to car by deer" and inserting in place thereof the figure '30.45'.

Senate Amendment "A" was adopted and the Resolve 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 Completion of Dairy Barn at Augusta State Hospital (S. P. 159) (L. D. 227) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "B" only.

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

In the House:

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

Mr. CAMPBELL: Mr. Speaker, I move that we insist upon our former action.

The SPEAKER: The gentleman from Garland, Mr. Campbell, moves that the House do insist upon its former action. The former action of the House was to recommit the Bill.

Mr. CAMPBELL: Mr. Speaker, the way I understand it in regard to this bill, there is an amendment on that for \$10,000 to build two silos. Now, the way I understand it, it is being changed to \$25,000. I don't know as I have proceeded properly, but what I want to do is to hold that figure to \$10,000.

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

Mr. JALBERT: Mr. Speaker, I note the absence in the House of the House Chairman of the Appropriations Committee, and I would

like to explain this. The original request was \$50,000, then the bill apparently was recommitted and it was heard and an amendment was put in by Dr. Sleeper, as I remember, that he could do with \$25,000, and the reason that the bill includes the building of two silos is that with this \$25,000 it involves other work to be done such as the building of a bull pen and the buying of a bull and other things, and to clarify the matter the reason that the silos were put in there is that I am of the opinion they will get away from gold-plated silos with this thing being in the bill and we might go up there and see two wooden silos which would serve just as well.

Mr. CAMPBELL of Garland: Mr. Speaker, I will recall that motion if it does not require any increased appropriations.

The SPEAKER: The Chair understands that the gentleman from Garland, Mr. Campbell, withdraws his motion that the House do insist on its former action. Is it the pleasure of the House to accept the "Ought to pass" report of the committee as amended by Committee Amendment "B"?

Thereupon, the committee report was accepted in concurrence and the Resolve had its first reading.

Committee Amendment "B" was then read by the Clerk as follows: **COMMITTEE AMENDMENT "B"** to S. P. 159, L. D. 227, Resolve Providing for Completion of Dairy Barn at Augusta State Hospital.

Amend said Resolve by striking out all after the words "the sum of" in the second line and before the emergency clause and inserting in place thereof the following:

'\$25,000 for the construction of two silos and other necessary construction and equipment as may be found necessary to complete additions to the dairy barn at the Augusta State Hospital, to be expended with the approval of the Governor and Council.'

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

### Orders

Mr. Brown of Baileyville, presented the following order and moved its passage:

**ORDERED**, the Senate concurring, that the Legislative Research Committee be directed to study the feasibility of annual sessions for the Maine Legislature; and be it further

**ORDERED**, that a report on such study, together with recommendations, be submitted to the 95th Legislature (H. P. 2121).

The SPEAKER: Is it the pleasure of the House that the Order receive a passage?

Calls of "No".

The SPEAKER: The question before the House is on the passage of the order. As many as are in favor of the passage will say aye; those opposed no.

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

Sixty-three having voted in the affirmative and nineteen having voted in the negative, the order received passage and was sent up for concurrence.

On motion by Mr. Littlefield of Kennebunk, it was

**ORDERED**, that the marker or tag supplied by the Secretary of State, to the Speaker of the House, in accordance with Joint Order S. P. 682, shall bear a designation of his official position as Speaker of the House.

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

Mr. JALBERT: Mr. Speaker, I ask unanimous consent to briefly address the House.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests unanimous consent to briefly address the House. Is there objection?

The Chair hears none, and the gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: As a Clerk pro tem, I would like to present to the permanent Clerk of this House

as a small token of my sincere feeling toward him as an excellent sport and a hard worker, a little gift, this little box of cigars. I have consulted with the lady members of the House, who have agreed to allow me to suggest that Rule 25 be suspended for the remainder of the day and that the Clerk be allowed to light up if he so wishes. (Applause)

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

Miss LONGSTAFF: Mr. Speaker, I move the passage of the gentleman's order. (Laughter and applause)

The SPEAKER: Is it the pleasure of the House that the order receive a passage?

Thereupon, the order received passage. (Applause)

#### House Reports of Committees Leave to Withdraw

Mr. Lackee from the Committee on Ways and Bridges on Bill "An Act Relating to Repairs of Roads in Deorganized Towns" (H. P. 14) (L. D. 4) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

#### Ought Not to Pass

Mr. Lackee from the Committee on Ways and Bridges reported "Ought not to pass" on Bill "An Act Relating to Taking of Land by State Highway Commission" (H. P. 1895) (L. D. 1223)

Report was read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

Mr. Payson from the Committee on Judiciary on Bill "An Act Relating to Rules of Descent" (H. P. 1981) (L. D. 1363) reported same in a new draft (H. P. 2120) (L. D. 1621) under same title and that it "Ought to pass"

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

#### Ought to Pass Printed Resolve

Mr. Laughton from the Committee on Claims reported "Ought to pass" on resolve in Favor of General Ice Cream Corporation of Rockland (H. P. 898) (L. D. 1622)

Report was read and accepted and the Resolve, having already been printed, was read once under suspension of the rules, and assigned for second reading this afternoon.

#### Ought to Pass with Committee Amendment

Mr. Chapman from the Committee on Legal Affairs on Bill "An Act to Create the Town of Benton School District" (H. P. 1170) (L. D. 626) 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" read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 1170, L. D. 626, Bill "An Act to Create the Town of Benton School District."

Amend said Bill by striking out in the 6th 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 3rd line of Sec. 3 thereof the word "nunicipal" and inserting in place thereof the word 'municipal'.

Further amend said Bill by striking out in the 1st line of the 4th paragraph of Sec. 3 thereof the word "in" and inserting in place thereof the word "within".

Further amend said Bill by inserting in the 5th line of the 4th paragraph of Sec. 3 thereof before the word "adopt" the word 'may'.

Further amend said Bill by striking out in the 6th line of Sec. 4 thereof the figures "\$69,000" and inserting in place thereof the figures '\$40,000'.

Further amend said Bill by striking out in the 8th line of Sec. 4

thereof the word "annually" and inserting in place thereof the word 'semiannually'.

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

Further amend said Bill by striking out in the 9th line of Sec. 7 thereof the words "school board" and inserting in place thereof the words 'superintending school committee'.

Further amend said Bill by inserting in the 4th from the last line thereof after the word "election" 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'.

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 Tremont School District" (H. P. 483) (L. D. 158) 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. 483, L. D. 158, Bill "An Act to Incorporate the Town of Tremont 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 3rd 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 2nd line of Sec. 4 thereof after the word "district" the words 'by its trustees'.

Further amend said Bill by striking out in the 5th line of Sec. 4 thereof the figures "\$75,000" and inserting in place thereof the figures '\$50,000'.

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 "3%" and inserting in place thereof the figure '3½ %'.

Further amend said Bill by striking out in the next to the last line of Sec. 5 thereof the figure "40" and inserting in place thereof the figure '30'.

Further amend said Bill by striking out in the 8th from the last line of Sec. 6 thereof the word "warrant" and inserting in place thereof the word 'warrant'.

Further amend said Bill by striking out in the 5th from the last line of Sec. 6 thereof the word "and" and inserting in place thereof the word 'said'.

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

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

**Divided Report**

Majority Report of the Committee on Federal Relations reporting "Ought to pass" on Bill "An Act to Amend the Unemployment Compensation Law with Respect to Coverage" (H. P. 1386) (L. D. 758)

Report was signed by the following members:

Messrs. **SLEEPER** of Knox  
**SLOCUM** of Cumberland  
 —of the Senate.  
**BROWN** of Baileyville  
**JONES** of Bowdoinham  
**FITCH** of Sebago  
**LETOURNEAU** of Sanford  
**MUSKIE** of Waterville  
 —of the House.

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

Report was signed by the following members:

Messrs. **BATCHELDER** of York  
**JENNINGS** of Strong  
**PAYSON** of Union  
 —of the House.

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

Mr. **BROWN**: Mr. Speaker, I move that we accept the majority report of the committee, "Ought to pass".

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

Mr. **PAYSON**: Mr. Speaker, I would like briefly to give my reasons for the signing of the minority report on this bill. As you will note, by looking at the bill, it changes the unemployment law, in regard to coverage, by changing the number of employees from eight to four. In other words, any employer with four or more employees would then come under the act, where it now requires eight or more. This bill, when it was originally passed, I believe was to provide an economic cushion for communities where there were large industries employing large groups of men, where, in case of work shortages or stoppages, large numbers of them would be laid off, that they would have some money with which to take care of themselves, and would

not thereby affect the economic life of the community.

If this bill passed, it seems to me that it would affect mostly small business men, grocery store owners, insurance and professional men, barber shops and so forth. I believe that these small businesses are more or less stable, and that if this bill were passed, that the people in these groups would not be so apt to be affected as those in the large industries. It is a tax on an employer at the rate of nearly three percent at the start. It would affect, if passed, as estimated by the Commission, about 6,000 more employers in the State. The Commission has admitted that if it were passed, it would be more expensive to enforce, and collections would be difficult because of transient workers in the State at certain seasons.

For these reasons, I signed the minority report, and I hope the motion of the gentleman from Baileyville, Mr. Brown, does not prevail.

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

Mr. **McGLAUFILIN**: Mr. Speaker, I did not know, until within the last three minutes, that there was such a bill before this Legislature, but I can tell you right now that I am most definitely opposed to it.

I have just recently been through some experience with the eight—the number of employees is eight at the present time. I happen to represent a real estate broker in Portland. This broker has two employees outside of this real estate business. They have nothing whatsoever to do with that business. One is a janitor and another is a stenographer, but he has six persons that sometimes work for him upon a commission, and we have been bothered more than I can tell you with United States representatives relying upon this eight, trying to claim that he employed eight persons, and they have been in and demanded inspection of the books, and I told my client not to let them see a page of anything until the United States government says so. That matter has been taken up

at Augusta, and has been discussed with the representative here, and it has finally been sent to Washington.

Now to me the whole thing seems utterly absurd because two of the persons they employ are persons that receive a salary of their own on another business entirely, and only once in a great while they see a chance to help put through a real estate deal and get half of a commission.

I am calling attention to that fact because it seems that the government wants to make itself a damnable nuisance if there is any possible chance to do so, to make trouble for the little fellow.

This matter came up in this House several years ago, and I opposed it at that time, and the House turned it down definitely, and I say that when you limit the number to eight, you have got it low enough, and we don't want to impose upon these little employers, so that they have got to take care of this fool performance that is required of eight or more. I most certainly hope that this bill is defeated, and I never heard of it until five minutes ago.

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

Mr. BROWN: Mr. Speaker and Members of the House: One thing that we have got in the State of Maine today is something that we all should be proud of. It is the cooperative spirit that exists between employer and employee. We had a situation back here some two years ago where that situation wasn't quite as favorable as it is at the present time. However, we have forgotten about that time, and we are facing the future with a different approach to the problems that do come between management and labor. On all of the matters pertaining to Workmen's Compensation and Unemployment Compensation in this Legislature both sides have sat down around the table and agreed to things that were considered of the utmost importance and of the utmost benefit to

the people of the State of Maine. That has been the policy of both sides through this Legislature. On these matters we have consulted each other, and we have made what I consider the proper approach to them. Now that is the way we want to do business in the State of Maine. That is the way that is going to be the greatest advertisement to the State of Maine of anything that can exist.

Now we can sit here and argue, and argue whether this should be brought down to four or one or what have you, but we have these social benefits in this country today, and we might just as well recognize that we have got to have more of them in the future. Right at the present time, in the State of Maine, every day we pick up the papers of these groups being laid off and that group being laid off and some other group being laid off, and what, for the love of Mike, is going to take care of them? We must find some way either through social legislation or then we are going to pay taxes, each and every one of us, to take care of them. Now those are facts that you or no one else can deny.

Right down in my own county, all during the winter, if it had not been for unemployment insurance, those towns and cities would have been totally bankrupt. We saw what they went through back here a few years ago, before we had unemployment insurance. The city of Eastport is one example where the State had to take over and operate it for years; they finally got it back on its feet and today the City of Eastport is sailing along pretty.

Now we say we don't want to get down and hit the small employer. Well, let me point this out to you: You might be one in a store with five or six employees. Supposing that store burns down and those five or six employees are turned out on the street. Are you going to take care of them or what is going to become of them? They are going to be at the mercy of charity or become paupers.

Now let us play the game fair. Let's see that everyone has equal opportunity. Because I work for an employer that may employ ten, and I get laid off, I get benefits, but if you work for an employer who is only employing seven, you may live right along side of me on the same street, and yet you cannot get the benefits and I can. Now is that fair? Let's look at these things broadmindedly today, members, because they are situations we have got to face more and more in the future.

Now, as I said before, we sat down and we went over these things and tried to arrive at something. We had a bill in the Federal Labor Relations Committee, calling for lowering it to one, and I, myself, opposed that bill because I thought it did go down too far, but I think, when we come down to four, we are not going too far, and that it should be enacted in this Legislature.

Now here is a list of states throughout this country, and there are about a dozen of these states that take it down to twelve. The majority of them go down to four. Now I think four is a fair proposition. I think that it should be put into effect at this time. Let us recognize the need and let us go along with this program, and Mr. Speaker, when the vote is taken, I move that it be taken by a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Baileyville, Mr. Brown, that the House do accept the majority "Ought to pass" report of the committee.

The Chair recognizes the gentleman from Caribou, Mr. Bearce.

Mr. BEARCE: Mr. Speaker, this House has turned down tax measure after tax measure. This is simply a tax measure and taxing the small business man when we have invariably and emphatically turned down tax measures, and I hope the bill does not pass.

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

Mr. CHAPLES: Mr. Speaker, as a small business man myself, I am strongly opposed to this bill. Now I contribute to my town a good part of our living, and if this bill goes into effect, I cannot go to work and take twenty-five cents or thirty cents a day out of my pocket to pay it. I would rather close down my business. It works a hardship on the small man, and it is driving him out of business; it is driving him out fast. I couldn't stand it when it took eight cents, and I certainly cannot stand it with four, and I hope that the motion of the gentleman from Baileyville (Mr. Brown) does not prevail, and that the bill will be indefinitely postponed.

The SPEAKER: Does the Chair understand that the gentleman moves that the bill be indefinitely postponed?

Mr. CHAPLES: I do, Mr. Speaker.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Baileyville, Mr. Brown, having signed the majority "Ought to pass" report of the committee.

Now, first of all, we have got to recognize that fourteen years ago we, in this country, adopted the principle of unemployment insurance. We adopted it for several reasons. We considered, first of all, that as a method of relief for unemployed in times of recession or depression, the principle of insurance was preferable to the principle of poor relief, job relief, the WPA or any of the other various measures of public relief that were adopted during the depression of the early thirties.

We considered, secondly, that the principle of unemployment insurance was preferable from the point of view of government in this respect: That it was better to amortize the costs of depression to the community over periods of prosperity, during years when, by small payments, the taxes of the country

could take care of the extra burdens that government must stand during periods of recession.

Now it seems to me that, having adopted the principle of unemployment insurance, now is a good time to consider the feasibility of extending it. There is nothing magic about the figure "8". We are told that the reason that figure was adopted was that we were attempting to deal with the problem in large communities in which large industries were located. That was one of the considerations, but there are others. The figure "8" was adopted, among other reasons, because it was felt that large industries were a better field in which to experiment with the principle of unemployment insurance and from which to gather experience for the purpose of extending it on a sound actuarial basis when the times made it feasible.

Now we have had fourteen years of gathering the experience. We have attained some actuarial experience with the problem. It is true that it has not been tested by a major depression or recession, but we do know something more about the field than we knew fourteen years ago, and I think the time has come when we should consider extending it, principally in view of the fact that the gentleman from Baileyville (Mr. Brown) has pointed out, that a majority of our states have already extended this principle to employers of four or, in some cases, less.

We are told that this is likely to be an additional burden to the small business man, and of course I do not blame the small business man for being concerned about anything which is likely to be an added burden, but is this, considering all angles of it, an additional burden to the small business man?

Now we are told, on rough estimates, that if this bill were enacted, 6,000 additional employers would be covered and from 35,000 to 40,000 additional employees. There are two aspects to the possible burdens of the small business man, first, whether or not he is going to

become involved in some additional red tape. Now already the small business man has to keep certain records and make certain returns with regard to the old age insurance provisions that are already covering it. The records that he would require for this purpose would be nothing in addition to what he already has to keep for those purposes. The only additional work would be the filing of an additional return at the regular periods.

Now so far as the tax is concerned, I ask the small business man located in our small communities throughout the State merely this question: We are going to pay a tax for three years of 2.7 percent. Thereafter that rate may be dropped, depending upon your experience in the three-year period, and it can drop to as low as .9 percent, nine-tenths of one percent.

Now I ask you this: If we should enter into that period of depression which so many prophets of doom are prophesying in the near future, is it going to be cheaper for you to pay this percentage of your payroll which will vary from 2.7 to .9 percent, or is it going to be cheaper for you, if unemployment should hit your town, to stand the additional cost of local welfare and poor relief?

Now we have here, in our unemployment compensation fund, a sum in excess of \$40,000,000 which is available to the State of Maine as a cushion, not only for the employees who may be thrown out of work, but for the local communities, in the event of hard times. That \$40,000,000 will be spent for purposes which you otherwise will have to provide through your poor relief funds. You have \$40,000,000 already available. You are worried about this additional tax. Well, if hard times hit your town, you are going to have an additional tax burden in the form of poor relief. Now I am told that, today, these unemployment funds which are pouring into our towns throughout the State are providing very definite relief to the governments of



those towns and providing very definite relief to the small business of those towns in so far as they are providing additional purchasing power.

And so it seems to me, that on the basis of sound business considerations, we, at this time, should seriously consider extending the principal of unemployment insurance to cover employers of four. We are told, to cover one additional point, and then I will yield to my good friend the Judge, (the gentleman from Portland, Mr. McGlaulin) we are told that this would mean additional expense in so far as administration is concerned. Now that will mean no additional expense to the State, as I understand it. We already pay in to Washington, the employers of this State, three tenths of one percent for administration expenses. We, in this State, have not drawn back from Washington the full amount that we have contributed for administrative expense, and as I understand it, from moneys that we already have paid in, and there would be no additional expense so far as the employers of the State are concerned.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: For at least ten years the Labor People have been trying to get this eight cut down. I know that for a fact because, when the matter came up some ten years ago, at that time I was prepared, with letters from men who told exactly the same story that this gentleman did a moment ago, that it would practically put them out of business to have to contribute even that little amount, but I want to point out to you members that this is only one more entering wedge, and Labor has not the slightest idea of stopping at four. Next thing they will get it to two and following that they will get it so that every last man of you that hires anybody has got to take part in this performance.

Now, this is the time to stop it right here. I am in favor of Labor having a square deal, but I don't want Labor running the whole State of Maine, and they have got this through in other states because they have very strong organizations, and fortunately, up to now, they have not been able to run the State of Maine, and I hope that we have got sense enough to stop this right where it is now and we do not need to put these small businessmen out of commission just to give some fellow a chance to get a few more dollars.

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

Mr. PAYSON: Mr. Speaker, as the gentleman from Baileyville, Mr. Brown, has said, it is just a question of compromise whether it should be at eight or at four. I believe it should be at eight. It has gotten so that my friend, Mr. Muskie, won't take my advice on anything now except baby formulas and baby sitters. I hope the motion to indefinitely postpone prevails. (Laughter)

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

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

The SPEAKER: The gentleman from Bangor, Mr. Wight, 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 favoring the Chair entertaining the motion for the previous question will kindly rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: More than the required number having arisen, the motion to entertain the previous question is in order.

The question before the House now is: Shall the main question be put now? As many as are in favor of the main question being put now will say aye; those opposed no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Hudson, Mr. Chaples, that the Report and Bill be indefinitely postponed. The gentleman from Baileyville, Mr. Brown, has requested a division. As many as are in favor of the indefinite postponement of the Report and Bill will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-one having voted in the affirmative and twenty-nine having voted in the negative, the motion prevailed, and the Report and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time, the Chair will appoint the members of the Committee of Conference on the disagreeing action on Bill "An Act Relating to the Salary of the Commissioner of Labor and Industry" being House Paper 600, Legislative Document 183. The members of the Committee of Conference, on the part of the House, are as follows:

Messrs. DOW of Falmouth  
JACOBS of Auburn  
MILLETT of Palmyra

#### Passed to be Engrossed Amended Bills and Resolves

Bill "An Act Relating to Taxation of Boats" (H. P. 1743) (L. D. 1096)

Resolve Providing for the Payment of Certain Pauper Claims (H. P. 2116) (L. D. 1611)

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

Resolve Providing for Certain Construction at the Maine State Prison (S. P. 253) (L. D. 360)

Was reported by the Committee on Bills in the Third Reading, read

the second time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Resolve Closing Emden Pond in the Town of Emden to Ice Fishing (H. P. 918) (L. D. 370)

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

#### Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building a Combination Highway and Railroad Bridge Across Fore River Authorized by the Legislature (S. P. 670) (L. D. 1522)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of all the members of the House being necessary, a division was had. One hundred and seventeen voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Mr. SPEAR: Mr. Speaker, in order to expedite the affairs of State, I ask unanimous consent of the House to have this Resolve and accompanying papers sent forthwith to the Senate for their consideration.

The SPEAKER: The gentleman from South Portland, Mr. Spear, asks unanimous consent that the Resolve and accompanying papers be sent forthwith to the Senate. Is there objection? The Chair hears none, and the papers will be sent forthwith to the Senate.

#### Passed to be Enacted

An Act Creating the State Board of Education (S. P. 294) (L. D. 488)  
An Act Relating to the Salary of

the Judge of the Lewiston Municipal Court (S. P. 466) (L. D. 917)

An Act Relating to the Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court (S. P. 467) (L. D. 916)

An Act Relating to Interstate Shipment of Shellfish (S. P. 510) (L. D. 1008)

An Act Relating to Salaries of State Department Heads Set by Statute (S. P. 665) (L. D. 1496)

An Act Relating to Punishment of Violations of Public Utility Laws (S. P. 669) (L. D. 1521)

An Act Providing for the Construction, Maintenance and Improvement of Controlled Access Highways (S. P. 684) (L. D. 1583)

An Act Relative to Sale of Wild Hares and Rabbits (H. P. 353) (L. D. 118)

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

An Act Relating to Wild Bees (H. P. 1025) (L. D. 457)

An Act to Incorporate the Town of Lubec School District (H. P. 1050) (L. D. 466)

An Act Relative to Crop and Orchard Damage (H. P. 1134) (L. D. 542)

An Act Forbidding Employers to Charge a Fee for a Medical Examination as a Condition of Employment (H. P. 1306) (L. D. 633)

An Act to Incorporate the Topsham School District (H. P. 1309) (L. D. 686)

An Act Relating to Aid to Dependent Children (H. P. 1551) (L. D. 869)

An Act Relating to the Duties of the Insurance Commissioner and State Fire Inspectors (H. P. 1788) (L. D. 1127)

An Act Relating to Towns Regulating the Taking of Shellfish (H. P. 1801) (L. D. 1143)

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

An Act to Provide for a Council-Manager Form of Government for the City of Westbrook (H. P. 1983) (L. D. 1364)

An Act to Revise the Charter of the City of Westbrook (H. P. 1984) (L. D. 1365)

An Act Relating to Fees Payable to Registers of Deeds (H. P. 2041) (L. D. 1464)

An Act Relating to Training and Field Trials for Beagles and Other Rabbit Hounds (H. P. 2094) (L. D. 1579)

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

#### Finally Passed

Resolve Providing for Construction of Dormitory for Female Patients at Augusta State Hospital (H. P. 631) (L. D. 1444)

Resolve Providing for Certain Construction at the Bangor State Hospital (H. P. 632) (L. D. 1350)

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

#### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the 1st item of unfinished business, Bill "An Act to Provide for the Creation of a Liquor Research Commission" (S. P. 470) (L. D. 922) tabled on the 4th day of April by the gentleman from Fort Fairfield, Mr. Dorsey, pending assignment for third reading; and the Chair recognizes the gentleman from Fort Fairfield, Mr. Dorsey.

Mr. DORSEY: Mr. Speaker, I move that Legislative Document 922 be tabled and reassigned for tomorrow morning.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Dorsey, moves that Bill "An Act to Provide for the Creation of a Liquor Research Commission" lie upon the table pending assignment for third reading, and be specially assigned for Saturday, May 7th. As many as are in favor of the motion that the matter lie upon the table pending assignment for third reading and be specially assigned for tomorrow morning will say aye; those opposed no.

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

Mr. DORSEY: Mr. Speaker, I now yield to the gentleman from Blaine, Representative Bubar.

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

Mr. BUBAR: Mr. Speaker, the reason why we wished this to lie on the table was pending an amendment which it seems is very necessary.

Now whether or not that amendment can be produced, it seems only right and fair, where there is some controversy over this matter, that we should have the privilege of presenting an amendment or maybe table it until this afternoon's session.

The SPEAKER: The gentleman may so move if he cares to.

Mr. BUBAR: Well, then, if it be in order, I move that we table the matter until this afternoon's session, until I can produce the amendment. They are very busy in the department now and were not able to get the amendment ready.

The SPEAKER: The gentleman from Blaine, Mr. Bubar, moves that Bill "An Act to Provide for the Creation of a Liquor Research Commission" lie upon the table pending assignment for third reading and be specially assigned for this afternoon.

Mr. ROUNDY of Portland: May I have the privilege of making a statement, Mr. Speaker? I don't understand this to be a matter of debate. I may say that I think I have the amendment in hand that the gentleman from Blaine, Mr. Bubar, is speaking about.

Mr. BUBAR: Mr. Speaker, the gentleman does not have the amendment.

The SPEAKER: The motion before the House is not debatable. The motion is that the Bill lie upon the table pending assignment for third reading and be assigned for this afternoon. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Bill was so tabled and so assigned.

The SPEAKER: The Chair now lays before the House the 2nd item of unfinished business, Bill "An Act Relating to Definition of 'Teacher' under State Employees' Retirement Law" (H. P. 1783) (L. D. 1122) which was tabled on the 4th day of April by the gentleman from Auburn, Mr. Williams, pending third reading.

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

The SPEAKER: The Chair lays before the House the 3rd item of unfinished business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Joint Resolution Relating to Consolidation of State Departments (H. P. 1948) (L. D. 1321) tabled on April 5th by the gentleman from Baileyville, Mr. Brown, pending acceptance of report of committee; and the Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I rather hesitate to rise and speak on this item that we have before us. My batting average on items before this House is rather low, and I am afraid they are liable to bench me. I am also afraid that if I make a motion on this that it will go the opposite way and I will accomplish the purpose for which this resolution was first put in.

I am going to be a little cooperative now and I am going to move that the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs be accepted, because I have come to the conclusion that maybe, in the State of Maine, we don't need to practice economy, that our government is so set up that there is no way that we can improve it or consolidate our activities and affairs and make them more effi-

cient. I hope that we have arrived, in the affairs of our State government, where we are the most efficient set-up known in this country under our Democracy.

The reason I introduced this in the first place was the fact that this Legislature, in the first few weeks of sitting, was labeled throughout the Press as a Legislature that had no idea of economy. Wherever you went, you heard that on the lips of our people. Now when I introduced the resolution, the thought of consolidation was a very minor matter. It was mentioned, I think in the last paragraph, wherever consolidation could be effected without affecting the efficient operation of any department or agency. My belief at that time was those were good, sound principles. However, our Appropriations Committee did not see fit to pass it out, and so, at this time, I am going to move to accept the "Ought not to pass" report of your committee.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that the House do accept the "Ought not to pass" report of the committee. Is it the pleasure of the House to accept the "Ought not to pass" report of the committee?

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

The SPEAKER: The Chair now lays before the House the 4th item of unfinished business, House Report "Ought not to pass" of the Committee on Public Utilities on Bill "An Act to Amend the Charter of the Augusta Water District" (H. P. 1656) (L. D. 964) tabled on April 5th by the gentleman from Winslow, Mr. Dostie, pending acceptance of the report of the committee; and the Chair recognizes the gentleman from Winslow, Mr. Dostie.

On motion by Mr. Dostie, 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 5th item of unfinished business, being House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Tax on Gasoline Used for Aeronautical Purposes" (H. P. 1944) (L. D. 1316) tabled on April 6th by the gentleman from Baileyville, Mr. Brown, pending acceptance of the report of the committee; and the Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: This is another item on which the Committee on Taxation reported "Ought not to pass".

I introduced this bill for the Aeronautics Commission. It seems as though it has to do with the refund of two cents on gasoline used in planes. I think the thought behind this was that it would save a lot of unnecessary work because the two cents is collected by the Aeronautics Board, and then it has to be refunded. The records have to be kept over a long period of time, so that anyone coming back claiming refunds, that the records are there to substantiate. It seems that your Tax Board here in the State has to keep available at all times a certain sum of money to cover these refunds, and both the State Tax Assessor and your Aeronautics Board believe that it was a good move, it would save a lot of time, effort and what have you. However, they cannot seem to agree on the matter, so at this time I am willing to move to accept the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that the House do accept the "Ought not to pass" report of the committee. Is it the pleasure of the House to accept the "Ought not to pass" report of the committee?

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

The SPEAKER: The Chair now lays before the House the 6th item

of unfinished business, being House Divided Report of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Lee Academy (H. P. 891) (L. D. 363) Majority Report being "Ought not to pass", the Minority Report being "Ought to pass", tabled on April 7th by the gentleman from Bangor, Mr. Webber, pending acceptance of either report; and the Chair recognizes the gentleman from Bangor, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: I am going to move that we accept the minority report of the committee, "Ought to pass", but before doing this I would like to give you a little background on this particular case.

Lee Academy is a school 104 years old, located in the town of Lee, in Penobscot County, with a population of 600 people. This academy serves as an area school, having 190 students. In all, 19 towns in that area use the facilities of Lee Academy, which serves as a high school for these many towns. The academy operates three buses, the longest run being 40 miles. At a recent hearing in Augusta, Commissioner Ladd said that the limit for conveying students should be 30 miles.

One can readily appreciate the important educational work being carried on by Lee Academy. During the past ten years the academy has raised \$100,000 by voluntary means. It had been planned to build this dormitory for women before the war, but it was not possible. After the war, costs had risen to such an extent that the estimated cost now is \$180,000. To my knowledge, this is the only request received before our committee for State assistance wherein a school had raised a sizeable amount out of its own efforts. We have already passed a resolve in favor of Erskine Academy, recognizing the basic needs of that community. I feel that this request has considerable merit, therefore I move that we accept the minority report of the committee. I would add that

if this receives favorable action, I shall offer an amendment which will reduce the amount requested from \$50,000 to \$25,000.

(At this point the gentleman from Monmouth, Mr. Marsans, assumed the Chair, and Speaker Haskell retired)

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

Mr. JACOBS: Mr. Speaker and Members of the House: This resolve passed the Appropriations Committee by a large majority against it. I realize the necessity of these schools having more funds, but let us be fair in our determination here what we do. We have turned down three requests on this same basis, to other schools in the State.

Now Lee Academy has an amount of money of \$100,000 donated to them by a friend who is interested in Lee Academy, with which to build a dormitory. Now it seems to me, in a town of 600 population, that \$100,000 could build a fair-sized dormitory for girls. They have one there but it is old; it is serving its purpose now, but to be fair with other schools which we have rejected on this same principle, on this same basis, it does seem unfair to me, on any amount which might be recommended by this Legislature. Lee Academy is not suffering. I believe that they can build a dormitory with the \$100,000 which they now have, so that they can function. Members of the House, where we turned down three other similar cases, in the Appropriations Committee, I rise to object to this on account of the fact that we turned down the other three.

The SPEAKER pro tem: The question before the House is on the acceptance of the minority report "Ought to pass" on Resolve in Favor of Lee Academy.

The Chair recognizes the gentleman from Lee, Mr. Cobb.

Mr. COBB: Mr. Speaker and Members of the House: As the sponsor of this resolve, I feel it is

my duty to give a slight statement of facts.

Now Lee Academy is a non-sectarian, non-profit school. It is serving, as Mr. Webber has said, nineteen small towns and plantations none of which have any high school of their own. In addition to that, it is serving quite a number of State children that have been placed in the town of Lee by the State Welfare Workers. In order to serve this area, we are operating three buses and two over-crowded dormitories in order to take care of the present enrollment. These dormitories are over-crowded to the extent that at the present time part of the teachers have to room in private homes as there is not room for them in the dormitories.

Last month, at their annual town meeting, the voters of the town of Winn voted to send thirty additional boys and girls to Lee Academy next year. Now if we are to serve this whole area of nineteen towns, including Winn, next year, we have got to have a dormitory that will accommodate at least fifty students next year. The architect figures that it will cost \$180,000 to build and equip this dormitory, which would be a modern brick, fireproof, up-to-date permanent building.

I will agree with the gentleman from Auburn, Mr. Jacobs, that we can build some kind of a building for \$100,000. That was our original intention, ten years or so ago; we considered we could build the building we are planning on now for \$100,000. We went to work, and through the alumni and the people of the town of Lee, we have, during that ten years, raised \$100,000 which we have in our building account. At the present time things have gone up so that it will cost us \$180,000 to build that building.

Lee Academy has run for 104 years; it is a permanent fixture in the town of Lee. We have a gymnasium that is a modern brick building, fireproof, and a permanent fixture. We have a high school building that is a modern brick building, as near fireproof as pos-

sible. When our original high school building burned and we were faced with the proposition of either closing a school or getting a new building, the farmers and small business men in the town of Lee went into their pockets for anywhere from \$1 to \$500 each, then they went into town meeting and voted to give \$10,000 more through taxation if that building could be replaced.

We feel now that it would not be good business to build a dormitory that would not be a permanent fixture and would be a fire hazard to these boys and girls, and that would call for repairs every year and we would be looking for a new one in twenty-five or thirty years. We would like to have something that would be permanent so that the school can exist the next hundred years, as well as the town.

We are asking for \$25,000 from the State. We feel that if the alumni of Lee Academy and the taxpayers of the town of Lee are willing to give \$155,000 for the educational benefit of the boys and girls, not only from the little town of Lee, but from nineteen other towns, including Winn, the boys and girls of those other towns and several State children, children that fall on the taxpayers of the town of Lee to furnish school rooms, teachers, bus service, and we even have to pay the tuition to our high school on those State children, we feel that it is no more than fair and just that the State should help us to the extent of \$25,000 on that building. I hope that the motion of the gentleman from Bangor, Mr. Webber, prevails.

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

Mr. BUBAR: Mr. Speaker and Members of the House: This is another case of preparing the youth of this State for leadership or not, and I contend that we can economize on anything except the teachers of our children, and I contend that it is no economy to deny a boy or a girl the best education that they can possibly attain or are cap-

able of attaining. Then, again, it is a question of protection from fire. Do we want to send our boys and girls into an old wooden building where fire can sweep through at any time and destroy them, or do we want to send them to a fire-proof building, so we can rest safely and securely when they are away from us and under the care of the State? I do hope that motion of the gentleman from Bangor, Mr. Webber, prevails.

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

Mr. PARKER: Mr. Speaker and Members of the 94th Legislature: At the time this resolve went before the Appropriations Committee, I was very interested because I happen to know something about the kind of students Lee Academy graduates. I happen to be familiar with the territory it serves. I happen to know that they are doing an excellent job in many different branches of education, including agriculture.

Not many of our high schools or academies in the smaller sections of our State have an Agricultural course or a Home Economics course that gives the boys and girls who go no farther in their education an opportunity to prepare themselves for home life or an opportunity to gather information on modern methods of agriculture. To my mind, that is something we should certainly try to uphold. In any of our small towns the boys and girls go back to the farms to earn their living, trying to become efficient, with the only preparation that they get from learning the "Three R's". I say to you that is excellent, but an academy like Lee Academy, that has for years included an Agricultural course and a Home Economics course for the boys and girls of that section, certainly deserves a little something out of the ordinary that we extend to our high schools or to our academies that are only training our boys and girls for other purposes.

Just one more point: This section of our State has not only dominated, as it was brought out by my

friend, the gentleman from Auburn, Mr. Jacobs, \$100,000 for this dormitory, but they are continually doing everything in their power that this school which serves, not only the town of Lee, but I believe, as has been mentioned, nineteen other towns and plantations—I believe this is one thing we cannot go by at this time without giving it our support. I thank you.

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

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

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

Mr. BOOTHBY: Mr. Speaker and Members of the House: I rise to go on record in favor of this resolve. I know something about the conditions up there. I think they are very worthy; I think a few dollars up there will go a long way. I sat in at the hearing, at the time it was held, and I do not think that it is abusing any of the other schools. I think this is an outstanding job that they are doing. The academy is up there in those sparsely-settled towns, where it is a great effort to get an education, and I think that we should do everything we can to help those children in that area up there, and I do not feel ashamed of saying this, and I hope the House will accept the "Ought to pass" report.

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

Mr. MCGLAUFLIN: Mr. Speaker, I just want to say a word. I hold in my hand this morning's Press Herald, and I read this: "Ladd deplores Death of State Education Bills. The Clock of Progress Stopped at Augusta." Perhaps the clock of progress has stopped, but here is a chance for us to give it a little push, and I am for this bill.

The SPEAKER pro tem: Is the House ready for the question?

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



Mr. GATES: Mr. Speaker, I wish to rise in support of this bill. It is rather refreshing, to me, to have a town the size of Lee, which is a very small town; it is entirely agricultural, and has no industries of any kind, who come in here and they ask for a small amount of money and they don't offer to match it once, or twice, or three times; they are offering to match that amount by six, and I hope that this motion prevails.

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

Mr. BROWN: Mr. Speaker and Members of the House, I just want to add a word to this. My district comprises a vast area up there where many of the students come from and attend that Lee Academy. There are no other high schools in that area except the Academy at Lincoln. They run these buses way over to Topsfield to pick up the students there and then transport them to Lee Academy, and who have graduated from Lee Academy. It is a worthy cause, and I certainly want to support it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Palmyra, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I, too, want to go on record in support of this \$25,000 from Lee Academy, and I would like to remind the members that when we have talked about this unappropriated surplus, it has continually been suggested that it be used for non-recurring expenses, and this is one. I feel that education in the State of Maine is the first basic issue, and we cannot support institutions of education in these rural communities, I think that we are neglecting our duties here as legislators.

Now we passed a bill here the other day to build a building down at Kittery that is just as near, in my opinion, as being the pig in the bag as anything we have done. We don't know how much it will pay off; we haven't any idea that it will pay us anything, and we know that every bit of education a child gets they keep; they don't lose it;

they can lose their money but they always have that education, and I believe this is something that we can do, and by doing it, we will save a little face with the public.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is on the motion of the gentleman from Bangor, Mr. Webber, that the House do accept the minority "Ought to pass" report on Resolve in Favor of Lee Academy, and the same gentleman has requested a division.

All those in favor of the House accepting the minority report "Ought to pass" report will please stand and remain in their places until the monitors have made and returned the count.

A division of the House was had.

Seventy-six having voted in the affirmative and none having voted in the negative, the minority report "ought to pass" was accepted.

Thereupon, the Resolve, having already been printed, was read once under suspension of the rules.

Mr. Webber then offered House Amendment "A" which was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 891, L. D. 363, Resolve in Favor of Lee Academy.

Amend said Resolve by striking out the figure "\$50,000" in the 1st line and inserting in place thereof the figure "\$25,000".

Further amend said Resolve by striking out the last sentence of the 1st paragraph thereof.

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

(At this time Speaker Haskell assumed the Chair, and Mr. Marsans retired to his seat on the floor of the House.)

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

Mr. PALMER: Mr. Speaker and Members of the House: I want, at this time, to make a motion which will help to expedite matters here today in the movement of papers from the House to the Senate,

therefore I ask unanimous consent that reconsideration be considered as having been moved and lost on each of the matters acted upon this morning, and that they be sent to the Senate.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, asks unanimous consent that reconsideration be considered as having been moved and lost on each of the matters acted upon this morning and that they be sent to the Senate. Is there objection? The Chair hears none.

Thereupon, the motion prevailed.

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

Mr. PALMER: I now move that the House do recess until 1:00 Eastern Standard Time.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that the House do now recess until 1:00 P. M. Eastern Standard Time. Is this the pleasure of the House?

The motion prevailed, and the House so recessed.

#### After Recess

1:00 P. M., E. S. T.

The House was called to order by the Speaker.

The SPEAKER: The hour of 1:00 P. M., Eastern Standard Time, having arrived, the House will take up Bills in the third reading assigned for that hour as they appear on Supplement Number 1 to the House Advance Journal and Calendar for today.

Thereupon, out of order and under suspension of the rules, the following Bills in the third reading were taken up.

#### Passed to be Engrossed

Bill "An Act Relating to the Financial Responsibility Law" (S. P. 685) (L. D. 1616)

Resolve Appropriating Funds to Provide for a Reclassification and Compensation Survey (S. P. 562) (L. D. 1227)

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

#### Amended Bill

Bill "An Act to Control and Eradicate Bang's Disease" (S. P. 693) (L. D. 1605)

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" in non-concurrence and sent up for concurrence.

Bill "An Act Relating to the Shipping of Clams, Quahogs and Mussels" (S. P. 410) (L. D. 747)

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 Resolve

Resolve Providing for Completion of Dairy Barn at Augusta State Hospital (S. P. 159) (L. D. 227)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

#### Tabled

Bill "An Act Relating to Rules of Descent" (H. P. 2120) (L. D. 1621)

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

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

Mr. WILLIAMS: Mr. Speaker, there is an amendment being prepared for presentation by the gentleman from Union, Mr. Payson, on Item 6, Bill "An Act Relating to Rules of Descent," H. P. 2120, L. D. 1621, therefore I move that this item be tabled temporarily to be considered later in this afternoon's session.

Thereupon, the Bill and accompanying papers were so tabled

pending passage to be engrossed and assigned for later in the day.

Resolve in Favor of General Ice Cream Corporation of Rockland (H. P. 898) (L. D. 1622)

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

#### Amended Bills

Bill "An Act to Create the Town of Benton School District" (H. P. 1170) (L. D. 626)

Bill "An Act to Incorporate the Town of Tremont School District" (H. P. 483) (L. D. 158)

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

#### Amended Resolve

Resolve in Favor of Lee Academy (H. P. 891) (L. D. 363)

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

The SPEAKER: The gentleman from Limestone, Mr. Burgess, asks unanimous consent that reconsideration be considered moved and lost on each of the matters just passed to be engrossed and that they be sent to the Senate.

Thereupon, the motion prevailed.

The SPEAKER: The Chair now lays before the House the 7th matter of unfinished business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of the City of Calais, H. P. 1677, L. D. 1015, tabled on April 7th by the gentleman from Calais, Mr. Hall, pending acceptance of the committee report; and on motion by the same gentleman the "Ought not to pass" report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 8th matter of unfinished business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating Veteran Bonus Fund and to Provide Moneys Therefor," H. P. 1715, L. D. 1072, tabled on April 7th 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: There is an old saying that "He who sows the zephyr reaps the whirlwind," and I think I have reaped it now. I find three unassigned matters successively here, all under my name. However, the first one is a matter which can be disposed of very quickly, the second was tabled as a matter of courtesy, and the third one I think can be disposed of as quickly as that.

With regard to the eighth matter, this is now covered by existing legislation, or what we hope is existing legislation, and I move the acceptance of the "Ought not to pass" report.

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

The SPEAKER: The Chair now lays before the House the 9th matter of unfinished business, Bill "An Act Relating to Excise Tax in Lieu of Personal Property Tax on Aircraft," H. P. 2021, L. D. 1407, tabled on April 7th by the gentleman from Portland, Mr. Chapman, pending passage to be enacted; and the Chair recognizes the same gentleman.

Mr. CHAPMAN: Mr. Speaker, in view of the fact that this was tabled as a matter of courtesy and as it is a matter in which I am not informed, I believe Mr. Brown can discuss it.

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

Mr. BROWN: Mr. Speaker and Members of the House: I was

asked by the Aeronautics Commission to present a bill, Legislative Document 1147, which pertains to the excise tax on planes. The original bill called for a levy at the rate of one-half cent per pound, empty weight, with a minimum fee of \$10. This bill went to the Taxation Committee and came out in a new draft, Legislative Document 1407, and the rate of taxation as proposed in that bill was a sum equal to twenty-three mills on each dollar of the maker's list price for the first current year of the model; sixteen and a half mills for the second year; twelve and a half mills for the third year; nine mills for the fourth year; five and one-half mills for the fifth year; three mills for the sixth year, bringing it down to a minimum of \$10.

Now, the feeling of the aeronautics group is that this is rather excessive. I believe under the way the planes are taxed today, in some places are taxed and in other places are not taxed at all but the commission is willing to go along to see a fair tax set up so that there will be some money realized from the taxation of planes. I believe an amendment has been prepared which is acceptable to the aeronautics groups which is somewhat fair. We all know that an airplane depreciates very quickly. We all know that a plane must be kept up to A No. 1 standards in order to fly. It is somewhat different from an automobile. You can run an automobile on three cylinders but an aeroplane when it is not in the best of shape it isn't a good idea to keep them flying.

Now, as I said before, there has been an amendment prepared under filing number 459.

Mr. Speaker, did the previous speaker take the bill from the table?

The SPEAKER: The Chair did not quite understand the gentleman.

Mr. BROWN: Did the previous speaker, the gentleman who tabled the bill (Mr. Chapman) lift it from the table?

The SPEAKER: Yes, the Bill has been taken from the table.

Mr. BROWN: Mr. Speaker, then I move the acceptance of the new draft of the bill and will substitute the amendment which has been prepared under filing number 459.

The SPEAKER: The gentleman from Baileyville, Mr. Brown, moves that the House do reconsider its action of March 3rd whereby the Bill was passed to be engrossed. Is it the pleasure of the House to reconsider its action?

The motion prevailed.

Thereupon, Mr. Brown offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 2021, L. D. 1407, Bill "An Act Relating to Excise Tax in Lieu of Personal Property Tax on Aircraft."

Amend said Bill by striking out all of the 3rd underlined sentence of that part designated "Sec. 39-A" and inserting in place thereof the following underlined sentence:

**'This excise tax shall be levied as follows: A sum equal to 7 mills on each dollar of the maker's list price for the 1st or current year of model, 5 mills for the 2nd year, 4 mills for the 3rd year, 3 mills for the 4th year and 2 mills for the 5th and succeeding years; and the minimum tax shall be \$10.'**

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

Mr. WIGHT: Mr. Speaker and Members of the House: Just to make the position of the Taxation Committee clear, I will say that airplanes have been taxed, when they have been taxed at all, as personal property and, of course, paid various rates on these airplanes according to the town in which they were located. For example, an airplane which cost new \$2500 and was assessed in a town having a \$60 rate, would pay a tax of \$65, that is, a personal property tax of \$65. If that airplane were taxed according to the excise tax that would be placed on a car cost-

ing \$2500, new, the tax would be \$57.50. This bill which we have before us, or at least this amendment, would place the tax at seven mills for the first year which is \$17.50 tax on that airplane. It seems as though an airplane should pay the same tax as an automobile according to its value. Those airplanes must be kept in good condition, year after year, in order to fly, as Mr. Brown has said, and their depreciation, apparently, according to Leonard's book which gives the depreciation on airplanes, the depreciation is just about the same as it is on automobiles. So that is the reason why the committee arrived at these rates. These rates are exactly the same as automobile rates, twenty-three mills for the first year, sixteen and a half for the second year, twelve and a half for the third and so on down to a minimum of \$10.

I think that explains the situation as it is. The committee felt that the airplanes should be taxed at the same rate as automobiles.

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

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

Mr. BROWN: Mr. Speaker, I just want to add one more word to what has already been said. We are trying to offer every encouragement in the world to build up the aeroplane as one of the things that we need very much in this day and age. We do everything else, we raise money to construct airports and other facilities and I think if we tax a coming industry like that to an amount such as the original bill would do that there wouldn't be much encouragement for anyone to attempt to do anything for that growing facility that we seek at the present time.

The SPEAKER: The question before the House is on the adoption of House Amendment "A". As many as are in favor of the adoption of House Amendment "A" will say aye; those opposed, no.

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

Thereupon, the Bill was passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the 10th matter of unfinished business, House Report "Ought to pass" as amended by Committee Amendment "A" on Bill "An Act Relating to Salary of Register of Probate in Cumberland County", H. P. 719, L. D. 261, tabled on April 11th by the gentleman from Portland, Mr. Chapman, pending acceptance of the committee report; and the Chair recognizes that gentleman.

On motion by Mr. Chapman the "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.

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

COMMITTEE AMENDMENT "A" to H. P. 719, L. D. 261, Bill "An Act Relating to Salary of Register of Probate in Cumberland County."

Amend said Bill by striking out the underlined figures "\$3,500," in the last line thereof and inserting in place thereof the underlined figures '\$2,800.'

Thereupon, the gentleman from Portland, Mr. Chapman, offered House Amendment "A" and moved its adoption.

The SPEAKER: The question before the House is upon the adoption of Committee Amendment "A".

Mr. CHAPMAN: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed.

Thereupon, the motion prevailed and Committee Amendment "A" was indefinitely postponed.

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. 719, L. D. 261, Bill "An Act Relating to Salary of Register of Probate in Cumberland County"

Amend said Bill by striking out the underlined figure "\$3500." and inserting in place thereof the underlined figure '\$3000.'

Thereupon, House Amendment "A" was adopted and the Bill was assigned for third reading at 4:00 o'clock, Eastern Standard Time, this afternoon.

The SPEAKER: The Chair now lays before the House the 11th matter of unfinished business, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Creating a State Lottery Commission" (H. P. 1843) (L. D. 1164) tabled on April 13th by the gentleman from Manchester, Mr. Jewett, pending acceptance of the committee report; and the Chair recognizes that gentleman.

Mr. JEWETT: Mr. Speaker and Members of the House: This seems to be our last chance to get additional revenue for the State. This isn't anything that we are going to have shoved down our throats like an ordinary tax bill. There are some of the members here who object to the name of "lottery." I am perfectly willing to change this to "The Maine State Voluntary Contribution Fund." (Laughter) Then if they buy a ticket for a half a buck they know darned well that twenty-five cents of that is going into charity or the general fund whichever it may be, and they have got a chance of getting the other quarter back plus some others.

As it happens now, everybody is buying these tickets; in fact, I have probably bought \$15 worth of the darned things since I have been here in the House. When the American Legion isn't selling tickets, the V.F.W. is, and when they're not, one of the other organizations is, some school department or something else. That is just local things. However, right here under the dome of our State House, we can buy tickets on these lotteries that are run on a commercial basis from outside the State. There are several different ones around. The Edwards Manufacturing Company down here in Augusta, I understand that there is a sale down there of about 1,000 tickets a week. That is what I have been told; I am no authority on that but the

boys who buy them, they buy them every week. I have been told by other members in the House every mill town and every mill is in approximately the same condition. Now, as this is a wholly voluntary outfit and it is going up to referendum, as we are interested in getting through this week, I will not take any more of your time. If there is anybody else who would like to say anything on the matter, I feel that almost everybody has made up his mind just how he feels about it, so I yield to somebody else.

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

Mr. ATHERTON: Mr. Speaker and Members of the House: This is an unanimous "Ought not to pass" report of the Committee on Legal Affairs. The issue of a lottery has been debated over years past, pro and con, a good many times, and I believe we are all very familiar with the objections to it and some of the statements in favor of it. I don't think it is necessary to take up much time in the House this afternoon on the matter. But I do wish to read one statement which I think states one of the leading objections to a lottery and that is this: "Lotteries appeal with a special force to those in straitened circumstances and to those in economic insecurity since they hope to gain financial stability by winning a prize. The number of people in such circumstances is, unfortunately, high. The lottery tickets are purchased with money that, for the sake of wellbeing, should have been spent otherwise."

Therefore, Mr. Speaker, I move that this bill be indefinitely postponed.

Thereupon, the motion prevailed and the Report and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 12th matter of unfinished business, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Aid to Dependent

Children and Providing Revenue Thereof", H. P. 675, L. D. 221, tabled on April 13th by the gentleman from Garland, Mr. Campbell, pending acceptance of the committee report; and the Chair recognizes that gentleman.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I want to take just a minute. Due to the fact that we have plenty of money, as we have been told so many times by the gentleman from Bath, Mr. McClure, we do not need any added taxation and that we do not need to do anything to help the towns, I move that we accept the "Ought not to pass" report of the committee.

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

The SPEAKER: The Chair now lays before the House the 13th matter of unfinished business, House Report "Ought to pass" in New Draft", H. P. 2051, L. D. 1477, of the Committee on Taxation on Bill "An Act Relating to Taxation of Organizations Holding Pari Mutuel Racing Meets", H. P. 2051, L. D. 1477, tabled on April 13th by the gentleman from Sebago, Mr. Fitch, pending acceptance of the committee report; and the Chair recognizes that gentleman.

Mr. FITCH: Mr. Speaker and Members of the House: During all of the history of agricultural fairs of Maine, it has been recognized by the law-making body of the State that one week or a shorter period of time in which the fair grounds were used during the year should not place them under the burden of taxation. These fairs contribute to the general wellbeing of the State in many ways, they promote agriculture, they support the 4-H Clubs, they provide the money and facilities for schools and churches, Legion posts, V. F. W., and other charitable organizations. The grange exhibits at our fairs show Maine's agriculture at its best. Why, in these closing hours of this Legislature should a tax exemp-

tion be removed which has existed since the organization of these fairs? The eight weeks night racing will destroy the racing at any fair which has to compete for horses against the eight week meets. We should not deal the fairs a second blow by imposing heavy financial obligations upon them in the way of taxation.

The original bill, as introduced by the gentleman from Raymond, Mr. Bennett, provided that the assessors of the town or city in which the fairgrounds were located should send the amount they were assessed to the Treasurer of the State and that amount taken from the State's take of the pari mutuel betting. This bill which is a re-draft makes the fairs, themselves, liable for the tax. For the most part, the people concerned with the fairs can make no money. It is true that some of them take a salary for services rendered. The most of the money accruing to the fairs goes to keep up their plants. If this bill is accepted, it will merely lower our racing standards which we are trying to improve. I probably attended more fairs than any other member of the Legislature last year. Of the large fairs, the only one I didn't attend at least one day was the Presque Isle fair. I know many of the men who are connected with the fairs and I have found them all to be outstanding men in their community and all of them civic minded. I believe Mr. Bennett will tell you this bill is aimed at one fair and one fair alone, namely, New Gloucester. It so happens the fair men who own the New Gloucester Fair Grounds are non-residents of that town. It appears to me that it is not fair to tax the majority to get at one minority. It appears to me to be a better way to prove that the New Gloucester meet is not a fair but a race meet and then they would be taxable. Under our 1949 definition of an Agricultural Fair, this can be done. With this in mind, I move that this bill be indefinitely postponed.

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

Mr. BENNETT: Mr. Speaker and Members of the House: Agricultural fairs are exempted from taxation as "educational and scientific institutions"; for the promotion of agriculture and among the attractions is horse racing with pari mutuel betting. Horse racing may be conducted scientifically and pari mutuel betting is, no doubt, educational, but I think not in the sense that is meant when referring to an "educational and scientific institution." Horse racing has always been one of the attractions at many fairs but, before pari mutuels, was not operated as a self-supporting or profit making part of the fairs and access to the most desirable standing room, that is, along the home stretch and near the starting and finish line, was included in the admission ticket purchased at the entrance to the fair grounds.

Since the legalizing of pari mutuels, the racing has been a major attraction, in some cases to the detriment of the advancement of agriculture and has definitely been operated as a profit making proposition. Whether or not all of these race meets have shown a profit may be debatable, nevertheless, that was the motive in legalizing pari mutuel betting.

As the racing plants have been rearranged to accommodate and promote pari mutuels, it is necessary if one is interested in watching the start and finish of a horse race at an agricultural fair to buy an admission ticket at the entrance to the fair grounds which will admit one to attend the agricultural fair and all of its attractions with the exception of the most interesting part of the racing. In addition to this admission fee, it is necessary to buy a ticket to enter the betting and grandstand area, which takes up all of the space where it is desirable to stand or sit to see the start and finish of a race.

Therefore, in considering this bill, the fairs that are affected may be

considered as consisting of two separate units. One unit sponsors agricultural exhibits, cattle exhibits, horse and oxen pulling, midway attractions, and so forth, and this unit is subsidized by the State through the stipend to help pay the premiums. The total gate receipts might also be credited to this unit inasmuch as admissions to the paddocks and racing grandstand are additional.

The second unit sponsors the racing and consists of all properties used in connection with racing. This unit, not subsidized by the State and operating at a gross profit to the State of 3½% of the mutuel pools and a gross profit to the Association of 6½% of those pools plus the breakage. These percentages in 1949 will be increased to, I believe, 5 and 9½%. These amounts in 1948 at the racing meets in one of the towns which I represent, for a ten day schedule of racing, were for the State's commission, \$14,500, for the Association's commission, \$26,927, and for the breakage, which went to the fair, of \$3,186. The State's average weekly commission for fifteen tracks was \$9,365. The average weekly breakage, which went to the fairs, on top of their commission, was \$2,365, and this breakage is one of my main reasons for feeling that the fairs are entitled to pay tax. That they have been receiving their commissions, the State has, and this breakage has actually been a bonus. I think that if it is the concensus of opinion in a town that taxing a part of the property of a fair association in that town is a serious burden to that particular association this fact will be taken into consideration when an assessment is made. Such assessments are made at the discretion of the local assessors. It seems to be the general policy of municipal assessors to take into consideration the contribution that an industry makes to a town by being located within that town. This statement is borne out by the fact that the Gorham Raceway is taxed for a valuation of \$7,500, ap-



proximately 7½% of its actual value.

Some years ago an item appeared in our town report which supports my contention that these assessors are broad-minded, considerate and frank in their acknowledgment when a need for tax relief exists. In this item, a certain individual was shown as having received an abatement of \$9.48 for poll and property taxes and the reason given for this abatement was that he was poor and lazy. This doesn't apply to the fairs.

Privately owned real estate is taxable regardless of the money invested in it or the amount of income it provides. This fact, in itself, is an indication that in passing this bill taxing pari mutuel properties, it would be equitable with the present taxation of privately owned property and would be a fair deal for the racing meet organizations and other property owning taxpayers in the same town. In consideration of these facts, I maintain that this bill should pass thereby making agricultural fairs taxable for so much of their property as was used during the previous year for pari mutuel racing.

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

Mr. CHASE: Mr. Speaker, in view of the fact that Mr. Fitch, himself, tabled this bill on April 13th and has presumably had fifty or a hundred opportunities to take it up since, it seems to me that the argument comes poorly from him that this ought not to be considered in the closing hours of the session. I hope the House will accept the report of the committee "Ought to pass".

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

Mr. EASTMAN: Mr. Speaker, I rise simply to support the motion of the gentleman from Sebago, Mr. Fitch.

I don't know what the attitude of the Legislature is regarding the

fair associations, it doesn't seem to be too favorable.

We recently, in Paris, lost the most of the untaxable property by fire. I did not know this bill was coming up and I just didn't prepare any speech but I would like to say that the fair associations are going to have a hard time, especially the one in my district and I hope the motion of the gentleman from Sebago, Mr. Fitch, prevails.

The SPEAKER: The question before the House is on the motion of the gentleman from Sebago, Mr. Fitch, that Bill "An Act Relating to Taxation of Organization Holding Pari Mutuel Racing Meets" be indefinitely postponed.

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

Mr. McCLURE: Mr. Speaker and Members of the House: My friend, the gentleman from Cape Elizabeth, (Mr. Chase) brought out a good point and that point was that even though these are the closing hours, we trust, of this Legislature, we should debate every question.

This morning, the previous question was moved by a member. He thought that by so doing he would expedite legislation that our Ninety-fourth Legislature might adjourn more quickly. The debate in progress was over a measure presented by Representative C. Arnold Brown of Baileyville, An Act to Amend the Unemployment Compensation Law with Respect to Coverage. Several members signified, by the fact that they arose but had not been recognized by the Speaker, that they had intended to speak on the measure. As I say, the Speaker, in this instance, was not responsible because the question was put in such a way that he couldn't recognize these members. I feel that the bill was of enough importance to many of our people that the members of this Legislature represent that all arguments should be heard regardless of the stand one may take. The Legislature could most likely adjourn sooner by the above method but it does not make for good

government. We have a duty to perform when we allow our names to be offered as candidates for office as representatives of the people. Each and every one of us have a right to our convictions. I fight for all my colleagues whenever the question of fair play is concerned but the quickest way to lose our freedom and way of life is to prevent debate because we do not agree with the convictions of others.

In the interest of fair, sound and the continuation of freedom of speech, this method should not be adopted by the American State of Maine.

In speaking also on this measure, I will go along with the gentleman from Sebago, Mr. Fitch, and move for the indefinite postponement.

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

Mr. McKEEN: Mr. Speaker, I will admit that I had lost sight of this bill and am not prepared to give a great amount of information on the ability of the associations to pay this tax but I would like to state, being one of the trustees of one of the larger fairs in the State, the one that pays the most premiums. Last year, we ran behind with one of the largest crowds that we have ever had in attendance, we ran behind a little over \$400 in our bills. In other words, we came out about \$400 in the red. Now, it seems to me that it is rather hard times for this bill to be passed. After what has been said on the night racing, I realize the need of new sources of taxation in this State but it seems to me that this added burden after the night racing has gone through is going to be a death blow to our agricultural facilities here in the State of Maine.

If this just applies to pari mutuel betting where they have nothing but horse racing, I would be one hundred per cent in favor of it. But it being the fact that agricultural fairs pay some \$16,000 in premiums a year to the farmers, 4-H Clubs and other agricultural institutions, it seems to me that it would be poor

policy to go further and tax those associations for carrying on this sort of a business. I hope the motion of Mr. Fitch of Sebago prevails.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I did not intend to enter into this debate with regard to this agricultural fair proposition but I just received a telegram from Auburn from a group of who who organized the New Gloucester fair a few years ago. This fair ground is practically abandoned for use for fairs and this same group endeavored to obtain the facilities of the Maine State Fair Grounds in Lewiston. In an effort to do so, they formed an organization and purchased this fair ground in New Gloucester from which Mr. Bennett comes in that district.

They have laid out some \$10,000 or \$15,000 the last few years on this fair ground trying to make it one of the principal fairs of the State. It does seem to me at this time when they are occupying an abandoned fair ground that they should not be taxed for this when they are trying and endeavoring in the best manner possible to create a fair worthy of its name.

I wish to go along with the indefinite postponement of this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Sebago, Mr. Fitch, that the Bill and Report be indefinitely postponed.

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

Mr. DOW: Mr. Speaker and Members of the House: Cumberland Fair is a comparatively small fair; the total they received in 1948 in commissions and breakage was \$55,-813.27. The amount they will be likely to be assessed on that if this bill went through will probably not be more than one per cent of that total. It wouldn't hurt them and I think it is only reasonable that the towns should be able to tax the racing business on the same basis

as it does any other industry in the town and I hope the motion does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Sebago, Mr. Fitch, that the Bill "An Act Relating to Taxation of Organizations Holding Pari Mutuel Racing Meets" be indefinitely postponed. As many as are in favor of the motion will say aye; those opposed, no.

A viva voce vote being doubted, at the request of Mr. Eastman of South Paris, a division of the House was had.

Thirty-four having voted in the affirmative and fifty-five having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon the "Ought to pass in New Draft" report of the committee was accepted and the new draft, having already been printed, was given its two several readings under suspension of the rules.

On motion by Mr. Wight of Bangor, the Bill was then given its third reading, under suspension of the rules, passed to be engrossed and sent to the Senate.

Out of order and under suspension of the rules, the gentlewoman from Rumford, Miss Cormier, presented the following order and moved its passage.

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the full scope of the personnel law, including the administration thereof; and be it further

ORDERED, that a report of such study, together with any recommendations to either amend the personnel law or to install a civil service law for state employees, be submitted to the 95th legislature. Such study shall take into consideration such conclusions as may be drawn from the results of the reclassification and compensation survey as provided by Legislative Document 1227, (H. P. 2122)

Thereupon, the order received passage and was 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 Claims on Resolve in Favor of James P. Hathaway, of Saco, H. P. 1125, tabled on April 14th by the gentleman from Saco, Mr. McEnery, pending acceptance of the committee report; and the Chair recognizes that gentleman.

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

This is a legitimate claim, it is a deer claim, of an automobile in collision with a deer in Unity. After the collision with the deer, the gentleman had to go on to Bangor to report this claim to the State Police. The game warden, having seen the car after it had been driven thirty miles, reported he could not find any hair upon the car. I believe this is what brought out the "Ought not to pass" report.

I therefore move that the resolve and accompanying papers be substituted for the report of the committee.

The SPEAKER: The gentleman from Saco, Mr. McEnery, moves to substitute the Resolve for the "Ought not to pass" report of the committee.

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

Mr. DeSANCTIS: Mr. Speaker and Members of the House: The Claims Committee voted unanimously on this resolve "Ought not to pass" on the information that they gathered from the copy of the game warden's report of the accident. Mr. McEnery claims that that claimant did not report the accident until he got into Bangor and reported it to the State Police. However, we have the name of a warden, Fred M. Reed, who filled out the warden report and I will

read to you the last line which says: "Detailed description of damage to car. Panel over right rear fender, also right rear fender and the right door. Owner insisted they hit a deer. I could not find any hair." That is all the committee had to go by.

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

A viva voce vote being taken, the motion to substitute the Resolve 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 now lays before the House the 15th matter of unfinished business, Bill "An Act Relating to Taxation of Personal Property," H. P. 1007, L. D. 438, tabled on April 14th by the gentleman from Manchester, Mr. Jewett, pending passage to be engrossed.

On motion by the same gentleman, the Bill was passed to be engrossed and sent to the Senate.

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

Mr. **MUSKIE**: Mr. Speaker, as a fellow Bates man and a fellow victim, so to speak, it is appropriate for me at this time to move that we take up out of order and under suspension of the rules, this order and move its passage.

The **SPEAKER**: Out of order and under suspension of the rules, the gentleman from Waterville, Mr. Muskie, presents an order and moves its passage. The Clerk will read the order.

The **CLERK** (reading):

WHEREAS, the House is informed of the birth of a baby girl today, May 6th to the popular Associated Press Representative, Robert Crocker and Mrs. Crocker,

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

BE IT ORDERED, that the baby girl be named Janet Elaine Crocker, and that the Clerk of the House be directed to send to Mrs. Crocker an engrossed copy of this Order.

Thereupon, the order received passage amidst the applause of the House.

The **SPEAKER**: The Chair now lays before the House the 16th matter of unfinished business, House Divided Report of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council," H. P. 1642, L. D. 995, Majority Report "Ought not to pass," Minority Report "Ought to pass", tabled on April 15th by the gentleman from Portland, Mr. Chapman, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. **CHAPMAN**: Mr. Speaker and Members of the House: I am not sure whether I am in order or not to defer action on this 16th matter for just a moment, but I would like to request unanimous consent of the House to call up from the foot of the calendar another matter, which was tabled by courtesy, yesterday, namely, the 7th today assigned matter, and lay it before the House.

The **SPEAKER**: The gentleman from Portland, Mr. Chapman, asks unanimous consent to pass over the 16th matter of unfinished business and to take up the 7th tabled and today assigned matter being House Report, Leave to Withdraw of the Committee on Legal Affairs on Bill "An Act Permitting Dog Racing," H. P. 1724, L. D. 1033. Is there objection?

The Chair hears objection and the request is refused.

The SPEAKER: The matter before the House, at the present time, is the 16th item of unfinished business.

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

Mr. CHAPMAN: Mr. Speaker and Members of the House: I am going to move the acceptance of the minority report "Ought to pass" on this bill.

Before I do so, I would like to give a brief explanation of the position of the minority on the report. Here again we have another example of a locality airing its difficulties on the floor of this House in a matter which I think is reasonably unnecessary in this tribunal. Under the circumstances, however, I feel constrained to do it.

This bill relates to a proposed change in the Charter of the City of Portland. Under the present charter provisions in the City of Portland we have six council districts. From each of those council districts is elected one member to the City Council. In addition to those six members, there are three members elected at large making a total of nine members to the City Council. All nine members are elected by the total number of qualified voters in the City of Portland.

The proposal in this bill is to restrict the election of council members from the six individual council districts to the qualified voters of those districts. Now, I don't think it is necessary to go into the merits of that particular proposal because that is not the point in issue at this time. The only point, as I see it, since it is a matter for local determination, is whether or not there has been sufficient demand in the City of Portland to warrant sending this bill back to the City of Portland on a referendum basis. The bill does call for a referendum.

I think it is pertinent to note that both systems are recognized systems of city government. As I

understand it, about sixty to sixty-five per cent of the cities having council manager forms of government do it in the manner that is now provided; the other thirty-five to forty per cent do it in the manner which is proposed. Now, at the time the hearing was held in the committee there was some question as to whether or not the bill was properly sponsored. The nominal sponsor other than the legislator who signed the bill and myself, the nominal sponsor in the City of Portland belonged to a political faction there which is not particularly popular. I think that is a fair statement; I don't mean to criticize anybody by saying that. That is not the point; the point is whether or not there are a sufficient number of qualified voters in Portland desiring to pass upon this matter to send it back to Portland.

In discussing this matter with the sponsors of the bill, it was pointed out that in the existing charter there is a provision whereby any ordinance in the City of Portland can be reviewed upon a petition by five hundred qualified voters. This seems to establish a rough test of the number of persons who might be required to request such a matter as this to go back to the City of Portland.

Shortly after the hearing, the good old fashioned postcards and letters began to roll in. I have approximately 300 or 320 of the darned things in my possession. One or two of the other members of the committee have something in the number of sixty or seventy. A number of those postcards were on a single printed form and that, of course, gave rise right away to the question as to whether or not it was a single sponsored matter like a petition being pushed by one or two persons. I, frankly, was in doubt on the matter, myself, so I took a number of these postcards, a cross-section sampling, and mailed them down to my secretary in Portland with a questionnaire and instructed her to contact each and every one of the persons designated on this

sampling to find out if the postcards were solicited, if the convictions expressed in the postcards were those of the persons who mailed them or just what the story was. The reason this was done was because we had had one or two rather unfortunate experiences on the committee with regard to some other bills of petitions which did not seem to be bona fide in their nature, duplicate signatures and other doubtful matters with which you are familiar. Approximately sixty-five per cent of the persons in this cross-section sampling of mine were reached. The others were people who did not have a telephone or could not conveniently be reached. Incidentally, I don't know whether that is a significant fact, in itself, but whether it indicates that those people came perhaps from a less fortunate income group than some of the others or not, I don't know. But of all the persons out of that sixty-five per cent, who were consulted, the answers were unequivocal. They said that it was a definite conviction of their own that the matter should be brought back on referendum, that they did not sign the cards as a matter of courtesy to the solicitor and that was that.

In the face of that particular sampling process, it seemed to me that I should stand up for the minority report in this instance, even though it is late in the session and even though this proposed charter change is not popular with many of the very highly respected thinking persons in the City of Portland. I have no quarrel on the issues of the two types of government. The only issue is whether or not this matter should be referred. I frankly and honestly believe, for the reasons I have told you, that it should. There is an amendment to this bill, which I will present if the "Ought to pass" report of the committee is accepted which provides that the referendum shall be held at the next regular election, thereby eliminating the cost of a special

election, which was originally provided under the first draft.

Another feature of that same amendment is directed upon the members of the City Council to re-district the existing councilor districts according to the provisions which now exist in the general law to make sure that there is an equitable distribution of the number of voters between the six councilor districts. That was a point which was raised because there was fear of weighting certain districts more heavily than others.

I believe the amendment, or the proposed amendment, takes care of the possible technical objections to the bill, and the matter now resolves itself to a matter of policy. I therefore move the acceptance of the minority "Ought to pass" report of the committee.

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

Mr. McGLAUFFLIN: Mr. Speaker, we are on a topic which I know something about. I am going to move the indefinite postponement of this measure. Some years ago, as I told you a day or two ago, I sat in the old City Council room as councilman, alderman, as Chairman of the Board of Aldermen, and I hold a gavel that was given to me and used by me when I was chairman. I was one of those who thoroughly believed that the city manager form of government was much more efficient than what we have had and I will try to give you an illustration of the absurd way in which we maneuvered on a certain street because each ward representative was trying to get everything he could for his particular district.

That city manager form of government was adopted very strongly but there was a certain group that were dissatisfied because they liked their old system of having each ward pull for himself and then they could have some influence over their council.

To give an illustration: A certain Republican committee in Ward 9,

from which I came at that time, said that he would not support a certain member running for councilor because he served in the council. He said: "That during that entire time I was a plumber and I didn't get any city job. So, I am against it." That's the way they worked the politics at those times. Now, as I say, there is one element and I repeat it. I have had men come to me, quite prominent men of the city of Portland, who wanted to get back that ward system. They have asked me if I wouldn't introduce a bill in the Legislature to change it back which I have always refused to do.

I think I am right in saying that this is at least, I think this is about the sixth bill that has been introduced into the Legislature since I have been up here, to change the charter of the City of Portland. In 1945, I did not happen to be elected so I was not here. They took advantage of my absence and influence up here and they got through a new amendment which would have been opposed if I had been here. But it did not improve things one single bit. That may be a matter of opinion, that's my opinion.

Now, that system of election provided that there should be, if I remember rightly, three members of the council elected at large and then there would be one from each of six districts. They had to come one from each of those six districts but they were still elected by the people at large. That's the system as I understand it now.

Now, there is one man, who is now in the City Council, a rather good friend of mine, I like him very much. He didn't like that so he set out to have it changed so that the people of that particular ward—they had districts—we still have nine wards but we have six districts for this particular purpose, and this particular man had to run ten times before he succeeded in getting elected and he felt that he could have been elected much more quickly if he could have been elec-

ted by his own ward which, no doubt, he could.

The principal reason I object to this bill or any attempted amendment of it is that there is no demand for this change and you are simply putting the City of Portland to an unnecessary expense.

I understood Mr. Chapman to say that he had three hundred postcards. Does he realize that there are nearly thirty thousand voters in Portland; what's three hundred to represent the City of Portland?

At the hearing, I think one of the members of this committee stated that just one man appeared. Now, are we going to be so foolish as when one man goes out and gets a few postcards sent up here by some people who think they have a grievance or want a change, I can find within two days a thousand people who want it back in the old system. That does not mean that the City of Portland wants any such thing. I want to save time here but we would save time and expense for everybody by indefinitely postponing this thing here and now.

The SPEAKER: Does the Chair understand that the gentleman moves the indefinite postponement of the Bill?

Mr. McGLAUFNIN: Mr. Speaker, I move indefinite postponement of the bill.

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

Mr. MARTIN: Mr. Speaker and Members of the House: As a signer of the majority report of the committee "Ought not to pass" I would like to substantiate what Mr. McGlauffin has said. The majority of the committee was greatly impressed that at the hearing, which had been advertised in Portland, there was only one proponent for this bill and there were several opponents.

Mr. Chapman speaks of petitions, but at the hearings there were no petitions presented in favor of the bill. I think Mr. McGlauffin covered the ground very well and I

think we ought to honor his judgment and I move that we indefinitely postpone the bill.

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

Mr. PAINE: Mr. Speaker and Members of the House: I am just as confused and tired of these Portland bills as you are. On another occasion I mentioned that the Portland delegation should get together on one bill. We came very closely this time. I think Mr. Chapman is the only member in favor of this bill. I don't think there is any real demand for this change in the charter. Mr. McGlauffin has covered the reasons with which I agree. I don't want to take up any more of your time and I will go along with Mr. McGlauffin in moving the indefinite postponement of this bill.

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

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

Mr. CHAPMAN: Mr. Speaker and Members of the House: It looks as though I am bucking the tide here and I don't like it. There are just two or three comments I would like to make briefly to clear up the record. At the hearing, there were three proponents as I recall and four opponents. The opponents were Messrs. O'Brien, Gagne and Canary from Portland and, as I recall it, the four proponents were three members of the city council and one of the senators from the body at the other end of the Hall. I have got to clear the record.

I do think that the more convincing argument was made by the opponents to the bill. I concede that. Having lived in Portland under the city manager form of government as it now exists, and being reasonably happy about it, I will concede that their point of view is a well taken one.

Again to correct the record, I would like to recall to your attention that the tests on referendum

matters in the City of Portland was suggested by the existing city charter for matters which had to be referred to the people is five hundred. You can't call all your voters out on a hearing. It's foolish; it's impossible. You would have the hearing on your local referendum election right up here at the State House. There are enough people here already during this session. As a matter of fact, I think probably as I understand the situation, and I say this honestly, I think probably this bill would be rather heavily defeated if it went to the polls in Portland, if I understand the sentiment correctly. But it does seem to me that there is a very high matter of fairness, a certain therapeutic value, that there is a demand to let those persons in and air their grievances have an opportunity to vote, get honestly licked at the polls and then the thing is settled once and for all. As it is now, I don't think they are going to have a very fair attitude perhaps towards the action we take here. I think perhaps the accusation of putting them off will be leveled at us. I don't know and I don't care.

I might add since Mr. McGlauffin has gone into the matter of the merits of the two types of government—I didn't intend to do that and I very carefully avoided it on my first discussion of this matter. But the point as far as the proponents of the bill are concerned is this: They feel that there is a certain inherent danger to allow the total voting electorate to pick each and every man out of the council districts. There is a feeling analogous to the old fraternity combine situation, with which you people may be familiar from your old school days, where there are two or three wards with well-organized political machines, they can pick the candidates they want in all the council districts, thereby controlling the whole city council. I don't say that that has been done, as a matter of fact I don't think it has, but there is an inherent danger which has been pointed out by the proponents of that point of view.



That I believe is perhaps the reason for the bill in the first place.

Now, Mr. McGlauffin says that he prefers the city manager form of government and I agree with him, I do. This doesn't change the city manager form of government, this merely changes the technique in regard to the election of certain councilors. It might be well to point out that there is a certain analogy on the state level of elections which could apply in thinking about this on the city level. Taking your county and city system, if you broadened or extended the present system in the city to apply to state wide elections, what you would have would be this. The county wide electorate, all of them, would be voting for each and every officer from the towns, within the county system. That, I think, is a good thinking analogy of the present existing system in Portland. However, I do agree and I readily concede that there is quite a distinct difference between the county system on a state level and the city system and the ward system.

I am not absolutely sure how correct Mr. McGlauffin is on the matter of all the amendments to the Portland City Charter. I do know that we had a mayoralty system up until 1923 and that a city manager form of government was established in 1923 which provided for five councilor members elected at large and that remained substantially the same, if the law book indexes are correct, until 1945 at which time they enlarged the council from five to nine, established the six council districts elected in the manner now provided. When I checked briefly with the Secretary of State's office in the State House, I did not find any record of any repeated series of bills introduced to change the City of Portland charter and I don't believe that there is any such record.

Now, members, I want to apologize for going into this at such length. I wouldn't have done it unless perhaps the points had been raised on counter-debate and I am going to leave it with you as it now

stands, hoping, of course, that the motion to indefinitely postpone does not prevail.

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

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

The Chair now lays before the House the 17th matter of unfinished business, House Divided Report of the Committee on Legal Affairs on Bill "An Act to Confer the Power to Issue Subpoenas to the City Council, the Municipal Officers and the Civil Service Commission of the City of Portland," H. P. 1650, L. D. 957, Majority Report "Ought not to pass," Minority Report "Ought to pass", tabled on April 15th by the gentleman from Portland, Mr. Paine, pending the acceptance of either report; and the Chair recognizes that gentleman.

Mr. PAINE: Mr. Speaker and Members of the House: I think I have learned my lesson now and I will move the acceptance of the majority "Ought not to pass" report. (Applause) I want to say that I think this is the last Portland bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Paine, that the House accept the majority "Ought not to pass" report of the Committee on Legal Affairs. Is this the pleasure of the House?

The motion prevailed and 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 18th matter of unfinished business, Bill "An Act Relating to Taking of Clams, Quahogs, Mussels, Clamworms and

blood-worms in the Towns of Cushing and Friendship," H. P. 2055, L. D. 1484, tabled on April 15th by the gentleman from Friendship, Mr. Winchenpaw, pending passage to be engrossed.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Phillips.

Mr. PHILLIPS: Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Phillips, moves that this Bill be indefinitely postponed. Is this the pleasure of the House?

(Cries of "No")

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

The SPEAKER: The Chair now lays before the House the 19th matter of unfinished business, Resolve for Development of State Park Facilities, S. P. 653, L. D. 1450, tabled on April 15th by the gentleman from Portland, Mr. Chapman, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. CHAPMAN: Mr. Speaker and Members of the House: This bill was tabled by me because it touched upon appropriations. It was done as a matter of courtesy and I have no information about the merits of the bill and I don't care to discuss it and I will defer to anyone else at this time.

The SPEAKER: The question before the House is on the passage of the Resolve to be engrossed. Is it the pleasure of the House that the Resolve pass to be engrossed?

Thereupon, the Resolve, having had its two several readings in the House, was passed to the engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the 20th matter of unfinished business, House Divided Report of the Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Use of

Trawls in Washington County," H. P. 1852, L. D. 1190, Majority Report "Ought not to pass," Minority Report "Ought to pass," tabled on April 18th by the gentleman from Whiting, Mr. Bucknam, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. BUCKNAM: I move to accept the minority report. I now yield to Mr. O'Dell of Eastport.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. O'Dell, in his own right.

Mr. O'DELL: Mr. Speaker and Members of the House: This bill here, without doubt, is one of the finest conservation measures in the State today. This bill is headed: "Regulating the Use of Trawls;" They do not use trawls; they do not use trawls; the real thing that they use is draggers. They don't like that word and if these dragging operations continue, the Maine fishing industry will be ruined.

The SPEAKER: Does the Chair understand that the gentleman from Whiting, Mr. Bucknam, moves to accept the minority "Ought to pass" report?

Mr. BUCKNAM: Mr. Speaker, I move the acceptance of the minority report.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Ames.

Mr. AMES: Mr. Speaker and Members of the House: This bill is not a controversial measure in any sense of the word. Fish move from section to section along our coast in the different seasons of the year. This is a restrictive measure in that it would stop these fishermen from working in this section at a time of year when fish are scarce in other sections and are in plentiful supply in Washington County. At the public hearing held on this matter, in Lubec where the fish are, there were about one hundred people there and your commissioner refused to act on the evidence presented. I move that this House accept the "Ought not to pass" report for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: I had no intention of speaking on this bill. My friend, the gentleman from Whiting, Mr. Bucknam, informed me recently that he had contracted throat trouble, and, after speaking a few words, his speech was automatically shut off.

Mr. Speaker and Members, I have been wondering whether it would or would not be a blessing to this body if more of the members contracted this disease. (Laughter)

Coming from a territory — my district is composed of six towns, the chief business of which is the fishing industry, I associate with the fishermen in that community and I believe I know some of their problems. The purpose of this bill is to remedy one of the most destructive processes in our fishing industry on the coast of Maine.

This bill is intended to restrict the use of trawls in Washington County. This new device is not a trawl as it was formerly, baited hooks, but it is more or less of an underwater raking machine which takes everything in its path. It not only gathers an abundance of the so-called line fish but it destroys the fish breeding localities, it turns upside down the scallop beds and really is one of the most destructive inventions that we have yet known on our coast.

A few weeks ago, over the weekend, I had the opportunity of conversing with a reel fisherman. He happened to call at my house on some other business and we got to discussing the fish interests of the town. He said to me: Mr. Hanson, I fish about one hundred lobster traps. Yesterday, I went out to haul my traps and they had all disappeared. I cruised around and I found some remnants of the traps, some bruised fish and some other wreckage. I made up my mind that a trawler had been in this vicinity. So, going ashore, I called up the keeper of Libby Island Light, which is located in

the mouth of Machias Bay, and I inquired of the keeper if he had seen a trawler in that vicinity. He informed me that yesterday, or last night, I have forgotten which, there was a trawler came in the bay, circled the bay and went on."

And Mr. Speaker and Members, that is the answer to the fisherman's question of what became of his lobster traps. And so I say again, this new contrivance is not only going to put money into the pockets of the trawlers but it is going eventually to clean out the fish business on our coast and I believe it is a matter for every member to give serious consideration and it will be a pleasure not only to me but to the reel fishermen with a patch on his pants along our coast if you will vote to accept the report of the committee "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker and Members of the House: As House Chairman of the Sea and Shore Fisheries Committee, I would like to express the opinion the committee took. I don't want to take issue with my good friend, Mr. Hanson, I have a great deal of respect for his ability but I think that his position is fundamentally unsound.

This bill was weighed carefully by the committee and we felt that it led to discriminatory legislation. The so-called draggers are not something new, it is not a new contrivance by any means, and, by setting up that privilege in Washington County, we figured it would have the tendency to drive these draggers into another county. So, if Washington County was going to be favored through this legislation, it may have a tendency to drive these draggers into Knox County, therefore, it is discriminatory legislation.

I think that is all I have to say. I just wanted to make a report as the House Chairman.

The SPEAKER: The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: I just want to explain. I said to accept the majority report but it should be the minority report.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker, I am afflicted with a new disease. I have "Bubaritis". (Laughter) The only interest that I have in this bill is that I have for the last two years been studying the coast of Maine and I tried to learn something about their economy and anything which has to do with the economy of the coast of Maine I am interested in.

I agree whole-heartedly with the gentleman from Machiasport, Mr. Hanson. I think that something must be done with this situation and I think now is the time for us to do it and I am going to support it.

The SPEAKER: The question before the House is on the motion of the gentleman from Whiting, Mr. Bucknam, that the House accept the minority "Ought to pass" report of the committee.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Phillips.

Mr. PHILLIPS: Mr. Speaker, this bill was considered by the Sea and Shore Fisheries Committee. You can see, by the people who have spoken, what the situation is. If they go to work and close up Washington County then another year or two years from now somebody is going to come along and want to close up Seal Cove, some place like that. When you start doing a thing like the bill proposes, it means discrimination and it seems to me that you members should accept our majority report.

I think we have been fair in trying to see both sides and I hope you do accept the majority report of the committee.

Mr. BUCKNAM: Mr. Speaker, I request a division.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Whiting, Mr. Bucknam, that the House accept the minority "Ought to pass" report of the committee and the same gentleman has requested a division.

Thereupon, a division of the House was had.

Forty-six having voted in the affirmative and twenty-seven having voted in the negative, the motion to accept the minority "Ought to pass" report of the committee prevailed.

The Bill, having already been printed, was given its three readings under suspension of the rules, passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair now lays before the House the 21st matter of unfinished business, Bill "An Act Relating to Aid to Dependent Children", S. P. 156, L. D. 206, tabled on April 18th by the gentleman from Cape Elizabeth, Mr. Chase, pending passage to be engrossed.

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

Mr. LACKEE: Mr. Speaker and Members of the House: Although this bill received a favorable report in the Welfare Committee, there seem no prospects of any funds to take care of the appropriation. Therefore, I move that it be indefinitely postponed.

The SPEAKER: The gentleman from Addison, Mr. Lackee, moves that the Bill be indefinitely postponed. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the 22nd matter of unfinished business, Bill "An Act Relating to Taxation of Various Corporations," S. P. 446, L. D. 828, tabled on April 18th by the gentleman from Guilford, Mr. Campbell,

pending third reading; and the Chair recognizes that gentleman.

Mr. CAMPBELL: Mr. Speaker and Members of the House: This is not a tax on intangible tangibles which we heard about last night at the mock session but it is a tax on intangibles which are collected by the State and returned to the towns. Every town receives a share of this tax and I can see no justification of robbing the towns of that revenue. Therefore, I move the indefinite postponement of this bill.

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

Mr. CHASE: Mr. Speaker, this bill was a companion bill to the 21st unfinished business just disposed of, and it was a partial offset to the State for the probable cost of ADC. The bills have always been considered together and since the ADC bill has been indefinitely postponed, it is agreeable to the Committee on Taxation that this bill also should be indefinitely postponed as the gentleman has moved.

The SPEAKER: The question before the House is on the motion of the gentleman from Guilford, Mr. Campbell, that the Bill be indefinitely postponed. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the 23rd matter of unfinished business, House Report "Ought not to pass" of the Committee on Claims on Resolve in Favor of the City of Biddeford, H. P. 894, L. D. 365, tabled on April 19th by the gentleman from Sanford, Mr. Gauthier, pending acceptance of the committee report.

The pending question before the House is the acceptance of the committee report.

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 24th matter of unfinished business, House Report "Ought not to pass" of the Committee on Claims on Resolve in Favor of George P. Duffy of Benedicta, H. P. 1592, tabled on April 19th by the gentlewoman from Crystal, Miss Longstaff, pending acceptance of the report; and the Chair recognizes that gentlewoman.

Miss LONGSTAFF: Mr. Speaker and Members of the House: Because of the nature of this claim and the report of the House Chairman of the Committee on Claims in informing me that it is impossible for this committee to render a favorable report and with all due respect to his judgment and the fact that I can't seem to find a department with any surplus money, I very reluctantly move the acceptance of the "Ought not to pass" report.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Crystal, Miss Longstaff, that the House accept the "Ought not to pass" report of the committee. Is this the pleasure of the House?

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 25th matter of unfinished business, House Report "Ought not to pass" of the Committee on Agriculture on Bill "An Act Limiting Milk Control to Producers", H. P. 1906, L. D. 1345, tabled on April 19th by the gentleman from Bangor, Mr. Wight, pending acceptance of the report.

The House may be at ease pending the distribution of an amendment.

#### House at Ease

The House was called to order by the Speaker.

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

Mr. WIGHT: Mr. Speaker and Members of the House: At the con-

clusion of my remarks, I shall move to substitute the bill for the report for the purpose of supporting an amendment. This amendment reads as follows:

"Amend said Bill by striking out all of the Title thereof and inserting in place thereof the following title:

"'An Act Relating to the Milk Control Board.'

"Further amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

"'. . . The 1st sentence of section 2 of chapter 28 of the revised statutes is hereby amended to read as follows:

"'The milk control board, as heretofore established shall consist of 2 producers, **1 citizen who shall represent the retail consumers of milk**, a dealer and a producer-dealer all of whom shall be residents of the state.'

Now, that changes the present setup in one respect only, that is that it puts one consumer member on the milk board to represent consumers. At the present time, the board consists of four members, two producers, one producer dealer, and one dealer. The Commissioner of Agriculture is also a member ex officio. As you probably know, there has been a widespread feeling among the public that it should be represented on the Milk Control Board. I have talked this situation over with the ten members of the Committee on Agriculture and I find that at least eight of them are passive or at least favorable for representation of the public on the board and the Commissioner of Agriculture has no objection to such action.

The Milk Control Board has actual authority at the present time to establish minimum prices that shall be paid to producers for milk, also minimum prices that dealers or producer dealers shall charge stores, institutions, retail customers for milk. The board is the judge and the jury. I believe there are quite severe penalties for selling even a cent below the es-

tablished price. Anyone infringing upon the rules, I believe, can be fined up to \$100 or put in jail for up to eleven months.

The public, at the present time, is not represented in any way on the board and this is what makes for some distrust, quite widespread, I believe, in the State of Maine, regarding the decisions of the Board.

The public is represented on other boards in this State, for instance, the Public Utilities Commission is composed of three lawyers and they are connected in no way with the power interests. You will notice only a few days ago, the Public Utilities Commission ordered the New England Telephone Company to reduce certain rates on telephones. Our Highway Commission is composed of three men who certainly are not contractors or connected in any way with persons engaged in the construction of highways or bridges. One of those commissioners is a theater operator, another one a car dealer and the other an agriculturist. The Unemployment Compensation Commission, for instance. They have one member representing labor, one representing management and one member representing the public. So that the public is represented on all these commissions and the idea, of course, is to protect them against excessive prices.

Now, there is a vast difference between establishing a minimum price and a maximum price. All of these commissions which I have named here establish maximum prices which cannot be exceeded by the companies giving these certain services. Whereas, the Milk Control Board establishes minimum prices, which cannot be reduced. In other words, they protect the producer; they protect the dealer; they protect the retailer, all the way through, he must charge that much. Of course, I believe myself, personally, that the Milk Control Board is composed of very fine people, they are honest people, sincere people and they render judgments that they think are correct and right for everyone concerned. I

might say right here that I am not certain that the decisions of that board would be very much changed by the appearance on it of a person representing the general public. But it is a fact, I believe, and I believe a great many people believe, that the Board's decisions would be received very much better by the public if the public felt they had at least some representation on that body.

That one member, for instance, would be far outweighed by the other five; he would only be one in six, so that it would not be a preponderance for public opinion by any means. The cost of a member on the board is only about \$1252 a year, or that is the average cost of each member of the board during 1948, that was for his pay and the days he served on the board and also for his expenses. So the cost is not excessive.

One cent per hundred pounds is charged on milk as a tax. That produces about \$23,600, I believe, and that is the fund which plus the fees collected for licenses for handling milk makes the fund pay for the upkeep of the board. So the expense of an extra member, considering the amount of business done, would be very, very small. It seems as though a public member on the Milk Control Board would be of advantage to the board itself.

I believe this Legislature has passed previously a bill which would allow the milk industry to tax itself one cent per hundred pounds extra for advertising purposes and it seems as though they could get no better advertising, no more prestige, than to spend \$1250 for a member on that board who would represent the public.

As I have said before, I doubt very much if those decisions would be changed materially but certainly the confidence of the public would be greatly increased in that Milk Control Board.

Mr. Speaker, I move that the bill be substituted for the report so that I may present this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Wight, moves that Bill "An Act Limiting Milk Control to Producers" be substituted for the "Ought not to pass" report of the committee.

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

Mr. BOOTHBY: Mr. Speaker and Members of the House: I would like to ask a question through the Chair, in regard to this amendment. Is this amendment a new bill?

The SPEAKER: The gentleman from Livermore, Mr. Boothby, asks a question of the gentleman from Bangor, Mr. Wight. The gentleman from Bangor may reply if he cares to do so. The Chair understands the question of the gentleman from Livermore, Mr. Boothby, to be: Is this amendment a new bill?

Mr. WIGHT: Mr. Speaker, it eliminates most of the old bill and substitutes this amendment, and to sum it up the amendment simply means that there shall be one citizen who is to represent retail consumers of milk on the Milk Board, as the Milk Board is today.

Mr. BOOTHBY: Mr. Speaker, before we act on that amendment, we must act on the bill?

The SPEAKER: The Bill "An Act Limiting Milk Control to Producers".

Mr. BOOTHBY: Now, before starting in on changing this law as it now stands, I would like to read to you just a little from the new law. The Milk Control Law, Chapter 13, Public Laws of 1945 as amended; we have had it since 1935. The board is created: "The Governor with the advice and consent of the Council shall appoint as members of the Milk Control Board two producers, one producer dealer, one dealer, all of whom shall be residents of the State of Maine, who shall serve for a term of four years and until their successors have been duly appointed and qualified. The Commissioner of Agriculture shall be ex officio of such board."

Farther over in the law, I will read: "Prices so fixed shall be just and reasonable taking into due con-

sideration the insuring of an adequate supply of pure and wholesome milk. The condition affecting the milk industry including a reasonable return for the producer and dealer."

In the board as it now is they have five members, as I have just read: 2 producers, 1 producer dealer and one dealer and the Commissioner of Agriculture *ex officio*, which is the fifth member and the balancing member of the board. In other words, he can break a tie in his decision and I consider that he represents the people of the State of Maine; he is elected by them.

Now, the dairy industry in the State of Maine represents something over a \$26,000,000 business. By bringing up this, I want to bring to your minds something about the size of the business, which you are endeavoring to upset. Now, that has worked very well, I think; I think the prices have been in line in the State of Maine with any prices outside. We can't get out of line very much; we have to go along with the prices which are set in Boston and all the outside markets.

I remember very well before we had the control board, I was producing milk at that time and the farmers were going broke, the dealers were cutting prices among themselves and passing the cuts back to the producer. We didn't have any protection; we sold milk and never got our pay for the milk for at least fifteen days and it was usually thirty days. If the dealer doesn't pay you, you probably hang on another thirty days before you commence to get very nervous about it and a great many of them lost out. They passed a bonding law which was thrown out as unconstitutional.

Now, if this law passes to protect the price to the producer only, what will happen? The larger dealers maybe will commence to cut prices; they are going to throw these small dealers out of business because they can stand it even if they sell milk at a loss. Moreover than that, as you all know, the production of milk is something that takes a long

time to get into the business. You have got to have a stable market or else you can't stay in it. If you are going to have a low resale price on your milk, which is the only protection we have got in the State of Maine, to keep outside milk out when they have a surplus in other states, in other localities. In a certain season, you are going to have this milk come in from outside the same as they have in Massachusetts from New York in the areas where they haven't got a federal control and take the market away from those dealers whom we are selling our milk to. And when he loses his market, he can't take our milk and with this law you are going to have a minimum price which says I shall not sell it below the minimum price; what are you going to do with it? Keep it back on the farms and feed it to the calves? I won't be able to sell it if a man can't buy it. The dealer certainly can't buy it if he hasn't any market. You are going to disrupt the whole thing.

Now, if you went along and put on the two consumers on the board, there is no provision as I can see in this amendment, if we should pass this law, and we have to pass that first before we pass on the amendment we would pay those two citizens, so-called, consumers. I don't think that the farmers or the dealers would be willing to dig into their own pockets and pay the bills on these people. Moreover, I don't know exactly how people who don't know anything about the milk business at all are going to be able to set a price and handle that job so that they are going to insure a supply of milk to the consumers in the State of Maine, because if we get crowded very much more than what we have been crowded over the past, you won't have any cows in the State of Maine; we'll all go into the feed business, and then you will have to look for your milk elsewhere.

I consider this board just as much a protection to the consuming public in the State of Maine as it is to the producers or the dealers in the State of Maine. It is sort of an umpire, as I see it, to regulate price



so that it will be just to everyone.

I have been on the board before the war; I have gone into many communities back in the days when the mills were shut down, we would have a hearing, the farmers would come in, they would say: "Well, we should have more money, we're losing money in producing this milk but these poor people in the mill towns, they are out of work. They are not paying their grocery bills. We are willing to stick out and let them have the milk at this price." And they advised us not to raise the price in a great many instances. I think they have always been very fair; I think they still are.

Now, as Mr. Wight has said, when you pay a telephone bill, when you pay your electric light bill, you don't have very much to say about it. The Public Utilities handles a lot of things. Every time you buy a carfare ticket, you pay the price that they get and like it and, moreover, he says the State controls the minimum price. The price has always been the minimum price. There are very few instances which I ever knew of that there was anything that went above that price unless it was some special milk. Then they say that they have no opportunity to bid on milk. Now, they have a lot of opportunity to bid on milk if they want to. Because this sets the price for standard milk in the State of Maine. You could go down as low as 3.5 if you wanted to according to law; most of the milk sold probably for 3.7 or 4 per cent. If some institution over here wants to get a better deal why they can say to the dealer: You can't sell below the minimum price, I know, but you can give me six per cent milk if you can get overnight milk or you can give me pasteurized milk or almost anything; you have got a long list of things that you can do if you want to do a little trading on those things.

It has been very hard for everybody. As it is today, I don't know how a young man and a lot of us fellows in the milk business are getting along in years pretty good

now. We would like to see some of these young veterans that have gone on the farm, we would like to see them have some little protection.

I jotted down a few figures here the other day about how much it would take a young man if he was going onto a farm today unless he had some daddy or grandpappy or someone else or a rich uncle to kind of back him up.

A man with a twenty-cow dairy, the least investment he will have, and he will have just ordinary cows, he will have at least \$1,000 per cow. With his equipment and his buildings outside of his home, it doesn't include the house which he lives in, now a \$20,000 investment for a man to get into business if he hasn't got quite a lot of money is quite a lot of money. The GI records in our county, I didn't get hold of them all over the State, but in our county, they comprise the better herds in the county. The profit over feed costs, mind you, \$227 per cow. That just covers the feed costs. Outside of that, you have got all your taxes, your upkeep, your veterinary bills and all these other bills to pay. Now, I ask any of you members, how much are you going to have left? I daresay you won't have as much left as your hired man will, whom you are hiring on your place.

I don't think that this is a good bill. I think it would do more to break down the dairy industry in the State of Maine than any other thing I know of. As you all know, the dairy industry is the very backbone of any country. You have heard a great deal about conservation. There is more conservation accomplished through keeping dairy cows or beef cows, especially dairy cows. It keeps up our land, increases the fertility of our State. It is furnishing a great deal of taxes for the State of Maine. We happen to have about 126,000 dairy cows in the State of Maine at this time and you can see by that that there is quite a large investment in the dairy. I, for one, would hate awfully to see it practically ruined

the same as it was back in those days before we had any minimum price.

I move that the unanimous report of the committee on this bill be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Wight, to substitute the Bill for the "Ought not to pass" report on Bill "An Act Limiting Milk Control to Producers", House Paper 1906, Legislative Document 1345.

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

Mr. WIGHT: Mr. Speaker, I think that my friend, Mr. Boothby, misunderstands this bill, at least this amendment which I propose to amend the bill with. After this amendment is put on, if I am successful, the Milk Control Board and its powers to regulate minimum prices will not be disturbed in the least. The Milk Control Board and all of its mechanisms will be exactly the same as it is today. The only change will be in the whole setup, there will be one member representing the public on the Milk Control Board, that's the only change in the situation.

As far as the cost goes—my friend (Mr. Boothby) mentions the cost—at the present time, at least in 1948, I figured that there were sold in the State of Maine, 108,951,000 quarts of milk. At twenty cents a quart, that's \$21,790,200. The milk industry collects one cent on each one hundred pounds of milk so that a public member on the Milk Control Board would cost one cent for each 871 quarts. I believe that the industry which does, as the gentleman says, something like \$26,000,000 worth of business can stand one cent on 871 quarts of milk, or approximately \$1252 for the goodwill which that Milk Control Board will thus build up with the public. So I hope that my motion to substitute the bill for the report, so that I can put on this amendment, which will simply put one public member on the Milk Control Board, will pass.

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

Mr. BOOTHBY: Mr. Speaker and Members of the House: I do not know as I have very much objection to having him put two producers onto that but I would like to have him to include in that amendment about \$2500 appropriation to pay the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Wight, to substitute the Bill for the "Ought not to pass" report on the 25th item, being Bill "An Act Limiting Milk Control to Producers", H. P. 1906, L.D. 1345.

Mr. Wight of Bangor was granted unanimous consent to address the House.

Mr. WIGHT: Mr. Speaker, I just would like to correct the gentleman's impression. It is not two members, it is only one member.

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

Mr. MAXWELL: Mr. Speaker and Members of the House: I believe that this year we have had several such bills as this amendment. I am not on the committee, but I was present at the hearings held and I have watched those reports as they came out—Mr. Wight and the others have accepted those reports of "Ought not to pass" or leave to withdraw or what have you, changing the membership of the Milk Control Board.

If we are to place any value at all on our public hearings, then we certainly will not change this board. I was present, as I have already stated, and I don't believe that there is more than one individual outside of Mr. Wight, himself, who backed any change within the board.

Now, let's get it straight. The farmers do pay for the expenses of the members of the board. The prices are certainly fair; I don't believe anyone can gripe in that the price of milk products is excessive. In other words, Mr. Wight, him-

self, says they have done a good job in regulating the milk price.

I would also like to drop another little fact in there. When we have a meeting between Mr. Reuther and Mr. Ford out here in Detroit, do any of us as citizens go there and say: "Now, look, this price is going to be too much," or do we accept what they bring out as the price on a car? Now, that is approximately the same idea as is brought into this matter. And I feel for that reason, the fact that we have allowed these other bills changing the board to be passed by continuously through the session, certainly this is no time, the last week or maybe a day or so, that we are here, to then bring out an amendment which, in reality, reenacts one of these bills which previously has been turned down.

The SPEAKER: The Chair recognizes the gentleman from Palmyra, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I think in fairness to the gentleman from Bangor, Mr. Wight, I should make a few remarks. As I understand it, we have never acted on this amendment in committee. The bills before the committee were to repeal the Milk Control Board and, as I remember it, there was another bill to apply milk control to the producer only.

Now, Mr. Wight talked with a number of the members of the committee, about this amendment, as he has stated, and I, for one, told him that I had no opposition to this amendment to put a consumer on the board. I have reason to believe that others expressed the same view and that is the reason for the amendment.

Mr. Wight comes from a large consuming area and I realize the pressure on some of these representatives from those areas about the Milk Control Board and as far as two consumers being on the board, as I see it, there isn't any real consumer on the board now. Certainly, we wouldn't expect the Commissioner of Agriculture to take

the attitude that he is a consumer. He is a consumer in himself to a certain extent but he is representing agriculture and, of course, I assume he is trying to be fair with both the producer and consumer.

At the hearing, the question was brought up in regard to this consumer being on the board and I think some of the dairymen, themselves, expressed the opinion that they had no objection to the consumer being on the board but they objected to the farmer paying the tax to pay the consumer. But my views on that is that they are increasing the tax to the producer to promote the consumption of milk. Now with this consumer on the board, I believe this would have a tendency to quiet the public opposition to the board and probably it would be money well spent in promoting the good will of the public, which you must have for this board to function. I wouldn't want anything to happen to the Milk Control Board because I realize the plight the farmer would be in if it were done away with but, at the same time, I feel you have got to make some concessions to the consuming public as you go along to keep them satisfied or eventually you will run into serious opposition.

Now, I agreed with Mr. Wight that I would go along with his amendment. I admit I am not a retail seller of milk in the State of Maine. My milk goes out of the State of Maine into the Boston market. But all the milk business is milk business. What affects Maine has a tendency to affect the other markets. Perhaps I have received some criticism from some of the milk producers but I believe this amendment, as such, and doing away with all of the other provisions of this bill that he has would probably be for the best interests of all concerned and perhaps it would be well for the milk business to use a little of that tax money to promote the goodwill of the consuming public right here in these cities.

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

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

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

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

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?

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

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

The SPEAKER: The gentleman from Brewer, Mr. Thompson, requests that when the vote is taken, it be taken by division. The question before the House is shall the main question be put now?

The Chair would inquire of the gentleman from Brewer, Mr. Thompson, if he wishes a division on the vote of whether the main question shall be put now or on the motion of Mr. Wight.

Mr. THOMPSON: On this amendment, Mr. Speaker.

The SPEAKER: All those in favor that the main question be put now will say aye; those opposed, no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Wight to substitute the Bill for the "Ought not to pass" report of the committee on Bill "An Act Limiting Milk Control to Producers", H. P. 1906, L. D. 1345. The gentleman

from Brewer, Mr. Thompson, has asked for a division. All those in favor of the motion will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-one voted in the affirmative and forty-four voted in the negative.

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

Mr. WIGHT: Mr. Speaker, I think there was an error made in this section.

The SPEAKER: The Chair would inquire if the gentleman questions the count?

Mr. WIGHT: Yes, Mr. Speaker.

The SPEAKER: All those in favor of the gentleman from Bangor, Mr. Wight, to substitute the Bill for the report will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-five having voted in the affirmative and forty-nine having voted in the negative, 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 has been informed that the House is now in possession of certain papers received from the Senate appearing on Supplement No. 2 and they may be taken up by unanimous consent of the House. The gentleman from Cape Elizabeth, Mr. Chase, asks unanimous consent that the items on Supplement No. 2, being Senate reports, be now placed before the House. Is this the pleasure of the House?

It was so ordered.

Thereupon, out of order and under suspension of the rules, the following papers from the Senate were taken up.

#### Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Pensions on Resolve Providing for a

State Pension for Paul Paquette of Lewiston (S. P. 506) reporting same in a new draft (S. P. 696) (L. D. 1615) under same title and that it "Ought to pass"

Report of the Committee on Ways and Bridges on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1950 and June 30, 1951 (S. P. 107) (L. D. 111) reporting same in a new draft (S. P. 699) (L. D. 1623) under same title and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the Bill and Resolve in New Draft passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bill read twice and the Resolve read once. Thereupon, the Bill was assigned for third reading and the Resolve was assigned for second reading at 8:00 P. M., E.S.T., tonight May 6th.

#### Ought to Pass

Report of the Committee on Claims reporting "Ought to pass" on Resolve in Favor of Chester Blake, of Oakland (S. P. 287) (L. D. 1617)

Report of same Committee reporting same on Resolve in Favor of Leon W. Olmstead, of Caribou (S. P. 56) (L. D. 1614)

Came from the Senate with the Reports read and accepted and the Resolves passed to be engrossed.

In the House, Reports were read and accepted in concurrence, read once and tomorrow assigned.

Thereupon, the Resolves were assigned for second reading at 8:00 P.M., E.S.T., tonight, May 6th.

#### Resolve Substituted for Report Engrossed in Senate

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Resolve Authorizing Board of Examiners of Funeral Directors and Embalmers to Issue License to Arthur Andrews of Rockland (S. P. 484) (L. D. 948)

Came from the Senate with the Resolve substituted for the Report and passed to be engrossed.

In the House, on motion by Mr. Campbell of Augusta, the "Ought not to pass" report of the committee was accepted in non-concurrence and sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act Providing for the Establishment of a State of Maine Information Center" (H. P. 1621) (L. D. 932) which was passed to be engrossed in the House on May 3rd.

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

In the House, the House voted to recede and concur with the Senate in the adoption of Senate Amendment "A" and in the passage of the Bill to be engrossed as amended by Senate Amendment "A".

#### Conference Report

Report of the Committee of Conference on Bill "An Act Relating to the Salary of the Judge of the Portland Municipal Court" (H. P. 2077) (L. D. 1530) reporting that the House recede and concur with the Senate.

(Signed)

Messrs. COLLINS of Aroostook  
BOWKER of Cumberland  
LEAVITT of Cumberland  
—Committee on part  
of Senate  
CHAPMAN of Portland  
McGLAUFLIN of Port-  
land  
PAINE of Portland  
—Committee on part  
of House

Came from the Senate read and accepted.

In the House, Report was read and accepted and the House voted to recede and concur with the Senate.

The SPEAKER: The hour of four o'clock having arrived, it is now in

order for the House to take up Bill assigned for that hour as appear on Supplement No. 3 of the House Advance Journal and Calendar for today.

Thereupon, out of order and under suspension of the rules the following House paper was taken up.

**Passed to Be Engrossed  
Amended Bill**

Bill "An Act Relating to Salary of Register of Probate in Cumberland County" (H. P. 719) (L. D. 261)

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.

The **SPEAKER**: The Chair now lays before the House the 26th matter of unfinished business, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Labor on Bill "An Act Relating to Unfired Pressure Vessels", H. P. 707, L. D. 253, tabled on April 20th by the gentleman from Oakland, Mr. Pullen, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. **PULLEN**: Mr. Speaker and Members of the House: After giving this bill careful study, I found many features of it I did not like and I also found many other members of the House who did not like it. But, having taken the matter up with the sponsor of this bill, he assured me that he will offer amendments to remove most of those features, so I will make no motion at this time.

The **SPEAKER**: The pending motion is on the acceptance of the "Ought to pass" as amended by Committee Amendment "A" report of the committee. Is it the pleasure of the House to accept the "Ought to pass" report of the committee?

The Chair recognizes the gentleman from Caribou, Mr. Bearce.

Mr. **BEARCE**: Mr. Speaker and Members of this House: It is my

belief that this is a nuisance bill only in that it is reaching over into another department which already has plenty of authority. I believe this bill does nothing but build up another department to the expense of the State and to the expense of the public. I think it is unnecessary and uncalled-for. This bill has been amended and re-amended and still boils down to nothing except a nuisance bill and simply of one department reaching over into the authority of the other department which already has plenty of authority to handle these items, and I move indefinite postponement of this bill.

The **SPEAKER**: The gentleman from Caribou, Mr. Bearce, moves that the Report and Bill be indefinitely postponed.

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

Mr. **BATES**: Mr. Speaker and Members of the House: I am the sponsor of this bill and I am glad to be. I respectfully call your attention to the fact that indefinite postponement is contradictory to the unanimous "Ought to pass" report of the committee, the committee having given this bill a very earnest and sincere consideration and, in their wisdom, reported out "Ought to pass".

I am not a mechanical engineer, therefore I cannot speak on the bill from the angle of its technical set-up. Why am I interested in the bill? Because it is for public safety and it involves you and it involves every one of you; it involves your families. Public safety is connected with public health. I am, of course, very interested in public health.

Why does it have anything to do with public safety? Because each of us is exposed to these hazards and I refer most especially to the hazards that we might find and which have been found and can be well located especially in the small towns, in gasoline stations, country grocery stores, which have appliances of high pressure vessel types which they use to inflate tires. Those have been known to blow up

and Maine has been particularly fortunate. I have on record three accidents and only three and I assure you that it is much better to lock the door before the horse is stolen rather than afterwards. I have literature and I have pictures which even in my capacity and in my profession are weird to me of accidents which have happened in other states. This is not new legislation in other states. Fourteen states have such legislation further advanced than this legislation. Nine provinces in Canada, twenty-two cities and those cities are in states which do not have such a law and several other places have ordinances to try to do this sort of thing. I believe Maine is very backward.

In regard to the gentleman from Caribou, Mr. Bearce, calling this a nuisance bill, if it saves but one life I will feel as though I have done something over here. We want these things inspected and I believe the committee's thinking is along the same lines. As far as the gentleman from Caribou, Mr. Bearce, saying that this involves another department, although we may not like to say these things, had it involved another department and had this department satisfactorily done its work, these hazards would not now be found. The other department, which I imagine he refers to, is the Fire Insurance Department. They are interested more particularly in fire hazards and not in unfired pressure vessels.

As far as the expense to the State, the expense to the public, it is a very minor expense and it is for the safety and protection of the people in the State, especially for the safety and protection of the people who work around these places where the unfired pressure vessels are located.

As far as the bill being amended and re-amended, it has been done so logically, I believe, to try to satisfy everyone concerned and try to point out the fact that we weren't aiming at anyone in particular but that we were trying to satisfy the public safety in the State of Maine and this is a step in the right di-

rection. My only regret very frankly and very honestly is that the bill doesn't go further and include a greater number of these things. The reason it doesn't is because that department does not have the funds and the personnel to inspect these things as they should be inspected.

We are all tired and I guess I can go along with that. I could speak for quite some time on this, I am definitely interested in it. I will be glad to try to answer questions but I do very respectfully call your attention to the fact that you are accepting a unanimous committee report and that you are playing with fire.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Bearce, that the Report and the Bill be indefinitely postponed.

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

Mr. BROWN: Mr. Speaker, I would like to see this House start in and be a little consistent on some matters. We have a lot mentioned here relative to that but yet we don't follow through with it. We went out of our way here in this Legislature to pass a measure that isn't the picture at the present time. It is something that is way off in the future, yet we passed that measure, I believe, and that was the measure to prohibit the installation of television in automobiles. Why did we do that? For the sole reason of safety. Again we went out of our way and we infringed on the rights, if you have it, of our boys and girls and removed from them the pleasure that they get on the Fourth of July of setting off a few firecrackers. Why did you do it? For public safety; that's the reason why. And all these measures are set up for safety to protect the lives of human beings. This measure has been brought about for that one reason.

It's true we haven't had too many cases of accident relative to these things but we had before the committee samples of these very things which we are talking about at the

present time, specimens where explosions had occurred — and they occurred because of improper inspection. Now you can stand here and cite all day cases such as this. Now, we allow our law enforcements to infringe on the rights of people, to keep them from driving automobiles under the influence of liquor. Why do we do that? For safety.

There are lots of other things which we do which infringe on people's rights and we don't allow them to do it just because of safety. Yet, when this measure comes along that is a measure of safety and may protect me or it may protect any one of you, we say: "No, we can't have it." If that is the cause, let's do away with all safety measures. Let's take the guards off from all of our machinery and let's let people go up there and get their arms sawed off and their heads knocked off and one thing or another because it takes away from certain rights.

I attended a hearing here one night on a certain measure and different people got up and said: "It would be a hardship to me or to the people whom I represent if this measure is put through." They are all hardships. When you prohibit anything it is a hardship but we have to put up with those hardships if it is in the form of a safety measure that is going to protect life and limb. We put fire escapes on buildings. They might be there for a hundred years and never be used and yet, all at once, there may be a fire start there and it may save a good many lives. We have got to begin to look at these things with a broad viewpoint if we expect to arrive at some of the things which we are driving.

So, let's go along and support some of these measures because it may be your life and mine that has been saved. I often think of the poster which we see along our highways at different times: "The life you save may be your own." If one of you here, today, oppose this measure it may be that you will be the one who will be injured by an explosion caused by just this thing

which we are trying to prohibit at the present time. So, I hope that we will support this worthwhile measure.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Bearce, that the Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Benton, Mr. Faas.

Mr. FAAS: Mr. Speaker, this thing is not very explicit in the first place. The next one is, how are you going to finance it? Who is going to do the inspecting? What are you going to inspect?

Every isolated water system on the farms has a pressure tank of from forty to sixty pounds. There isn't a possible way in the world of making an internal inspection on that thing. Your hot water boiler in your home; you can't make an internal inspection. I have heard some remarks about fireless cookers, or pressure cookers, and so forth. Now, it says "unfired pressure vessels." We have thousands of those. Now what are they pressured with? Who is going to do the inspecting? What type of inspector are you going to have? Who is going to pay him and where is he going to branch off from, and where does he start? I would like that information if it is possible.

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

Mr. BATES: Mr. Speaker and Members of the House: Again saying that I am not an engineer, I will try to answer the gentleman from Benton, Mr. Faas' questions.

Committee Amendment "A" specifically states that under exemptions, "Boilers or vessels used in any private dwelling shall be exempt." It also says, "boilers or vessels used for agricultural purposes only shall be exempt."

House Amendment "A", which I propose to submit for adoption following the two regular readings of the bill, will provide for the exemption of pressure cookers used in community canning project service.



I think we tried to cover everything as far as the inspection is concerned. I am not qualified to say how these things are inspected. But those are the vessels which are now covered by insurance inspectors and those insurance inspectors who are qualified by the State Department of Labor will automatically become eligible; those that are not covered are the ones we are particularly interested in because, if they are operating satisfactorily, they would be covered. If they are not operating satisfactorily, and that is the main issue, they will be condemned or their condition will have to be rectified. The Board of Boiler Rules as now set up seems to be the logical instrumentation for such inspection sources. I think Mr. Faas is particularly well informed as to the personnel of that board and the fact that they have been operating for fifteen years, since 1934 or 1935, on inspection of boilers.

This bill, in its main essence, is an amendment to the boiler bill as it now stands on the records.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Bearce, that the Report and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Benton, Mr. Faas.

Mr. FAAS: Mr. Speaker, I have been mixed up with pressure vessels, steam, water, acid, gas and ammonia for a good many years and this thing may be a factor of safety and of the inspection department of the State of Maine, I have no criticism. The fact is I don't know anything about them; I don't even know who they are. But, having served on the hospital committee and examined the physical properties of some of our hospitals they certainly haven't visited those places, I can assure you of that. Because if a federal inspector came in there, he would close the Bangor Hospital at once without any further consultation and I would like to have still some more information because it doesn't specify, specifically. Now, I don't know anything about the pressure

vessels that are used for spraying purposes by orchardists and agriculturists but they have a safety valve on them, those which I have seen, but they cannot be inspected from the inside. The damage is all done on boilers and pressure cookers from the inside. There is where your corrosion takes place and your pitting takes place and your bad seams. I have taken a four-pound hammer and put it through the side sheet of a locomotive boiler with just a slight blow. The outside of the sheet was perfect, as good as the day it was made, but when we took the sheet out, we found that it was badly eaten away.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of this House: I do not believe we have established any need for this bill. This bill was set up with a number of inspectors at a very large expense to the State and again a nuisance value to the public and is covered by the Insurance Department at the present time. Certainly it would be a duplication in departments and also in expense.

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

Mr. BROWN: Mr. Speaker, I would just like to say one thing more and that is pertaining to our inspection department. In our Labor Department setup, and I am going to clarify that statement, it is not a Labor Department, it is a Department of Labor and Industry. We should have a Labor Department in the State of Maine but our Legislature saw fit back here a few years ago to cut the powers of that Labor Department and make it a department with no power whatsoever. They have got an inspection department there; they are entrusted with the inspection of high pressure boilers such as we have in the State. And yet, on a case of this kind, on some little small thing, we can't trust the department that has been established to

do that kind of work. Now, I am going to say right here and now that I have all kinds of faith in the department that we have established in the State of Maine and I am going to stand up and defend it at every time that I have an opportunity. We, and I am going to say of the rank and file of labor in the State of Maine, have tried to insist that our Labor Department be headed by a representative of labor. We did have that for one or two appointments. Our last appointment and when that appointment was made, it did not satisfy us at that time but we were willing to go along with the appointment. Today, I believe we have a very efficient and capable head of the Department of Labor and Industry, and I have got all of the confidence in the world in that department and I think the people in general throughout the State of Maine should have confidence in that department.

So, in any of these matters that legitimately come under the jurisdiction of the Department of Labor and Industry, which is a middle of the road department, I think we should have faith in them to carry out the duties which are assigned to them at this time.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Bearce, that the Report and Bill be indefinitely postponed.

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

Mr. LARRABEE: Mr. Speaker and Members of the House: As a member of the Labor Committee, I should like to answer the question of Mr. Faas as to the inspection of these vessels. At the time of the hearing, there was an insurance inspector there who was questioned by the members of the committee as to whether these vessels could be inspected or not, and his answer was that they could be inspected internally. And that that was done by the use of mirrors and small lights. And I would like to point out to the members of the House that one of the compelling reasons for an un-

animous "Ought to pass" report was the feeling among the members of your Labor Committee that unless such legislation were enacted by the State of Maine, that Maine would become a dumping ground for vessels condemned in other states which do have such legislation. I hope that the motion of the gentleman from Caribou (Mr. Bearce) does not prevail.

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

A viva voce vote being doubted,

A division of the House was had.

Sixty-two having voted in the affirmative and thirty-one having voted in the negative, the Report and Bill were indefinitely postponed and sent up for concurrence.

The gentleman from Limestone, Mr. Burgess, was granted unanimous consent to address the House.

Mr. BURGESS: Mr. Speaker and Members of the House: I see that many of our House Members have the evening papers on their desks. I simply want to call your attention to the headline in the Lewiston Evening Journal, it says: "State Employees Talk of Strike if Pay Is Cut".

In reply to that headline, I want to read a letter from the president of the Maine State Employees Association which completely refutes that article and when I have finished, I would like the Press to print this letter. This is addressed to the speaker, or rather the present speaker, myself.

"Dear Sir: To correct any misunderstanding that may be made in the minds of the Members of the House of Representatives as a result on articles appearing in the Press pertaining to strike on the part of State employees if the 3, 4, 5 bill, so-called, is not passed, I wish to go on record as president of the Maine State Employees Association that neither myself nor any one of the directors of the Association

have mentioned the word 'strike' in any of our deliberations, nor will we sanction the consideration of any such a procedure.

"Unsigned letters and postal cards having been received by the Association demanding that a strike be called if the 3, 4, 5 bill is turned down and so forth and I do not doubt that officials of the Executive and Legislative Branches of our State Government have been recipients of similar correspondence. As far as we are concerned, these letters are thrown in the wastebasket where they belong. We have every confidence of the utmost consideration of all problems by the Legislative body." I simply wanted to call your attention to that item of the headline in your Press and read this letter which has been handed to me so that no one of us will take any stock in the headline and, as I previously stated, I hope the Press will come over and get a copy of this letter and print it.

Now, Mr. Speaker, would it be in order for me to make a motion while I am on my feet relative to an item on the calendar?

The SPEAKER: The Chair will state the gentleman can make no motion with regard to any item on the calendar except to the next item of unfinished business unless he asks and receives unanimous consent.

Mr. BURGESS: Mr. Speaker, I would ask unanimous consent to take up out of order an item previously disposed of in this afternoon's session.

The SPEAKER: The gentleman may move to reconsider any action taken.

Mr. BURGESS: Mr. Speaker, if I am now in order, I would move to reconsider an item which appears on Supplement No. 2, under Non-Concurrent Matter, being Bill "An Act Providing for the Establishment of a State of Maine Information Center", House Paper 1621, Legislative Document 932, and may I state that at the time the item was considered by the House, I was acting as Speaker pro tem and did not

feel in a position to make the motion that I would have liked to make at that time. For that reason, I would like to move that reconsideration be had in order that I might then make a motion to insist and ask for a committee of conference.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves re Bill "An Act Providing for the Establishment of a State of Maine Information Center", H. P. 1621, L. D. 932, that the House reconsider its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and also reconsideration of the adoption of Senate Amendment "A".

Is it the pleasure of the House to reconsider its action? As many as are in favor of reconsideration will say aye; those opposed, no.

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

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

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

Mr. PALMER: Mr. Speaker, to further expedite matters, today, I would like to once again make the motion that I made this morning relative to papers this afternoon so I ask unanimous consent that reconsideration be considered as having been moved and lost on each of the matters acted on this afternoon and that they be sent to the Senate.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, asks unanimous consent that reconsideration be considered as having moved and lost on each of the matters acted upon this afternoon and that they be sent to the Senate. Is there objection? The Chair hears none, and it is so ordered.

The Clerk will read the notices.

On motion by Mr. Palmer of Nobleboro,

Recessed until 7:00 P.M., E.S.T., tonight.

**After Recess—7:00 P.M., E.S.T.**

The House was called to order by the Speaker.

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

Mr. PALMER: Mr. Speaker, I ask unanimous consent that the House do take up the additional papers from the Senate, contained on Supplement Number 5 of the House Advance Journal of the Calendar.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, asks unanimous consent to take up the items contained in Supplement Number 5 of the House Advance Journal of the Calendar. Is there objection? The Chair hears none, and the items will be taken up.

The following matters from the Senate were taken up out of order and under suspension of the rules:

**Senate Reports  
Ought Not to Pass**

Report of the Committee on Aeronautics reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Authorize a Bond Issue to Match Federal Funds for the Construction and Improvement of Airports (S. P. 415) (L. D. 773)

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Relating to Certificates of Intention to Seek Nominations to Public Office" (S. P. 207) (L. D. 270)

Came from the Senate read and accepted.

In the House, the "Ought not to pass" reports were accepted in concurrence.

**Non-Concurrent Matter**

Bill "An Act Relating to State Scholarships for Normal School and Teachers' College Students" (S. P. 481) (L. D. 944) which was indefinitely postponed in the House on May 3rd.

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

In the House:

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

Mr. PALMER: Mr. Speaker, I move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that the House recede and concur with the Senate.

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

Mr. WOODWORTH: Mr. Speaker, the Senate Amendment calls for an appropriation of \$50,000, to be set up as a trust fund, the money to be taken from the unappropriated surplus. I think we could find better uses for the money.

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

Mr. PALMER: Mr. Speaker, I think we all recognize, in the closing hours of this Legislature, that very little of the original program for education in this State has been realized, and also that of the funds which have been appropriated to come out of the unappropriated surplus, education has not fared well at all. This calls for a trust fund of \$50,000 dollars, to be set up to provide scholarships for young men and women of this State, to go to our normal schools and teacher colleges.

Where we have lost so much of the progress which we tried to make in our educational program, and where not so much of this money has been appropriated for education, I think it is only fitting that we make this money available. We are faced in the State now with a shortage of elementary school-teachers, and this is certainly only a token of what we could do to provide more teachers in our elementary level. By providing these small scholarships, and they would be small, we would encourage some of the poorer boys and girls of

Maine who want to go to college and get an education and teach. We would encourage them to continue in their endeavors, and in a few years to become teachers in this State.

So I move that we do recede from our former action and concur with the Senate in the passage of this bill.

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

Mr. McCLURE: Mr. Speaker, yesterday I saw that Mr. Palmer, our Assistant Floor Leader was honored by being made Floor Leader. Today I will go along with him because I really feel that although this money is coming out of that sacred fund, it is going to a good cause.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, I would like to go on record as being in favor of the motion of the gentleman from Nobleboro, Mr. Palmer. I think this is one place where we can do something for education. We certainly have a great lack of teachers in the State of Maine, and will have that lack for a number of years, and if there is anything that we can do to induce the youth of the State of Maine to go into the teaching profession, we should certainly do that; it is our one primary object to try to get more teachers who are adequately trained. Too many are now serving under provisional teaching licenses, and this is one thing that we are in hopes to be able to do. Other Legislatures will have to then take up the fight, but this will give them something for the next two years, and it will be up to, as I say, subsequent Legislatures to carry this on if they see fit. We have spent a lot of money out of the unexpended balance, and I think that this \$50,000 for the next two years is well worthwhile, and I am heartily in favor of the motion of the gentleman from Nobleboro, Mr. Palmer.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, it is no use to say that I did not intend to get mixed up in this item. I would like to pay a little personal tribute to Senator Varney. I notice his name on this amendment, and if he can salvage something, I am for it. The original bill called for much more than this. I would like to pay a little personal tribute to him because I think he has been battling about a thousand in the Senate for schoolteachers and all of our school bills. I think there are maybe one or two which he has managed to salvage, so I think we can do him an honor by going along with the gentleman from Nobleboro, Mr. Palmer, on this measure.

The SPEAKER: The question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House do recede from its former action. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill had its third reading.

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

SENATE AMENDMENT "A" to S. P. 481, L. D. 944, Bill "An Act Relating to State Scholarships for Normal School and Teachers' College Students."

Amend said Bill by striking out all of the Title thereof and inserting in place thereof the following Title: "Resolve Creating a Trust Fund for Scholarships for Normal School and Teachers' College Students."

Further amend said Bill by striking out all after the enacting clause thereof and inserting in place thereof the following:

**Resolved:** That there be, and hereby is, transferred from the unappropriated surplus of the general fund the sum of \$50,000, such sum to be established and known as the "Scholarship Fund for Normal School Students"; and be it further

**Resolved:** That the state normal school and teachers' college board be authorized to develop and administer a plan for awarding scholarships to selected students enrolled in the normal schools and teachers colleges of the state who have evidenced qualifications of general worth, professional promise as potential teachers, and who have demonstrated ability and willingness to support their educational expenses but who may be in need of partial financial assistance with respect to their educational expenses. Each scholarship shall not exceed \$200 in any one year. The board may, at its discretion, reduce the amount of any particular award when such a reduction would better serve the need of an otherwise eligible recipient. Amounts available for such scholarships shall be distributed annually by the board to the 5 normal schools and teachers' colleges in the same proportions as the proportion of each institution's student enrollment bears to the total student enrollment of the 5 institutions for the preceding year, but not more than \$25,000 shall be expended from the trust fund in any one year; and be it further

**Resolved:** That it is the intention of the legislature that the trust fund so created may be increased by such sums as normal school alumni associations, student group activities or individuals may wish to contribute to the scholarship fund for normal school students.

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

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#### Senate Report Ought to Pass

Report of the Committee on Federal Relations reporting "Ought to pass" on Bill "An Act Completing the Revision of the Unemployment Law" (S. P. 346) (L. D. 623)

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

amended by Senate Amendment "A".

In the House:

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

Mr. **BURGESS:** Mr. Speaker, due to the fact that Mr. Payson, who has a definite interest in this measure, is not present at this time but will be here very shortly, I would like to ask for unanimous consent to make this item a special order of business for 8 P. M. Eastern Standard Time, today.

The **SPEAKER:** The gentleman from Limestone, Mr. Burgess, requests unanimous consent that Report of the Committee on Federal Relations reporting "Ought to pass" on Bill "An Act Completing the Revision of the Unemployment Law" (S. P. 346) (L. D. 623) be made a special order of business for 8 P. M., Eastern Standard Time today. Is there objection? The Chair hears none.

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#### Senate Report Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Providing for the Construction of an Employees' Dormitory at the Augusta State Hospital (S. P. 158) (L. D. 226)

Came from the Senate with the Bill substituted for the Report and subsequently the Bill indefinitely postponed.

In the House: The Report and Bill were indefinitely postponed in concurrence.

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#### Non-Concurrent Matter

Bill "An Act Relating to Tax Stamp Discounts in Cigarette and Tobacco Products Law" (H. P. 1541) (L. D. 818) which was passed to be enacted in the House on March 31st and passed to be engrossed on March 23rd.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The Bill was indefinitely postponed in concurrence.

**Non-Concurrent Matter**

Resolve Closing Embden Pond in the Town of Embden to Ice Fishing (H. P. 918) (L. D. 370) on which the House substituted the Resolve for the "Ought not to pass" Report of the Committee on Inland Fisheries and Game and passed the Resolve to be engrossed earlier in the day.

Came from the Senate with the "Ought not to pass" Report of the Committee accepted in non-concurrence.

In the House:

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

Mr. DeSANCTIS: Mr. Speaker, I move that the House insist on its former action and ask for a Committee of Conference.

The SPEAKER: The gentleman moves that the House insist on its former action whereby the Resolve was substituted for the "Ought not to pass" report of the committee and ask for a Committee of Conference. Is this the pleasure of the House?

As many as are in favor of the motion of the gentleman from Madison, Mr. DeSanctis, that the House insist on its former action and ask for a Committee of Conference will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

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

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

Mr. DOW: Mr. Speaker, I move that the House adhere.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the House do adhere to its former action.

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

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

Thereupon, the House voted to recede and concur with the Senate.

in the acceptance of the "Ought not to pass" report.

**Non-Concurrent Matter  
Conference Asked in Senate**

Bill "An Act to Provide for the Annual Salary of the Members of the Public Utilities Commission" (H. P. 368) (L. D. 128) which was indefinitely postponed in the House on May 5th.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A", and with the following Conferees appointed on its part:

Senators:

BOWKER of Cumberland  
HASKELL of Penobscot  
ELA of Somerset

In the House:

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

Mr. WOODWORTH: Mr. Speaker, I move that the House insist on its former position and agree to a Committee of Conference.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the House do insist on its former action and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
Office of the Secretary  
Augusta

May 6, 1949

Honorable Harvey R. Pease, Clerk  
House of Representatives  
94th Legislature

Sir:

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Aid Small Woodland Owners," (S. P. 542) (L. D. 1182) the President today appointed the following conferees:

Senators:

WILLIAMS of Penobscot  
BOWKER of Cumberland  
SAVAGE of Somerset  
Respectfully

(Signed) CHESTER T. WINSLOW

The Communication was received and ordered placed on file.

The Chair, at this time, will appoint the members on the part of the House on the disagreeing action of the two branches of the Legislature on Bill "An Act to Aid Small Woodland Owners" (S. P. 542) (L. D. 1182) as follows:

Messrs. BROWN of Wayne  
PARKER of Sebec  
CARTER of Bethel

The SPEAKER: The Chair now lays before the House the 27th item of unfinished business being House Divided Report of the Committee on State Lands and Forest Preservation on Bill "An Act Creating Greater Utilization of Wood Waste and Development of New Products" (H. P. 2001) (L. D. 1384), the Majority Report being "Ought not to pass" and the Minority Report being "Ought to pass in New Draft", the New Draft being (H. P. 2080) (L. D. 1536), tabled on April 20th by the gentleman from Wayne, Mr. Brown, pending the motion of the gentleman from Topsham, Mr. Williams, to accept the Majority Report; and the Chair recognizes the gentleman from Topsham, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This bill has some virtue to it, but it has some very bad features, and in order for the gentleman from Wayne, Mr. Brown, to put this over to the 95th Legislature, I withdraw my motion.

The SPEAKER: The Chair understands that the gentleman from Topsham, Mr. Williams, withdraws his motion that the House do accept the majority "Ought not to pass" report of the committee.

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

Mr. BROWN: Mr. Speaker, I now move that House Paper 2001, Legis-

lative Document 1384, be referred to the 95th Legislature.

The SPEAKER: The gentleman from Wayne, Mr. Brown, moves that House Paper 2001, Legislative Document 1384, being Bill "An Act Creating Greater Utilization of Wood Waste and Development of New Products" be referred to the 95th Legislature. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House the 28th item of unfinished business, being An Act Relating to Trucks Transporting Pulp, Slabs and Logs (S. P. 641) (L. D. 1415) tabled on April 20th by the gentleman from Union, Mr. Payson, pending passage to be enacted; and the Chair recognizes the gentleman from Union, Mr. Payson.

On motion by Mr. Payson, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the 29th tabled item of unfinished business, House Divided Report of the Committee on Labor on Bill "An Act to Extend Occupational Disease Coverage Under the Workmen's Compensation Act (H. P. 1785) (L. D. 1124), the Majority Report of the Committee being "Ought not to pass" and the Minority Report being "Ought to pass", tabled on April 21st by the gentleman from Waterville, Mr. Castonguay, pending acceptance of either report of the committee; and the Chair now recognizes the gentleman from Waterville, Mr. Castonguay.

Mr. CASTONGUAY: Mr. Speaker, due to the labor representation that was down here at the hearing, I feel justified at this time—I do not know the parliamentary procedure and if I am wrong I would like to be corrected—but I would like to present an order, out of order, under suspension of the rules.

The SPEAKER: The Chair will state that the matter under consideration is on the acceptance of either report of the committee on



the 29th item of unfinished business.

The Chair recognizes the same gentleman.

Mr. CASTONGUAY: Mr. Speaker, I move that the House accept the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Waterville, Mr. Castonguay, moves that the House do now accept the "Ought not to pass" report of the committee. Is this the pleasure of the House?

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

The gentleman from Waterville, Mr. Castonguay, out of order and under suspension of the rules, presented the following order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the feasibility of including silicosis as an occupational disease under the provisions of sections 57 to 68, inclusive, of chapter 26 of the revised statutes; and be it further

ORDERED, that the Committee shall report its findings to the 95th Legislature. (H. P. 2123)

The Order received a passage and was sent up for concurrence.

The SPEAKER: The Chair now lays before the House the 30th item of unfinished business, Bill "An Act Increasing Pensions of Retired Members of the State Police" (S. P. 614) (L. D. 1304) tabled on April 21st by the gentleman from Auburn, Mr. Williams, pending passage to be engrossed; and the Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This matter first came to my attention because of the wording of the bill. After some study of the law in regard to retirement pensions for members of the State Police I am satisfied that the wording will accomplish the intended purpose. As

I understand it, there are, perhaps, four members of the State Police who retired under the non-contributory system who are really in need of additional income. However, I think, at this time, it is only fair to point out what the effect of a bill like this might be.

There are perhaps twelve to fourteen members of the Police who would be affected. The larger proportion of them are working at other regular jobs. Our retirement system for the entire State originally was non-contributory. There are a considerable number of State employees who are retired under that system. Their pay is based upon one-half of what they received at the time they retired. If we change the law for the State Police, we are establishing a precedent and I would expect all State employees who are retired under the same provisions to come in at the next session of the Legislature and ask that their retirement pay be increased from one-half the pay on which they retired to one-half of current pay. For that reason, I think we might well be letting the State in for a substantial item of expense. For the purpose of bringing that matter before you for your consideration, although I have no personal interest in the matter other than the possibility of opening up a troublesome problem, I now move indefinite postponement of the bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Williams, that Bill "An Act Increasing Pensions of Retired Members of the State Police" (S. P. 614) (L. D. 1304) be indefinitely postponed.

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

Mr. McCLURE: Mr. Speaker and Members of the House: I can well understand what my friend, the gentleman from Auburn, Mr. Williams, has stated, that this could, perhaps, open it up among our State Employees who might want an increase, and who have been retired in the past. I still believe

in our State employees. I believe that they stand for fair play.

Now in this case, in case you do not understand it, most of these men who are asking for this retirement pay were our pioneer members of our State Police. They need this money, not necessarily due to the fact of old age, but many because of physical handicaps that they received through riding over our roads back in the 1920's on motorcycles. I can well remember them, because they worked with me in those days. I was sheriff at that time in Sagadahoc County, in 1925, and you people, many of you here, know the conditions of our roads then. They did not have what our State Police have today, nice automobiles with radios, and thank God they have those today, because in the future they will not have the injuries, the physical handicaps that these men have who are appealing to you members here tonight for this pension, and I trust that in fairness to them, for services well done, that they will receive this pension.

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

Mr. SPEAR: Mr. Speaker and Members of the House: I will not dwell upon your sympathies, but I think it only fair for you to understand the attitude of the committee in reporting this out unanimously. The committee has given consideration to, we think, all of the points. We had a public hearing where several retired members appeared before the committee. This bill was brought up several times at different executive meetings and it was placed upon the table, and it really was given thorough study and debated among the members to a great extent, I think, and all of these questions which could be brought up were brought up in the committee. We took into consideration that this does affect only fourteen members of the State Police, the older ones who come under the old retirement system, some of them

being gainfully employed at the present time, but it was also thought in the committee of considering this point: That it is too bad that the State cannot retire its employees as they get to be physically handicapped or in their old age, so that they can really enjoy retired life without having to go out and seek additional employment, to get additional remuneration to keep their bodies and souls together.

We had the Chief of the Maine State Police over here at one of our executive meetings, to give us information as to the numbers of men. The cost of this will be about \$4,700 per year, and that money, we felt, was within the budget of the State Police. The situation at the present time is that members of the State Police can retire after twenty years of service, and I think there is—I looked in my notes tonight and you will excuse me if I misquote actual figures, but there are a certain number in the State Police now—I think it is about twenty men—who are eligible for retirement under the twenty-year plan, that can be retired voluntarily but they don't have to be retired, but in the State Police budget there is set up certain funds to take care of these men if they should retire and also funds to take care of replacements who would take the place of these men. So if these men do not retire, there is still an unexpended balance in their allowance for pensions in the State Police Department, and there is more than enough in the present biennium, in the allocation of moneys to the State Police, to take care of this situation if the pay of these men is increased.

We also took into consideration the fact that we might be setting a precedent, but we were only concerned at the present time with the State Police. Naturally, we were not indifferent to what might happen to other departments, but if other employees of the State are not receiving adequate retirement pay, I would recommend that they do petition this Legislature and see if they can get sufficient funds to ex-

ist, if they feel that they are not being fairly treated. But your committee did consider the fact that they felt that the State Police who gave their services over a period of time should enjoy a decent retirement pay, and the committee felt that it was within the powers of the department and its finances to take care of them.

I just want to impress you with the fact that this was not skipped over lightly by the committee, and we think that all phases of it were given serious consideration, and I hope that you will consider the unanimous "Ought to pass" report of the committee.

The SPEAKER: In view of a previously assigned matter, the Chair recognizes the gentleman from Limestone, Mr. Burgess, for a period of three minutes.

Mr. BURGESS: Mr. Speaker, I would like to ask two questions of the gentleman from Auburn, Mr. Williams. These questions are asked, not to bring out a point for or against this measure, but purely that there be no misunderstanding among any of us before the vote is taken and the first question is this: Is it true that this bill would raise the retirement fund which a retired police officer would receive to an amount equal to that which he would receive had he retired under the present wage scale or not.

Mr. WILLIAMS: Mr. Speaker, it is my understanding that if this bill becomes law, he would receive one-half the pay that present officers of the same rank are receiving.

Mr. BURGESS: Mr. Speaker, the second question is this: Do you know, Mr. Williams, whether or not the additional amount of funds required is available in the Pension Retirement Fund of the State Police or not?

Mr. WILLIAMS: It is my understanding that, in setting up the budget, the State Police requested enough to include any officers or men who are eligible to retire during the current biennium. If those

men do not retire, there would be sufficient money.

The SPEAKER: The hour of 8 P.M. having arrived, the Chair now lays before the House the special order of business assigned for that hour, being the Report of the Committee on Federal Relations reporting "Ought to pass" on Bill "An Act Completing the Revision of the Unemployment Law" (S.P. 346) (L.D. 623).

The Chair recognizes the gentleman from Union, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: May I just apologize for not being promptly on the job to take care of this matter when it originally came up. This is a complete revision of the Unemployment Compensation Law, containing all of the laws that are now on the books, plus a few provisions that have been incorporated at the suggestion of the Commission and that has the committee's approval. This bill has been held up, up to this point, in order that it might, before final passage, be amended to include such measures as this Legislature might pass relating to Unemployment Compensation. Senate Amendment "A", as attached to this bill now before us, includes all of those bills that have, at this session, come before the Legislature and have had legislative approval at this point, relating to Unemployment Compensation. This amendment has not been printed. Mr. Speaker, I move that this bill be passed to be engrossed as amended by Senate Amendment "A" without printing.

The SPEAKER: The gentleman from Union, Mr. Payson, moves that the House do now accept the "Ought to pass" report of the committee. Is this the pleasure of the House?

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

Thereupon, the Bill was given its two several readings.

The SPEAKER: The gentleman from Union, Mr. Payson, asks unanimous consent that Senate Amendment "A" may be considered with-

out printing and reproduction. Is there objection? The Chair hears none.

The Clerk will read Senate Amendment "A".

Senate Amendment "A" was read by the Clerk.

Thereupon Senate Amendment "A" was adopted.

On motion by Mr. Payson, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended in concurrence.

The SPEAKER: The question now before the House is on the motion of the gentleman from Auburn, Mr. Williams, that Bill "An Act Increasing Pensions of Retired Members of the State Police" (S. P. 614) (L. D. 1304) be indefinitely postponed.

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

Mr. BURGESS: Mr. Speaker, I very seldom rise to say anything in this body, but I am very much opposed to that motion. The amount is \$4,700 and it involves only fourteen men. Now, as a former County Attorney and having worked for six years with the State Police in that district, I can assure this House that they earn every dime they get, and more. I think it would be a dreadful thing to trim these boys out of this small amount of money.

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

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

Thereupon the Bill was passed be engrossed as amended in concurrence.

The SPEAKER: The Chair now lays before the House the 31st item of unfinished business, Bill "An Act Relating to Fishing Contests on Inland Waters" (H. P. 2058) (L. D.

1487) which was tabled on April 21st by the gentleman from Waterville, Mr. Castonguay, pending third reading.

The Chair recognizes the gentleman from Hope, Mr. Ludwig.

Mr. LUDWIG: Mr. Speaker, I offer House Amendment "C" and move its adoption.

The SPEAKER: The Chair would inquire of the gentleman from Hope, Mr. Ludwig, as to whether he meant House Amendment "C" or House Amendment "D".

Mr. LUDWIG: House Amendment "C", Mr. Speaker.

The SPEAKER: House Amendment "C" was presented on the 20th of April by the gentleman from Lisbon, Mr. Plummer, and on that date read and adopted.

Mr. LUDWIG: Thank you, Mr. Speaker.

The SPEAKER: The gentleman from Hope, Mr. Ludwig, now asks unanimous consent that Bill "An Act Relating to Fishing Contests on Inland Waters" may be made a special order of business for 8:30 Eastern Standard Time this evening. Is there objection? The Chair hears none, and the Bill will be made a special order of business at that hour.

The gentleman from Orono, Mr. Bates, presented the following order, out of order, and moved its passage:

ORDERED, everyone concurring, that although there are many esteemed and well-liked members in the House in the 94th Legislature, there is no one held in higher esteem for his most ethical consideration of problems pertaining to the Committee he is Chairman of, than the House Chairman of Appropriations and Financial Affairs, the gentleman from Unity, Harry Brown.

AND BE IT FURTHER ORDERED, that the House manifest by rising, to show their appreciation of his fairness, cooperation and consistency. (Prolonged applause)

The SPEAKER: The Chair understands that the order has received a passage.

The SPEAKER: The Chair now lays before the House the 32nd item of unfinished business, House Report "Ought to pass in New Draft" (S. P. 660) (L. D. 1480) of the Committee on Ways and Bridges on Bill "An Act Relating to Road Equipment on Private Ways" (S. P. 330) (L. D. 518) which was tabled on April 21st by the gentleman from Manchester, Mr. Jewett, pending the motion of the gentleman from Portland, Mr. McGlauffin, that the Report and Bill be indefinitely postponed; and the Chair recognizes the gentleman from Manchester, Mr. Jewett.

Mr. JEWETT: Mr. Speaker and Members of the House: This is another one of those bills that the Judge says is unconstitutional. Not being of a legal mind, I cannot determine whether it is or not, but it is something that all of the small towns want. It is nothing but an enabling act to let us do what we are already doing in a legal manner. We have been maintaining roads to some degree, especially plowing, in these small towns that are surrounded by lakes and summer resorts. We do this more or less as fire protection, because if we should get a fire on any one of these roads during the winter time, there would be no use to take your plows out then and try to get your equipment in.

So far as the legal standing of the thing is, I went to the Attorney General's office. It seems that the Attorney General must have practically drafted this redraft for the Ways and Bridges Committee. Here is a letter from the Attorney General's Office.

"To the Honorable House of Representatives:

I am informed that your honorable body has requested the opinion of this department on the constitutionality of Senate Paper 660, Legislative Document 1480, now on the table, entitled "An Act Relating to Road Equipment on Private Ways".

I am also informed that the Attorney General, who is now attend-

ing the trial of a murder case at Houlton, has advised the committee orally that the bill is constitutional. I have talked with him on the phone and he tells me that this is so. The bill as written, and the amendment now offered, would permit the inhabitants of any town, at a legal town meeting, to authorize the selectmen of the town, to use its highway equipment on private ways for fire and police protection.

While it is true that the public property may not be used for a private purpose, fire and police protection are not private, but public purposes, and hence the use of such equipment for these purposes, in the opinion of this department, would not come within the provisions of the Constitution.

Respectfully submitted,  
Abraham Breitbard

Deputy Attorney General."

Now this bill has been passed to be engrossed in the Senate, therefore I move that we carry it through and pass it to be engrossed in this House, with the amendment to be offered.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the Report and Bill be indefinitely postponed.

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

Mr. McGLAUFFLIN: Mr. Speaker, I would like to ask the gentleman from Manchester (Mr. Jewett) if he would give me that report that he just read.

The letter was brought to Mr. McGlauffin by the Page.

Mr. McGLAUFFLIN: Mr. Speaker, I note that the Attorney General, or the Assistant, says this: "While it is true that public property may not be used for private purposes,"—that is exactly what I have been trying to tell this Legislature, and I have quoted law enough to sink a ship. That is the law. You cannot use public property for private purposes.

I have been trying to suggest an assistant to my friend, and I am not sure that my suggestion is any

good, but this measure merely says that the selectmen of the town—let me read the whole thing:

“Use of highway equipment on private ways. The inhabitants of any town at a legal town meeting may authorize the selectmen of said town to use its highway equipment on private ways within such town whenever such selectmen deem it advisable in the best interests of the town, and for fire and police protection.”

Now what they are undertaking to do is to do the very thing the Constitution says they cannot do.

If there is an emergency, you do not need this law; you can go in there and protect those cottages on private ways; there is no question in my mind at all about that. But what they are trying to do is to say, in this law, that if, in the judgment of the selectmen, they think that it creates an emergency to have them repair that road, so that if a fire breaks out six years from now they can protect it, that is not an emergency.

Now I tell my friend that this law will not do him any good or any damage if you pass it. Let me say right here that if this Legislature passes this act, it is nothing to me. Let the Supreme Court tell you, if you will not believe what I tell you.

I suggested that if this equipment was let for hire, that perhaps he could get around it. I am not dead sure of that, but I would withdraw my objection if they undertook to make such an amendment. That has not been done, so I still say that the best way to dispose of this is to carry out my motion to indefinitely postpone it. What you do is in your hands.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the Report and Bill be indefinitely postponed.

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

Mr. **GATES**: Mr. Speaker, I am not an attorney and I am not apologizing for that. I do not know

the legal angles to this, but the gentleman from Portland, Mr. McGlauffin, does, and I feel that he knows what he is talking about, but I am a municipal officer, and I am not apologizing for that either. I do know the practical application of this bill, if adopted.

I do not believe that any selectmen should be allowed to say where this equipment should be used. It might be at a camp or it might be in a private way.

The law is unfair and discriminatory. It is not fair for the real estate tax payer to pay for the equipment to plow a private driveway where it is barred by the law of trespass.

As a matter of fact, this bill was introduced by a Senator who wanted to plow down to his camp. I say it is not fair in any way, and I hope that the motion of the gentleman from Portland, Mr. McGlauffin, prevails.

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

Mr. **FITCH**: Mr. Speaker and Members of the House: Sixty percent of our taxes come from the non-residents. We have found that if we can use our town equipment to make a road down to some of these lakes, that the people will build camps there, and in that way the revenue to our towns is increased.

I have heard various arguments about the selectmen not being capable of deciding where this equipment should be used. We have had various arguments in our town meeting, and when it came time to buy a \$3,000 truck, they appointed a special committee because the selectmen were not capable of doing it, but when it came to spending the \$60,000 the town raised, they left it entirely up to the selectmen.

I believe that this is something that will be an advantage to the majority of the towns of the State, particularly those where there are non-residents, and where there are lakes and new camps being built.

So far as an emergency is concerned, we have found that if we

plow some of these right-of-ways, as they may be called, that in case there was a fire that they would be open and our fire equipment could get in there. We would be in one pretty mess if a fire started, and then we had to get our plows out, to plow in, so the fire engines could get in there.

I hope the motion of the gentleman from Portland, Mr. McGlauffin, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the Report and Bill be indefinitely postponed.

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

Mr. GATES: I am going to add another thought—I should have done it before, but the argument of the gentleman from Sebago, Mr. Fitch, has brought up to my mind that there are legal ways of having roads laid out and accepted.

If that is done, there is no question but what they can go down there on their public ways, but at the present time they are private ways and the public is barred. For that reason, the public should not be made to pay for that service.

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

Mr. BROWN: Mr. Speaker and Members of the House: As a member of the Ways and Bridges Committee who considered this matter very carefully, I want to say that we felt that it was a good bill. Now I am not going to argue the constitutionality of it. I know, in my own town, we get about forty-eight percent of all of our revenue from non-resident property. The only thing that we could do for the people who pays these non-resident taxes of our town is to the possibility of giving them a little gravel on their private ways, so that they can get in and out of this property, and it has proven out, in more than one instance, to pay dividends. Several years ago we had a fire down in one of our cottage areas, and a few years before that we did not

have a road in there. Fortunately, at the time of the fire there was a road in there, and the fire equipment got in there very quickly and saved a lot of taxable property. Whether it is constitutional or not, I think it is a good bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the Report and Bill be indefinitely postponed.

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

Mr. McGLAUFLIN: Mr. Speaker, I should like to ask the gentleman who just spoke if there is a single lawyer on your committee.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, asks a question of the gentleman from Wayne, Mr. Brown. The gentleman from Wayne may reply if he cares to.

Mr. BROWN: Mr. Speaker, to the best of my knowledge, there is not an attorney on our committee. However, we did take the matter up with the Attorney General's office, and we understood the re-draft was legal.

Mr. McGLAUFLIN: I would suggest that you ask some of the other lawyers in this House, if you do not believe what I tell you.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the Report and Bill be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Yesterday, on a bill that involved a split report, the majority "Ought to pass" and the minority "Ought not to pass", the gentleman from Portland, Mr. McGlauffin, stood and stated that he knew nothing of the bill, but he was willing to go along with a member of that committee who had signed the report, as it happened to be "Ought not to pass," because, as he stated, he had a great deal of respect for that gentleman who signed that report

"Ought not to pass", a minority report, although, as he stated, he knew nothing of the bill.

In this particular instance I know of this bill, but I have a great deal of respect for the Attorney General's office, so I will go along with their decision.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlaulin, that the Report and 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 motion did not prevail.

Thereupon, the "Ought to pass in New Draft" report of the committee was accepted, and the Bill was given its two several readings.

The SPEAKER: The Chair would inquire of the gentleman from Manchester, Mr. Jewett, if he has an amendment he would like to present.

Mr. JEWETT: Mr. Speaker, there has been an amendment prepared, House Amendment "A", which I now offer.

The SPEAKER: The gentleman from Manchester, Mr. Jewett, presents House Amendment "A" and moves its adoption. The Clerk will read the amendment.

HOUSE AMENDMENT "A" to S. P. 660, L. D. 1480, Bill "An Act Relating to Road Equipment on Private Ways."

Amend said Bill by striking out in the last line of said bill the underlined punctuation and word 'and'

Thereupon, House Amendment "A" was adopted and the Bill was thereupon given its third reading under suspension of the rules and was passed to be engrossed as amended in non-concurrence and was sent up for concurrence.

The SPEAKER: The Chair lays before the House at this time a matter made a special order of business for 8:30 this evening, being Bill "An Act Relating to Fishing Contests on Inland Waters."

The gentleman from Hope, Mr. Ludwig, presents House Amendment "D" and moves its adoption. The Clerk will read House Amendment "D".

HOUSE AMENDMENT "D" to H. P. 2058, L. D. 1487, Bill "An Act Relating to Fishing Contests on Inland Waters."

Amend said Bill by inserting after the underlined word "Kennebec" at the end of the next to the last line thereof, the underlined punctuation and word 'Knox'

House Amendment "D" was then adopted and the Bill had its third reading.

Mr. CASTONGUAY of Waterville: Mr. Speaker - -

The SPEAKER: The Chair will inquire of the gentleman if he wishes to be recognized with regard to the present matter.

Mr. CASTONGUAY: Yes, Mr. Speaker.

The SPEAKER: The Chair so recognizes the gentleman.

Mr. CASTONGUAY: Mr. Speaker, having canvassed my particular town, the City of Waterville, - -

Mr. DOW of Falmouth: Mr. Speaker - -

The SPEAKER: In order that there may be no confusion, the Chair recognizes the gentleman from Waterville, Mr. Castonguay.

Mr. CASTONGUAY: Mr. Speaker, I offer my apologies to the gentleman from Falmouth, Mr. Dow, as I was looking down at my notes.

Now as to this fishing derby bill, the people of Waterville, having done a thorough canvass, I might say, are definitely in favor of holding derbies. Therefore, under those conditions, I would like to move the indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Waterville, Mr. Castonguay, moves, under suspension of the rules, that the House reconsider its action whereby it adopted House Amendment "B". Is this the pleasure of the House?

The Chair recognizes the gentleman from Monmouth, Mr. Marsans.



Mr. MARSANS: Mr. Speaker and Members of the House: This bill, at its inception, was of State-wide interest and effect. It has, however, precipitated down to the point where it is quite local in scope and evasive, as you will notice if you study the new draft, which was a new draft of a previous bill offered, and when the new draft appeared, Kennebec was one of the three counties exempted from the provisions of the bill. I immediately received a number of conflicting calls as to the desirability of leaving Kennebec open to fishing derbies.

In an effort to find out the actual sentiment in our county, I asked the members of my delegation to inquire in their individual districts and report back. Three of our delegation, the Messrs. Muskie and Castonguay, of Waterville, and Mr. Dostie of Winslow, said that the sentiment in their particular localities was for the fishing derbies. The rest of the county, covered by the remaining ten members of our delegation said that the sentiment in their localities was against fishing derbies, and so I offered House Amendment "B" to L. D. 1487, which took Kennebec out as an open county. Of course I wish to make clear to the House at this time that this matter does not, in any way, suggest even the remotest possibility of there being internal strife in Kennebec, and the gentlemen from Waterville and the gentleman from Winslow know full well that I am not trying to disregard the wishes of any group in their section. I am, merely, attempting to act in accordance with the wishes of the majority in our county, and as such I would oppose the postponement of House Amendment "B".

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

Mr. JEWETT: Mr. Speaker, I feel it my duty to read two letters that I have received from Fish and Game Associations here in the central and the southern part of the county, one from Winthrop

Lakes Fish and Game Association, which reads as follows:

"WINTHROP LAKES  
FISH AND GAME ASSOCIATION  
Winthrop, Maine

April 20, 1949

**Legislative Document No. 1487**

Mr. Mayland Jewett, Rep.

Dear Mr. Jewett:

The Winthrop Lakes Fish & Game Association, with a membership of three hundred, wish to go on record as opposing the above document, wherein it states 'and provided further than the provisions of this section shall not apply to the counties of Cumberland, Kennebec and York.'

We have no objections to legislation that would ban fishing contests providing it covers the entire State, but we do not want our county to be the target for all those who wish to hold contests.

Respectfully yours,

(Signed) C. C. HAYNES,  
President."

I also wish to read a letter from the Tri-City Fish and Game Association of Augusta, Hallowell and Gardiner:

"TRI-CITY FISH AND GAME  
ASSOCIATION  
Hallowell, Maine

April 16, 1949

Mr. Mayland Jewett, Rep.

Dear Sir:

The Tri-City Fish and Game Association feel that Bill No. 1487 would be the most damaging thing that could happen to our waters in Kennebec County.

We also feel that fishing contests should either be prohibited or lawful throughout the entire State.

Why should this county be at the mercy of the rest of the State, to hold contests or derbies on the waters of this county where we are attempting to improve the fishing on these waters?

For these reasons we, the members of the Tri-City Fish and Game Association, are definitely opposed to this bill.

Sincerely yours,  
(Signed) L. E. COLOMY,  
President."

(At this point the gentleman from Limestone, Mr. Burgess, assumed the Chair, and Speaker Haskell retired)

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Castonguay.

Mr. CASTONGUAY: Mr. Speaker and Members of the House: I think one of the letters which was read by the gentleman from Manchester, Mr. Jewett, was dated April 20th. Since then, as I understand from the President of the Arnold Trail Fishing Club in Waterville, the President of the Tri-City Fishing Club has been contacted, and they also are in favor of fishing derbies. That is one of the reasons why I moved the indefinite postponement.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Waterville, Mr. Castonguay, that under suspension of the rules, the House reconsider its action whereby House Amendment "B" was adopted.

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

Mr. MUSKIE: Mr. Speaker, I don't like to take up the time of the House on what is essentially a local matter and I wouldn't bother with it except if I didn't why the people back home would be up in arms. So I have got to do something about it if I can; probably I don't have much chance to. Apparently the objection of the rest of the county to the exception of Kennebec County from the ban on fishing derbies is the fact that there is a feeling that this county would be at the mercy of the other counties around there where the ban would be in effect and people from outside our county would be flooding our waters for the purpose of having fishing derbies.

I suppose the answer to that question would be for me to move the indefinite postponement of the bill as a whole. I would like to discuss very briefly, something of the facts with regard to fishing derbies. Apparently the objection to these derbies is the feeling that has grown up over the past two or three years

that the derbies constitute a dangerous drain on our fish population.

I would like to give you some statistics on the Belgrade Lakes Fishing Derby which was held two or three weeks ago. In the course of that derby there were 1276 entries. I haven't analyzed those entries to determine how many of them were outside of Kennebec County but I presume the large number were from within the county. There were 1276 entries which covered seven of the Belgrade Lakes. In the course of that derby, the wardens checked 230 boats and in those 230 boats, they found but one fish had been caught. The total number of fish that were registered for prizes at the close of the derby was in the vicinity of 30 out of 1276 entries.

Now, this derby is sponsored by the Sportsmans Association and the purpose for which they hold the derby is to raise funds to improve the trout, salmon and bass fishing in the Belgrade Chain. Not too long ago, out of the proceeds of the derby, the Club paid one-half of the cost of a fish screen in Oakland, the cost to the club being \$500. About a year ago, I believe it was, the club built up another fund of \$1500 which they intended for the Fish and Game Department for the purpose of improving fishing in the Belgrade Lakes. For some reason, as yet unknown to the club, the Fish and Game Department never replied to the letters in which this offer was made.

As I see it, we have here an example of a Fishing derby which is conducted not for the purpose of draining our fish population but for the purpose of raising funds to improve fishing in the Belgrade Chain. Now, to me, this illustration points up this fact that the answer to the fishing derby problem is not to eliminate it completely, it is not to outlaw it but to regulate it to make sure that only those organizations which are interested in propagating our fish population and improving our fishing in the State would be authorized to conduct them. Their purpose could be regulation as to

the time of the year during which fishing derbies could be held. I am sure there could be other regulations which would so encompass these derbies with rules that, instead of draining our fish population, they would tend to improve fishing conditions in this State.

I am reminded in this type of legislation of a practice that took place in this country back in Puritan days. There was a sport that was called "bear baiting". And the essence of this sport was to capture a wild bear and then for the edification of a number of spectators and their amusement, they beset him with a number of dogs. The bears were always able to take care of themselves and the dogs were always able to take care of themselves but these sports which were held on weekends were finally banned by the Puritan Fathers and they were banned not because the bears could not take care of themselves nor because the dogs couldn't take care of themselves but because they amused the people who watched them.

Now, it seems to me that here we have a law which is designed not because of the drain on our fish population but because we have a sport that furnishes entertainment and amusement for a large number of people and other people have come to the conclusion that hence there must be a serious drain on our fish population. Now, I have talked this problem over, not only with the members of our fish and game associations but with some of our Fish and Game Department wardens. I asked them, at the time I didn't have any particular interest in this legislation, whether or not the fishing derbies were a drain on our fish population? I had reference, at that particular time, to the Moosehead Lake derby which the New York Times, I believe it was, called one of the outstanding advertising stunts of the year. And I was told by these wardens that the trouble with fishing derbies was not the drain on the fish population but the fact that there was

not proper regulation of the sponsorship of the derbies. These 1276 people who participated in the Belgrade Lakes Derby, not so long ago, all paid the necessary license fees to the State or contributed to the income of the Fish and Game Department. They were all people who presumably are interested in fishing aside from the fishing derby and presumably would have fished elsewhere. There is no reason to believe their fishing activity over the course of a season is increased by the fact that on that particular Sunday they participated in this fishing derby. Consequently, I do not believe that the overall drain over the State is any greater than if we conducted activities without the fishing derby. I do not think that these fishing derbies increase the number of licenses sold or the number of fishermen who participate in fishing. I believe the answer to this problem is proper regulation and, for that reason, I move that this bill be indefinitely postponed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Guilford, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I introduced this bill by request although it does not say so on the bill. At that time, I was not very much interested in it but since then I have found that I am very much interested in it and opposed to the fishing derbies as I would be to anything that I think is doing as much harm to fishing in our lakes and ponds as these fishing derbies are. The State of Maine spends thousands of dollars annually in stocking our lakes and streams and it seems to me a senseless procedure and a very poor conservation measure to allow any organization to run these derbies on any body of water where twelve to fifteen hundred fishermen congregate in one day and I would say that if they had 1200 fishermen on Belgrade Lakes in one day, and they didn't get more than thirty fish, it

must be pretty poor fishing down there.

Mr. Muskie and these other gentlemen have read letters which they have received or mentioned letters. I received more than fifty letters since this bill was introduced and not one of them was in favor of fishing derbies. They are from various fish and game associations all over the State, all over the northern part, and eastern part I would say, from Penobscot County, Piscataquis and all through that section.

We do know that they have done a vast amount of harm to our fishing on Moosehead Lake. I will agree that there are days when they could be held and not do any harm but there are other days when the fish are biting well when they will do a lot of harm. I hope that the motion of the gentleman from Waterville (Mr. Castonguay) does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wellington, Mr. Carle.

Mr. CARLE: Mr. Speaker and Members of the House: I have been pretty quiet during the session but I think now I am liable to open up. (Laughter)

This fishing derby business is something that I, myself, am not too much interested in but my constituents up in my district are, and I am going along with Mr. Campbell as I have got a number of letters from my people up in my district who are heartily opposed to having any derbies, fishing derbies, and I want to go on record as being opposed to the indefinite postponement of this bill.

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

Mr. HILL: Mr. Speaker and Members of the House: As a member of the Committee on Inland Fisheries and Game, I believe that this particular measure about which we are having a discussion at this time, was one of the hottest issues that we had during the entire session.

The committee gave it quite a bit of time and, as I recall, the hearing took up nearly one afternoon's business. The objections to fishing derbies seemed to be pretty much general over the State with the exception of the southern regions. The largest objection to the elimination of derbies came from the Sebago Lake group where they have been running the derby yearly for quite some time and they look forward to it as an annual event and are afraid that should any rule or any law be put through to eliminate that derby, it would run into quite a bit of trouble. On the other hand, the elimination of derbies was something that was very strong in the Moosehead area and in the Rangeley Lake area, particularly. The sentiment there was: "We want to eliminate these derbies now before they go any further." I agree with Mr. Muskie to the extent that some of these derbies are being run which I don't believe are draining the fish population due to the fact that those clubs running the derbies tend to put their profits back into either a stocking program, building of screens, and so forth. But I can't go along with him on the indefinite postponement of the bill because there are too many sections of the State that are looking forward to having these derbies banned in their area. They definitely don't want them and, therefore, I hope his motion to indefinitely postpone does not prevail.

The SPEAKER, pro tem: The Chair will state before recognizing the gentleman from Bangor, Mr. Wight, that the question before the House is that the House reconsider its action under suspension of the rules whereby House Amendment "B" was adopted. And, after the disposal of that amendment, then the motion of the gentleman from Waterville, Mr. Muskie, will be put.

The Chair now recognizes the gentleman from Bangor, Mr. Wight.

Mr. WIGHT: Mr. Speaker, do I understand that we are talking on the indefinite postponement of the whole bill?

The **SPEAKER**, pro tem: The Chair will further state that the question before the House is on the reconsideration, under suspension of the rules, of House Amendment "B". Is the House ready for the question?

The gentleman from Monmouth, Mr. Marsans, has requested that when the vote is taken, it be taken by division.

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

Mr. **CASTONGUAY**: Mr. Speaker and Members of the House: Just to clarify a minor misunderstanding which might be in the minds of some of the members, the committee included in the original bill, Kennebec. In other words, three counties were included in the original bill. Later on, Kennebec was omitted by an amendment presented by Mr. Marsans. The original bill includes Kennebec, which was given a favorable report by the committee.

The **SPEAKER**, pro tem: Is the House ready for the question?

(Cries of "Question")

The **SPEAKER** pro tem: The question before the House is on the motion of the gentleman from Waterville, Mr. Castonguay, that the House, under suspension of the rules, reconsider its action whereby House Amendment "B" was adopted. The gentleman from Monmouth, Mr. Marsans, has requested a division.

All those in favor of the motion will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eight having voted in the affirmative and forty-six having voted in the negative, the motion did not prevail.

The **SPEAKER** pro tem: The question before the House is on the motion of the gentleman from Waterville, Mr. Muskie, that the Bill be indefinitely postponed.

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

Mr. **WIGHT**: Mr. Speaker and Members of the House: I want to oppose Mr. Muskie in his motion that this bill be indefinitely postponed. There are two things about which the Penobscot County Fish and Game Association has been very much excited during the past few months, since last fall. One of them is the night hunting of deer and the other one is fishing derbies. They are against both of those things so I want to go on record here as against this motion to indefinitely postpone this bill.

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

Mr. **MCGLAUFLIN**: Mr. Speaker, I would like to just ask for information. What the situation of Cumberland County is if you indefinitely postpone this bill. Cumberland County wants these derbies.

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

Mr. **HILL**: Mr. Speaker, in answer to Mr. McGlaufflin's question, Cumberland County will not be affected at all if the bill is indefinitely postponed; it won't be affected in any way.

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

Mr. **CAMPBELL**: Mr. Speaker and Members of the House: I want to go on record as opposing the indefinite postponement of this bill. I, myself, hang around the Moosehead Lake area a little. I have a camp in Rockwood and when I am up there I sometimes go down to the store and talk to the natives. There are a good many guides there and that is the way they earn their living by guiding people on the lake in that area.

I happened to be up there last year a week before the derby was scheduled and they were hoping and praying that the fish wouldn't bite the following week. They were sick and tired of derbies; they knew it drained the fish population down and they were very much opposed to it.

I hope the motion of the gentleman from Waterville (Mr. Muskie) does not prevail.

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

Mr. CHAPLES: Mr. Speaker and Members of the House: As a camp owner or cottage owner on Moosehead Lake, I am very much opposed to these fishing derbies. Between fishing derbies and ice fishing, they have got Moosehead Lake pretty nearly cleaned out and I hope the motion of the gentleman from Waterville (Mr. Muskie) does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Caribou, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of this House: I wish to go on record as opposing the indefinite postponement of this bill. All of our fish and game clubs were represented at the hearing and they were very much opposed to fishing derbies and I want to be recorded as opposed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker and Ladies and Gentlemen of the House: I have been going up to Moosehead Lake for a number of years and last year was the first I ever was up there and I found out from the others, they all reported the very same thing, or almost all of them. Coming down from Northeast Carry down in through Rockwood, along there, just the day of the fishing derby, they were just as thick there and I got them all the way down, I don't believe they could get their lines out without getting tangled up anyway. But the part that hurts most on the fishing derbies is this: They get the prize for the biggest fish. All right, they keep catching fish and throwing the others away. They don't have to take care of them throwing them away because the fish die. I went up to Cumberland County after the fishing derby and there were a lot of fish washed ashore the next day there,

and the next day after, almost the whole week, fish that were killed in that fishing derby. As far as Cumberland County is concerned most all of the fishing population except the Gun Club there in Portland are against the derbies as far as I can find out.

Now, there is a question. A lot of people came down to L. L. Bean's up there to get fishing licenses; they sell fishing licenses to out-of-staters, and it is hard work now to tell them where to go. And now most of them, the only thing for them to really do is to go right up through Maine and go to Canada, as far as that goes where they can get more fish and get better fishing. Now, if you want to lose the whole shooting match and if you want to have fish left for the ones who come after us—I won't have to go more than two or three years more anyway—but I would like to have it so those boys and girls can go fishing in the State of Maine and get some fish. If you keep on with your fishing derbies and keep on with your ice fishing right over there where those fish spawn there and hang around there in the winter time, you are not going to have any fish in any of your lakes so that you can get any decent fishing at all and nobody wants to go there, and you are killing the business for those people who have camps there and who have camps to let on all those lakes now because they are not coming there and pay their money out, that \$40 or \$50 a week or more—it will be more of that if they hire a guide anyway—and they are not coming there because there is no fishing there and they are going somewhere else. Now, if you want to lose selling your fishing licenses and everything else, there is no use of buying a fishing license if you can't catch fish and to keep the people coming, you have got to have fish.

And as far as Cumberland County is concerned, almost the only ones I know is just that one club in Portland and that is not the Fish and Game. They are all against

the derbies as far as I have been able to find out.

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

Mr. MUSKIE: Mr. Speaker and Members of the House: Still standing on my principles, I bow to the inevitable and withdraw my motion so that we may proceed with other business. (Applause).

The SPEAKER pro tem: The gentleman from Waterville, Mr. Muskie, withdraws his motion for the indefinite postponement of Bill "An Act Relating to Fishing Contests on Inland Waters".

Mr. CAMPBELL (of Guilford): Mr. Speaker, I ask for a division.

The SPEAKER pro tem: The Chair will inform the gentleman that the motion to indefinitely postpone has been withdrawn and the procedure now will be the engrossment of the Bill.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "C", and "D" and sent to the Senate.

The SPEAKER pro tem: The Chair now lays before the House the 33rd matter of unfinished business, House Divided Reports of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns, H.P. 1567, L.D. 882, Majority Report "Ought to pass", Minority Report "A", "Ought to pass" in New Draft, H.P. 2086, L.D. 1556, Minority Report "B", "Ought not to pass" tabled on April 22nd by the gentleman from Rockland, Mr. Burgess, pending acceptance of any report.

The Chair recognizes the gentleman from Union, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: Unfortunately the committee which considered this bill consisted of ten lawyers. That's probably why you have three different reports.

I happen to be the signer of Minority report "A" "Ought to pass in New Draft." In order that I

might roughly explain the workings of this bill, I will call your attention to the fact that it was originally introduced as Legislative Document 882, which was reported from the Committee on Constitutional Revision and referred to the Committee on Judiciary. The Resolve changing the Constitution relating to the apportionment of the members of the House of Representatives. Generally speaking, the resolves simply changes the number of representatives of the House on the basis of population. Each county is entitled to the number of representatives that its population bears to the total population of the State. This, in itself, I am not opposed to, although I believe as the resolve is written it means that in the smaller counties the representatives from class towns will be representing a larger number of people than the representatives from the smaller towns in counties in which there is a large city. I do not object to that particularly. My contention is merely one that if you are going to have one branch of the Legislature represented truly and strictly by representatives on the basis of population, the other branch should be represented equally from each county on the basis of one or two senators. In this case, my redraft calls for two senators from each county. I know that, on the merits, such a proposal will meet with general support in counties such as Cumberland, Androscoggin and Penobscot. However, I do feel that the area basis of apportionment for representation in the Senate has met with approval in our Federal Congress and it also could serve well as a basis of representation in our State Legislature with the county as a unit. I believe it is proper in this case to put the county in that relationship as the State is in the Federal system. You may argue that the county should not be considered in that respect. I say to you that each one of us who is here knows that we are jealous of our prerogatives in each county and anxious to protect our

particular interests. If we had two senators from each county, I believe that the Senate would reflect not only popular opinion of all of the State but it would also serve to give the minority a voice in at least one branch of the Legislature. If you are going to keep members of the House in their numbers determined strictly by population then you are going to have some of the smaller counties which are not going to have an equal voice in either branch of the Legislature and they are going to be the minority which is going to be subjugated by the larger counties.

Originally our Constitution divided each county into districts and said that each district would be entitled to representation and specified that the districts as near as may be follow county lines. That has been done away with. Now our Senate and the representation in it is based upon population only. Any county with under 30,000 population is entitled to one senator; any county with 30,000 to 60,000 population, to two senators; from 60,000 to 120,000, to three senators; from 120,000 to 240,000, they are entitled to four senators. You can easily see that that is not representation truly and strictly on the basis of population; for instance, take the county of Hancock. In the 1940 census it had a population of 32,291 people and was entitled to two senators. Take my own county, the county of Knox. In the 1940 census we had a population of 27,078 people and were only entitled to one senator. In other words, the two senators from Hancock County, theoretically speaking, were representing each one 16,000 people, while the senator from Knox County was representing 27,000 people. So I do not believe that we can say truthfully that the Senate, today, is apportioned on the basis of population.

If this bill as originally drafted, relating to the apportionment of the House of Representatives, were enacted, its sponsors have said that it would not change the representa-

tion in this House only, as near as could be estimated in fairness to them, only in respect to four counties: Cumberland and Kennebec would each gain one representative, Knox and Washington counties would each lose one representative. That, I would submit, is only an estimate and it might well be that not only Knox and Washington would lose representatives but also perhaps Sagadahoc, Lincoln and Piscataquis, and perhaps Androscoggin or Aroostook might gain one. It is impossible to say now just what the end result would be.

I do believe that the federal system has worked well, as we know, and that the smaller states have been protected against the larger in the Senate where they have an equal representation. It is only fair and just that the smaller counties in this State should be represented on the same basis. I am perfectly willing and agreeable that the apportionment of the House of Representatives be made on the basis of population in so far as that can be done equitably but I do not say that this bill does it but I am willing to go along with it provided we can be protected in the upper branch of this Legislature.

Mr. Speaker, with that in mind, I move that the House accept the Minority report "Ought to pass in New Draft."

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

Mr. McGLAUFFLIN: Mr. Speaker, I only want to take a moment to point out the utter absurdity of the proposition that the gentleman who just spoke has made. Notice this: At the present time, Lincoln County has three representatives; Franklin, four; Piscataquis, four; Sagadahoc, four; Waldo, four; Knox, five, a total of twenty-four. Cumberland has twenty-four. The population of those is more than the population of those six. That would give that bunch of counties with a population smaller than Portland, twelve senators to Port-



land's two and I want to point out further that apparently the only argument that the gentleman has for the position he takes is because the United States Senate happens to have two from each State.

Now, Cumberland County isn't represented according to population as the rest of the State is because Portland under the constitution is only entitled to seven. While if you take it according to population, Portland would be entitled to twelve. So, going by the population, Portland would have about the same representation according to population, I mean Portland has the population of seven counties. They would have two, while they would have fourteen. To me that looks utterly ridiculous. I am not arguing for the other people here but I want to point out that I don't think there is a thing in here. I want to point out the utter absurdity of the argument just put up.

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

Mr. CHASE: Mr. Speaker, I want to say first of all that the purpose of this proposed amendment is not to increase the representation of Cumberland County. Now, this resolve was presented by the Committee on Constitutional Revision and recommended to the Legislature that the matter of apportionment was urgent and that this amendment should be considered at this time. The bill was drawn by that committee, the language was carefully checked with the Attorney General's Department and the bill was referred in the customary manner to the Judiciary Committee. The members of the Judiciary Committee which signed the "Ought to pass" report on the bill which related only to the House of Representatives were Senator Barnes, Senator Ward, Senator Ela, Representatives Williams, McGlauffin, Silsby and Muskie.

Now, since the discussion on a bill which originally related only to the House of Representatives has turned on the question of rep-

resentation in the Senate, I want to point out two things.

Around 1933, in recognition of the very points which the gentleman from Union has made, the Constitution was amended to provide for county representation in the Senate. At that time, it was deemed necessary, in order to give the smaller counties larger representation in the Senate in proportion to their population to increase the size of the Senate and that was approved by the people of the State and it is my recollection that, even in Cumberland County where they were placed at a disadvantage, in recognition of the fairness and the need for giving the smaller counties adequate representation, they voted for it.

Now, the other objection and it is a very practical one to minority report "A" which brings in the question of representation in the Senate is this. The section which is added in regard to the Senate would reduce the size of the Senate from 33 to 32. This resolve, in order to pass this Legislature, has to command a two-thirds vote in both bodies. Now, it is reasonable to suppose that the gentleman's proposition that each county should have only two senators would win a two-thirds vote in a Senate which now has in its membership four from Cumberland County; three from Penobscot; three from York; three from Androscoggin; three Kennebec; and three from Aroostook. You would be, in effect, expecting those gentlemen there to legislate themselves out of office and I suggest that it will be necessary when and if the point is raised as to the basis of senatorial apportionment, it will be necessary to treat that as a unit and it will be impractical as a matter of practical legislation to pass an amendment which will, in effect, legislate them out of office and expect them to vote for it by a two-thirds vote.

Now, let us come back to the question of representation in the House of Representatives, which was the original purpose of this resolve. The Constitution now con-

tains two sections in regard to apportionment in the House of Representatives and they are inconsistent. Section 2 fixes the number of the House of Representatives at 151. Section 3, which was later adopted without amending section 2, contemplates that it is possible to increase the size of the House of Representatives to 200. It has never been done. It could only be done, as you can readily see, by enlarging the size of the chamber and, personally, I think and I think many here will agree quite regardless of the question of county representation that the House of Representatives is large enough so that in spite of the fact that the House could have been enlarged under section 3, it has never been done.

Section 2 provides that counties shall have their share in the House of Representatives in proportion to their population. And that condition will continue regardless of any action which you may take on this proposal.

This new resolve which replaces the present section 3 takes care of the question of apportionment within the county and the principle adopted throughout the amendment is to throw every advantage to the small towns and to the small counties. It starts with the proposition that in the computation of the number of representatives to which a county will be entitled, which runs into a figure of percentage and will come out with a decimal, all the decimal rights of the larger counties shall be carried down to the advantage of the smaller counties which is a definite advantage to them. If a county should be entitled, for example, to 15.9 representatives, under this amendment they would get 15 and no more and the .9 decimal would be carried down to build up a county which might be entitled to only 4.1. So that all the advantages that are possible are thrown in the direction of the smaller counties.

Now, within the county, itself, in order to give you an illustration, let us assume, to make the figures

easy, that the population of the State would be 900,000, it is estimated to be a little more, and that to make up for that take 150 as a base of representation. You get approximately no basis of apportionment in the State.

If you take a county which has a population of 90,000 and which contains within it three large towns having a population respectively of 14,000, 9,000 and 7,000, those towns receive their representatives on the basis of the population divided by the number of representatives and all of the excess, if it figures out that 6,000 people in a large town are entitled to one representative, then one representative is all that town gets until its population exceeds 12,000 whereupon, at that time, it would get two.

If you add up the population in those large towns which are entitled to one or more representatives and subtract that total from the population of the county, you get a balance in the county which is entitled to the remaining representative. In this particular county, whereas in the large towns 6,000 would be the base for one, it would bring the number down in the smaller town to 5454, and on that basis you would proceed to make up your class districts as nearly as you could do it, presumably by the approval of that county's delegation in the Legislature as nearly as you could do it, using whole towns and keeping them adjacent or contiguous if possible.

Now, to go to the other extreme to show you how this works to the advantage of the smaller county, we assume a county of 18,000 population as the smallest. This would be entitled to two per cent of 151 representatives which would be three representatives but by the credit of the fractions, the decimals, which are carried down to the smaller counties from the larger, it would get four representatives. And we assume a county of 18,000 population of 18,000 divided by four representatives would give you 4500 as a base number for apportionment.

So that you see that not only in the State but within the county all of these balances or excesses or fractions are carried down to the advantage of the small town.

Now, this amendment has been very carefully drawn, checked over by many of the ablest lawyers in the Legislature, and has been approved by the Attorney General. It is a little complicated to read. If it could be written in the form of a formula, it would be easy but you can't write a mathematical formula into the Constitution. The language has been checked thoroughly with two committees and with the Attorney General's office and that is the real proposition which is before you relating only to apportionment in the House of Representatives. It does not change in any way the Constitution in its present form as to the number to which a county is entitled except this: It is made sure that the smaller counties will be treated in the most favorable manner possible in computing the fractions in proportion.

Now, I hope, since it seems to me that Mr. Payson's proposal with respect to the Senate is an entirely hopeless task in the present Senate and that, if it has merit, it should be considered as a separate proposition presumably at another time, that the work which has been done in laying out the method of the apportionment of the House of Representatives will be adopted at this time.

In 1950 an apportionment has to be made of the House of Representatives. It will then be made on the basis of the population as determined by the Legislature, itself. In other words, the House takes the Senate. As a practical matter, they have used the census figures heretofore because the census will be taken in 1950 as it was in 1940.

I realize the lateness of the hour and the lateness in the session. If this original draft should be adopted and you would later accept the majority report of the committee, I call to your attention that you would

later vote on it as a constitutional amendment, which would require a two-thirds vote. If you have questions in your mind regarding the exact method in which this would work in your particular county, I would be very glad to go over those figures with you tonight or tomorrow.

I hope that the motion of the gentleman (Mr. Payson) will not prevail because it is bound to result in the defeat of the amendment on which so much work has been done because it is obvious that the Senate is not going to legislate a great number of senators out of office. If the motion does not prevail, I shall move the acceptance of the majority report and endeavor later to clear in the minds of anyone by actual figures the effect which this might have upon his own local situation.

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

Mr. WOODWORTH: Mr. Speaker, I rise as a member of your Judiciary Committee to express my individual views. I signed the "Ought not to pass" report. There are two drafts of this bill. They differ in that the new draft relates to Senate apportionment. I have nothing to say about that. The two bills are alike in that they provide a mathematical method of apportioning the membership of the House of Representatives. They are also alike in that they provide a right of appeal to the Supreme Judicial Court in case the Legislature should not know enough mathematics to apply the formula. It is this second provision to which I object. The method of apportioning is something to which I have no particular objection. In the matter of an appeal to the Supreme Judicial Court, it seems to me that that is almost unprecedented and wholly unwarranted. Article 4 of the Constitution deals purely with legislative powers. Our government is divided into three branches: executive, legislative and judicial. Among the three, the legislative power is supreme except in so far

as it is limited by the Constitution. The only power that has ever existed to apportion membership in the Legislature is vested in the Legislature. Under this proposed bill that final right of saying who shall have the right to apportion is the Supreme Court.

In making this change, the sponsors of the bill have rendered this provision incompatible with other sections. For example, Section 3 of Part 3 of Article IV provides that the Legislature shall be the sole judge of the election and qualification of its members. Last fall on the occasion of the contest in Waterville, the Governor and Council inquired of the Supreme Judicial Court what were its rights in determining an election. The Supreme Court replied and said: "You have none because the Legislature decides those things."

I think the Legislature should continue to decide those matters. If the Legislature cannot handle the matter then we are going back very far indeed. I think the Legislature has always done it, that the Legislature should continue to do it and while this is no objection to the bill as a whole, it does seem to me that that second paragraph which gives the Supreme Judicial Court the right to decide such matters should be struck from the bill.

The gentleman from Cape Elizabeth (Mr. Chase) has already told you that there are two sections. Section 2 provides that there shall be 151 men and that they shall be apportioned according to the population of the counties. He has also told you in effect, when you add it all up, that section 3 is entirely superfluous. This amendment would change nothing. Your Legislature will be apportioned as it always has been. If you want to write this in, this amendment, with the second paragraph to which I object, you will have changed the wording; you will not have changed anything else. The actual facts will be accomplished as they have been done in the past.

I hope that if you do accept either draft of this bill that before it is finally enacted that second paragraph may be struck out because it truly has no place in a section of our Constitution, which deals solely and exclusively with legislative powers. The Legislature has been granted those powers and has exercised them from the foundation of the State and it should not now surrender them.

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

Mr. CHASE: Mr. Speaker, as to the remarks of the gentleman from Fairfield (Mr. Woodworth), and his objections to the provision that any city or town which has cause for complaint can go to court and ask the court if the apportionment has been made in a constitutional manner, I would suggest to the members who think that the first part which Mr. Woodworth seems unobjectionable, I would suggest that the appropriate manner of procedure would be when we come to it to adopt the majority report and to permit the gentleman to submit his proposition to the House in the form of an amendment so if the majority should approve, the majority could eliminate that section which does give the court the right to tell the Legislature that it should correct an error which the Legislature has made.

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

Mr. PAYSON: Mr. Speaker and Members of the House: I know it is getting late and I don't intend to take much time. I wish to say this. The gentleman from Cape Elizabeth, Mr. Chase, has said that it is ridiculous to expect the Senate to legislate themselves out of office. I can see no reason why that is any more ridiculous than it is to expect members of the House to legislate themselves out of office. Mr. McGlaufflin has said that there was no other basis for such a proposition as I have suggested in my new draft other than the federal one. I will say it finds support at least in nine other states. Further than that, I

can see no reason why if it is in order to change the Constitution in regard to apportionment in the House of Representatives, it is not also in order to change the Senate at the same time.

If the Senate were to be truly representative as the House is now, it would have to be a body at least as large as this one. I believe my proposition has merit and I hope when the vote is taken you will support me.

The SPEAKER, pro tem: The question before the House is on the motion of the gentleman from Union, Mr. Payson, that the House accept minority report "A" "Ought to pass in New Draft."

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I rise merely to state that I am one of those who favors the majority "Ought to pass" report. Section 3 as it now exists in our Constitution provides that every town having 1500 inhabitants may elect one representative. I submit to you that that is impossible and a ridiculous proposition but the amendment as proposed could be applied fairly whether the population of this State were 500,000 or 5,000,000. You would merely divide your 151 into the population and proceed in the manner outlined by the gentleman from Cape Elizabeth, Mr. Chase. Therefore, I believe we would do well to vote "no" on this present proposal and to accept the majority "Ought to pass" report.

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

Mr. SILSBY: Mr. Speaker and Members of the House: I am not unmindful of the hour and I will not take time to try to enlarge upon what has been said here tonight. I just simply want to state that I have considered this matter very carefully and I shall go along with the gentleman from Cape Elizabeth, Mr. Chase.

The SPEAKER, pro tem: The question before the House is on the motion of the gentleman from

Union, Mr. Payson, that the House accept minority report "A", "Ought to pass in New Draft" on Resolve Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns, H.P. 1567, L. D. 882. The gentleman from Cape Elizabeth, Mr. Chase, has requested a division. All those in favor of the motion will kindly rise and remain standing until the monitors have made and returned the count.

Five having voted in the affirmative and sixty-nine having voted in the negative, the motion did not prevail.

On motion by the gentleman from Cape Elizabeth, Mr. Chase, the majority "Ought to pass" report was accepted and the Resolve was given its first reading under suspension of the rules.

The SPEAKER, pro tem: The gentleman from Cape Elizabeth, Mr. Chase, now moves that the rules be suspended and the Resolve given its second reading as this time.

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

Mr. WOODWORTH: Mr. Speaker, I request that the resolve lie upon the table while I can prepare an amendment.

The SPEAKER, pro tem: The gentleman from Fairfield, Mr. Woodworth, moves that Resolve Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Small towns, H. P. 1567, L. D. 882, lie upon the table until later in this evening's session.

The Chair will inquire if the gentleman from Fairfield, Mr. Woodworth, would be satisfied with an assignment for second reading tomorrow morning?

Mr. WOODWORTH: Yes, Mr. Speaker, it is only a motion to strike out.

The SPEAKER, pro tem. The Chair understands that the gentleman from Fairfield, Mr. Woodworth, withdraws his motion to table and moves that this Resolve

be assigned for second reading at the hour of convening of the next legislative day. Is this the pleasure of the House?

The motion prevailed and the Resolve was assigned for second reading, tomorrow, May 7th.

The **SPEAKER** pro tem: The Chair now lays before the House the 34th matter of unfinished business, An Act to Create the Waterville Sewerage District, S.P. 584, L.D. 1258, tabled on April 26th by the gentleman from Waterville, Mr. Castonguay, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. **CASTONGUAY**: Mr. Speaker, I move that the House reconsider its action whereby it passed to be engrossed An Act to Create the Waterville Sewerage District for the purpose of offering two amendments.

The reason for the delay in offering these amendments is because we were waiting for an opinion from the Attorney General's office, which I was notified this afternoon, this morning rather, by Senator Hopkins, who presented the bill, that the amendments are ready to be presented.

Now, I would like to offer House Amendment "A" and House Amendment "A" to House Amendment "A" and move their adoption.

The **SPEAKER** pro tem: The Chair understands that the gentleman from Waterville, Mr. Castonguay, moves that under suspension of the rules, the House reconsider its action whereby An Act to Create the Waterville Sewerage District, being S.P. 584, L.D. 1258, was passed to be engrossed on April 19, 1949. Is this the pleasure of the House?

Thereupon, the motion prevailed.

The **SPEAKER** pro tem: The Chair understands that the gentleman from Waterville, Mr. Castonguay, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

The **CLERK** (reading):

HOUSE AMENDMENT "A" to S. P. 584, L.D. 1258, Bill "An Act to

Create the Waterville Sewerage District."

Amend said Bill by striking out all of the 1st sentence of section 2 thereof and inserting in place thereof the following:

'Upon acceptance of this act as hereinafter provided, title to all public drains and sewers in the city of Waterville shall pass to and vest in said district, and said district shall maintain and operate same. For the purpose of providing a system of sewers and drainage for the comfort, convenience and health of the inhabitants of said district, the said district is hereby authorized and empowered to acquire and hold real estate and personal estate necessary and convenient for the purposes aforesaid.'

Further amend said Bill by inserting before the last sentence of the 1st paragraph of section 4 thereof the following sentence:

'The commissioners of said district may purchase all maps, plans and files relating to sewers and drainage which are in the possession of the city of Waterville.'

Further amend said Bill by striking out all of the last sentence of section 5.

Further amend said Bill by adding after section 5 thereof, the following new sections:

**'Sec. 5-A. Excavations and repair work, property to be left in good condition; liability for damages; closing of streets.** Whenever said district shall enter, dig up or excavate any street, way or highway, or other land, within said district, for the purpose of laying pipes or conduits, constructing manholes or catch-basins, or for the purpose of taking up, repairing, extending or maintaining any sewer, drain, manhole, catch-basin or other structure, or for any other purpose, said street, highway, way or other land shall, at the completion of the work of said district, be returned to the condition said street, way, highway or other land was in prior to the work of said district, or to a condition equally as good, and said district shall be liable to any person,

firm or corporation injured or damaged by any fault of said district or its servants or agents, or by reason of any defect in any way, street or highway occasioned by the construction of any of the works of said district, either during such construction or after the same has been completed, or while the same shall be undergoing repairs or extensions are being made; and said district shall be liable to the city of Waterville for any and all costs, damages and expenses which said city may suffer, or be put to, by reason of the default, neglect, negligence or carelessness of said district or any of its officers, servants or agents, in creating, maintaining, repairing or extending said sewerage system.

Where the character of the work of said district is such as to endanger travel on any street or way, said city of Waterville shall direct the temporary closing of such streets or ways, and of intersecting streets or ways, upon request of said district, and such streets or ways shall remain closed to public traffic until the work of said district is completed and the surfaces of said streets or ways are restored to a proper condition, as hereinbefore set forth.

**Sec. 5-B. Extensions.** The district shall have the right to determine whether extensions to its system shall be made, subject to the authority of local and state health officials, the sanitary water board and the public utilities commission. It shall have the power to make assessments for the cost of such extensions and charges for the use thereof.'

Further amend said Bill by inserting after the 7th sentence of section 7 thereof, the following sentence:

'In prosecuting the work contemplated by this act, said commissioners may engage the services of engineers and laborers; may purchase all necessary material and supplies, and construct said drains and sewers under their own supervision, or they may, if they deem it advanta-

geous, contract with some responsible person, firm or corporation for the construction of said drains and sewers, but said district shall in no case be released from liability, by reason of having contracted with any person, firm or corporation, as provided above for the construction of any sewer, drain or other structure'.

Further amend said Bill by inserting after the 9th sentence of section 7 thereof, the following sentences:

'It is further provided that no person, while he is a commissioner of said district, shall be interested either directly or indirectly, in any contract or agreement for the construction of any sewer, drain or other structure, in said district, entered into by said district. This provision, however, shall not prevent said district from entering upon, or taking land, or any easement therein, of any officer of said district, while he is such an officer, and awarding damages therefor, if, in the opinion of said commissioners, such entering or taking is necessary for the purposes of said district.'

Further amend said Bill by striking out all of the last paragraph of section 8 thereof and inserting in place thereof the following paragraph:

'All bonds issued by said district may be issued with or without provisions for calling the same for payment before maturity, and in case of such call provisions, the premium, if there be one, shall not exceed 5% of the principal upon such call.'

Further amend said Bill by striking out all of the 1st sentence of section 10 thereof and inserting in place thereof the following:

'All individual firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates and assessments established by said commissioners to pay for the cost of the works and for the service used by them; and said rates shall not be discriminatory within the territory supplied by the district, and

shall be subject to the approval of the public utilities commission.'

Further amend said Bill by striking out all of the 1st sentence of that part designated "III" of section 10 and inserting in place thereof the following sentence:

'To provide each year a sum equal to not less than 1% of the entire indebtedness created or assumed by the district, which sum shall be turned into the sinking fund to provide for the extinguishment of said indebtedness.'

Further amend said Bill by striking out all of section 11 thereof.

Further amend said Bill by renumbering "Sec. 12" to be 'Sec. 11.'

The SPEAKER pro tem: Is it now the pleasure of the House that this Bill pass to be engrossed as amended?

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

Mr. CASTONGUAY: Mr. Speaker, as a matter of information, did I give you both amendments?

The SPEAKER pro tem: The Chair will inform that it includes Committee Amendment "A" and House Amendment "A".

Mr. CASTONGUAY: Mr. Speaker, what is its present status? I was given to understand that there was a House Amendment "A" and there is also House Amendment "A" to House Amendment "A".

Thereupon, the House voted to reconsider its action just taken whereby it adopted House Amendment "A".

The SPEAKER pro tem: The gentleman from Waterville, Mr. Castonguay, now offers House Amendment "A" to House Amendment "A" and moves its adoption. The Clerk will read the amendment.

The CLERK (reading):

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to S. P. 584, L. D. 1258, Bill "An Act to Create the Waterville Sewerage District."

Amend said Amendment by adding at the end of the 2nd

paragraph before the period thereof the following:

'subject to all duties and obligations of the city of Waterville with respect thereto, which duties and obligations are to be assumed by said district'

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

(At this point, Speaker Haskell reassumed the Chair and Mr. Burgess, Speaker pro tem, retired to his seat on the floor of the House.)

The SPEAKER: The Chair now lays before the House the 35th matter of unfinished business, An Act Relating to Sale of Malt Liquor and Vinous Liquor in Restaurants, H. P. 1547, L. D. 824, tabled on April 26th by the gentleman from Madison, Mr. DeSanctis, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. DeSANCTIS: Mr. Speaker and Members of the House: I will not take much of your time, the hour is getting late and I hope this is the last liquor bill I have to speak on.

I move that the House reconsider its former action whereby the bill, House Paper 1547, Legislative Document 824, was passed to be engrossed.

The SPEAKER: The gentleman from Madison, Mr. DeSanctis, moves that the House do reconsider its action whereby the Bill was passed to be engrossed on the 18th day of April. Is it the pleasure of the House to reconsider its action whereby the Bill was passed to be engrossed?

The motion prevailed.

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



Mr. DeSANCTIS: Mr. Speaker and Members of the House: In view of the fact that the committee had two bills pertaining to the same thing, the difference between the two was that two words were left out of one bill. The one that should have been brought into the House from the committee was not presented so, therefore, I offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Madison, Mr. DeSanctis, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

The CLERK (reading):

HOUSE AMENDMENT "A" to H. P. 1547, L. D. 824, Bill "An Act Relating to Sale of Malt Liquor and Vinous Liquor in Restaurants."

Amend said Bill by adding at the end thereof before the period the following underlined words:

'or both'

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

Mr. MAXELL: Mr. Speaker and Members of the House: In the adopting of this amendment, I quite seriously object to it and I am told, as a matter of fact I cannot speak from experience but I have been told by people who really know, that the mixing of wine and beer together you have got something there that you know you have been drunk and really are drunk and will stay drunk for some time.

It is my understanding that the Liquor Commission, themselves, do not approve of stores handling these same two commodities in the same place and I also understand that many of the people throughout the State, or the majority of them at least, who dispense these products do not want the two products sold in the same place. If, however, a person wants to sell wine; that is okay. Or, if they want to sell beer, that is okay. But when you get the two commodities in the same place and people begin to drink, one then the other, you are

going to have a lot of drunks whom you don't want.

In the last line of this bill, it says: "Licenses to restaurants shall be limited to malt liquors or wines." I do not object at all to this bill in itself but I do object to this amendment and for that reason, Mr. Speaker and Members of the House, I move its indefinite postponement.

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

Mr. SANDERSON: Mr. Speaker and Members of the House: I thoroughly agree with my friend, Mr. DeSanctis, in hoping this will be the last liquor bill emanating from the Committee on Temperance. I will admit that the amendment consists of only two words but, as the gentleman from Orient, Mr. Maxell, has pointed out, it does extend the privilege to restaurants of including the sale of wine to the sale of beer or, if they can sell beer, it includes the other.

I don't know how my experience in this line would compare with the experience of the gentleman from Orient, Mr. Maxell, but no matter how these varying experiences might compare, I have arrived at the same conclusion as he.

I would like to quote a few words from the representative of the liquor industry who appeared at a hearing before the Committee on Temperance and make this statement: "One who drinks both wine and beer will soon cease drinking both." Of course, I will admit that if a restaurant were allowed to dispense both, it wouldn't be necessary for one to order both kinds, on the same visit. But I think there might be a strong probability that he would and so, briefly speaking, I will say that I do hope that the motion of the gentleman from Madison, Mr. DeSanctis, that this amendment be adopted does not prevail.

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

Mr. DeSANCTIS: Mr. Speaker and Members of the House: It is

about time we stopped fooling around and listen to what some of these distinguished gentlemen have to say in regard to these matters. We know they are prejudiced when they say it.

We see members of the third house running up and down here with their hands in their hair and their hair standing up straight afraid that some new liquor bill is being introduced to ruin the State of Maine. The only thing I have to say is you already have places, cocktail lounges, which sell every type of liquor and under this bill I can well assure you that any ordinary restaurant will not take out both licenses. This is merely a chance for them; if they want it, they can have it.

As far as the remarks made by the gentleman from Orient, Mr. Maxell, he claims that the Commission does not favor any establishment handling both; I do not know where he got his information but the last time I talked to certain ones of the Commission, without mentioning any names, I find they have no objection. I hope the motion for the indefinite postponement does not prevail.

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

Mr. MAXELL: Mr. Speaker, I want to answer Mr. DeSanctis. My information came that day we had our hearing and we had representatives there from the Liquor Commission and we also had representatives there from the Hotel Association and they both, in their remarks before our committee, were definitely opposed to the sale of these two products together.

The SPEAKER: The question before the House is on the motion of the gentleman from Orient, Mr. Maxell, that House Amendment "A" be indefinitely postponed.

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

Mr. MALENFANT: Mr. Speaker and Members of the House: I am very sorry to disagree with the gentleman from Madison, Mr. DeSanctis, especially in the last few

days of the session. I hope he doesn't go home with hard feelings against me. But my duty to the welfare of the people of the State comes first. If this amendment is adopted, it will cause very serious trouble. The ordinary restaurant is a place to eat, not to drink. It is bad enough that the State law gives them the right to sell beer without the right to sell both wine and beer. I agree with Mr. Maxell because I was told by one of our Senators on the Temperance Committee that if people mix beer and wine together, they get drunk quick. If that is true, what is going to happen? Many are going to take a girl to a restaurant, mix up wine and beer together, and get her drunk. If this amendment is adopted, we are going to be responsible for her and what is going to happen? This amendment will destroy the reputation of many young girls and young boys.

Two weeks ago, we had the tavern bill before us. The gentleman from Madison (Mr. DeSanctis) opposed the bill. It was for men only that there be wine and liquor. He says if they sell beer, that's enough. Leave it as it is. My friends, I hope you do leave it as it is. I hope you let the restaurants sell beer but no wine and I hope the motion of Mr. Maxell prevails.

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

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

Fifty-six having voted in the affirmative and sixteen having voted in the negative, the motion for the indefinite postponement of House Amendment "A" prevailed.

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

Mr. MAXELL: Mr. Speaker and Members of the House: I would now move that this bill, itself, be passed to be enacted.

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

Mr. DeSANCTIS: Mr. Speaker, due to the fact that as the bill is now doesn't make any difference, I move the indefinite postponement to expedite legislation.

The SPEAKER: The gentleman from Madison, Mr. DeSanctis, moves that the Bill, being House Paper 1547, Legislative Document 824, be indefinitely postponed. As many as are in favor of the motion of the gentleman from Madison, Mr. DeSanctis, that the Bill be indefinitely postponed will say aye; those opposed, no.

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

The SPEAKER: Certain Bills having been assigned for third reading, they will be taken up at this time out of order and under suspension of the rules.

#### Passed to be Engrossed

Resolve Providing for State Pension for Paul Paquette, of Lewiston (S. P. 696) (L. D. 1615)

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1950 and June 30, 1951" (S. P. 699) (L. D. 1623)

Resolve in Favor of Chester Blake, of Oakland (S. P. 287) (L. D. 1617)

Resolve in Favor of Leon W. Olmstead of Caribou (S. P. 56) (L. D. 1614)

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.

The SPEAKER: The Chair now lays before the House the 36th matter of unfinished business, Bill "An Act to Appropriate Moneys to Continue the Cost of Living Increases of State Employees", S. P. 674, L. D. 1546, tabled on May 4th by the gentleman from Limestone, Mr. Burgess, pending passage to be en-

grossed. (Amendment Filing No. 438.)

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

Mr. McCLURE: Mr. Speaker and Members of the House: We have debated many bills during this session. I think the bill, which we have before us now, is one of the most important, not only to the welfare of our State but to the welfare of the wage earners who represent us and work for us once we leave here.

This evening's paper, the headline as you note "State Employees Talk of Strike If Pay Is Cut." This headline does not aid our State, neither does the wage cut aid our State employees either financially or mentally. The talk on fishing reminds the wage earners of our State that they also come under this heading. They are not the kind that fishermen at derbies seek but rather the kind that are speared through the back, namely, suckers. It is too bad that one has to use an argument similar to that, but this is a serious matter. It is a serious matter to our wage earners. The members of the State employees affected by the cut in wages as suggested had to wait many years before it was recognized that they, too, pay for the food, clothing, lodging, not only for themselves but for their children. I, early in life, worked in the low income bracket. I understand the problems of the wage earner because it was my inheritance. My rate of pay in those days amounted to wages ranging from \$6 to \$12 per week for a ten hour day, six days a week. I, for one, will not support any measure that will aid us in any way for a return of those days. This cut is a step in that direction. Men, working men and women, have fought for half a century to receive a fair return for honest labor. We have, today, a surplus fund called sacred by some. I say this sacred fund should be used for sacred duties. I, too, call it a sacred fund because it was money the little people, so-called, I represent paid into our State as

taxes. If it is sacred, let's use it for a sacred duty. I feel that it is our sacred duty to pay our State employees honest wages for honest toil. We have made an investment of \$2,000,000 out of our surplus, or so-called sacred money; that was fine. I feel we should feed and clothe our families before we make capital investments. Our State employees are loyal American wage earners and this unnecessary pay cut should not be instituted by our State. I feel that we, as Legislators, are well within our rights as representatives of the people in voting that the surplus fund be used to continue our State employees' wages.

I now offer House Amendment "B" to Senate Paper 674, Legislative Document 1546, and trust that it has a passage.

The SPEAKER: The gentleman from Bath, Mr. McClure, offers House Amendment "B" and moves its adoption. The Clerk will read House Amendment "B".

The CLERK (reading):

Amend said Bill by inserting after section 2 thereof, a new section to read as follows:

**'Sec. 2-A. Continuation of unit increases.** Beginning July 1, 1949, there is hereby appropriated from the unappropriated surplus of the general fund the sum of \$350,000 for the fiscal year ending June 30, 1950 and the sum of \$350,000 for the fiscal year ending June 30, 1951, to continue in effect the wage rate adjustments on the basis of a unit increase, so called, in each bracket for state employees as provided for by the personnel board on October 4, 1948. The governor and council may diminish the amounts provided herein in proportion to the decrease of the cost of living as shown by standard, reliable statistical data.'

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

Mr. FITCH: Mr. Speaker and Members of the House: I would like to oppose this amendment but not oppose the principle of the amendment. The reason for opposing this

amendment was a piece that was in the paper Friday, May 6th. The headline says: "Governor Rules Out Surplus Fund to Hold Up State Pay Scale". The first paragraph: "A source close to Governor Frederick G. Payne said Thursday the Chief Executive would veto any measure passed by the Legislature designed to take from the unappropriated surplus \$700,000 to finance continuation present salary scale of State employees."

I don't believe we should leave this up to the Governor. I believe it is up to us to decide whether these pay increases should be made and if he is going to veto it, it's either a question of leaving the bill as we have gone along with it or passing something whereby we definitely know they will get the increases.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Dufresne.

Mr. DUFRESNE: Mr. Speaker and Ladies and Gentlemen: I fully concur with the remarks of Mr. Fitch. I believe that this increase was given to our State employees in order that they might live like human-beings. I am talking about the people in the lower pay brackets. They have been faithful servants and I should hate to see them lose weekly pay checks. I would like to see them go home with what they are accustomed to having at this time in order that they meet the prices that prevail today. At the same time, I would hate to see this passed here and have the Governor veto it. I think it is up to us to do something for those poor faithful servants here tonight.

The SPEAKER: The question before the House is on the motion of the gentleman from Bath, Mr. McClure, that the House do adopt House Amendment "B".

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

Mr. BROWN: Mr. Speaker and Members of the House: I too would like to oppose the amendment presented by Mr. McClure. I have every reason to believe that this would not meet with the Governor's approval. However, I do feel that we should

take care of the salaries of our State employees and I have done my best during this session of the Legislature to provide the money to do it. And I believe, now, that there could be a way worked out whereby something could be done for them which they would be perfectly satisfied with and I hope and feel that the Governor would be willing to go along with it.

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

Mr. **BUBAR**: Mr. Speaker and Members of the House: This is a vital subject. It concerns the living, well, I will say the girls, they are mostly girls in this House who are doing the real work. I visited these departments and I haven't visited any department but I have heard say that it is true that they are tramping on one another, pushing one another around, that there are so many in each department that they can't move, they spend their time knitting and crocheting, drinking pop and eating chocolates because they haven't anything to do. I have not found it that way. The story was circulated around here that in the Educational Department they had so many there there isn't room for them, they lean up against the walls and sit on the desks. You have heard it around here. That's all bosh. I have been in there a great many times. I know I have tried to see the Commissioner several times and there has always been a waiting line. You can hardly get a chance to speak to any of the help about matters because they are so busy. If you would take the opportunity to investigate this for yourselves, you would find it true. And I know that they have to eat and they have to wear clothes just the same as we do. And I know that these girls, especially—don't think I am watching the girls, but most young fellows generally do—I know they haven't got pay enough to eat one square meal a day. They go down in this restaurant and they get a doughnut and a cup of coffee and the cup is so small they can't

even dunk the doughnut in it. (Laughter) There, I'm telling you that's true. They should have more to eat and they have to dress pretty well to work in this State House. This is the seat of government. It is the government. You don't want to see them with runs in their stockings; you know there are, and their shoes run over at the heels. They have to dress and they can't buy dresses any more at the 10c Store like they used to, although I do think that most of the jewelry is bought there. (Laughter) I don't care about that. I tell you clothing costs something today and if a girl doesn't dress, she is censured. They don't want her here any more. I have observed all of that. And they have to keep up their homes and some of them have children, the same as we fellows here. They need enough to live on and I say that if the State of Maine is so poor and the economy bloc which we talk about wants to economize on the girls and the young men who do the work here, that is not economy. That's right down miserable meanness. Give them enough to live on. If you want to cut something off the \$6,000,000 or \$8,000,000 a year fellows, go ahead. I'll help use the broad axe on those fellows, (Laughter) because I don't believe they can eat any more than I can. And they can only wear one suit of clothes at a time and I can wear that. So if you want to lop something off of those fellows, go ahead but don't you take it off from those who are doing the work down in these departments at an outrageous salary so that they can live in the Capital of the State of Maine, the greatest State in the Union, and live like decent people. Send them in here out of the rag barrel and then when someone comes in here from other states or from the countryside, they can see that the State of Maine isn't poverty stricken nor bankrupt. Now, I trust that you will see to it that these people get enough to live on. Thank you.

The **SPEAKER**: The question before the House is on the motion of

the gentleman from Bath, Mr. McClure, that the House do adopt House Amendment "B".

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

Mr. JALBERT: Mr. Speaker and Members of the House: Now, when it comes to a point of salary increases or adjustments in salaries for State employees, it seems that it affords us a great opportunity to make a political speech. Now we know where we are. We know whether or not there is money enough to grant an increase. We have read the newspapers, all of the newspapers of this morning. I am taking an issue neither one way or the other. We have other things to do besides any of us, including myself, making political speeches. We have discussed this thing among ourselves, pro and con, and I stated way back that at any time when I felt anything had been hashed and rehashed long enough, I would move the previous question. I now move the previous question.

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

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

A division of the House was had.

The SPEAKER: 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?

The gentleman from Bath, Mr. McClure, was granted unanimous consent to address the House.

The SPEAKER: The Chair will state that under Rule 32 of the Rules of the House, a member is entitled to speak not more than five minutes on the question as to

whether the main question shall be put now.

Mr. McCLURE: Thank you, Mr. Speaker.

Mr. Speaker and Members of the House: I am surprised to hear the motion to move the previous question from my friend from Lewiston, Mr. Jalbert. This is the second year and in a few minutes we will both celebrate our fifty-second anniversaries. To move the previous question is to stop debate. It is true, at time, debate should be stopped. I, at times, should be stopped from speaking. I have spoken, perhaps, on too many subjects. It is only because I am vitally interested in good legislation.

I think this really is important legislation. Tonight, I have heard it referred that the economy bloc was opposing this. Those I have heard oppose it are not members of the so-called commonsense bloc. Is it good legislation for us to lead in the reduction of wages to the wage earner in the State of Maine as a State? I am here to represent the people. You heard me stand up the other day and defend our reporters. I believe that as near as they can ascertain they give us correct reading. Ladies and Gentlemen, I do not believe that our Governor has to anyone stated that he would not—

The SPEAKER: The Chair will state that the gentleman is debating the main question and not the question which is before the House at this time, which is: Shall the main question be put now?

Mr. McCLURE: Pardon me, Mr. Speaker and Members of the House. When one does get interested in a subject which is close to his heart, he sometimes oversteps the bounds. I thank you. I have, I think, expressed to you what I wanted to say.

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

The question before the House is on the adoption of House Amend-

ment "B". As many as are in favor of the adoption of House Amendment "B" will say aye; those opposed, no.

A viva voce vote being taken, the motion to adopt House Amendment "B" did not prevail.

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

Mr. BURGESS: Mr. Speaker and Members of the House: For several days not only myself but a great many others have been groping for a solution to the problem which is now under discussion. I previously stated at some time during the past few weeks that good legislation often is the result of compromise and, at this time, I believe it is necessary, in order to finally enact a measure dealing with the salary of State employees that we do compromise, taking full recognition of two things. One, the financial status of the State of Maine at the present time; two, the absolute need for continuing a living wage scale for State employees and with that in mind and with the hope that this House will adopt the amendment which I am about to offer and with a sincere hope I know in the minds of everyone here that it will be approved by both branches of the Legislature and the Executive Office, I now present House Amendment "C" and move its adoption.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, offers House Amendment "C" and moves its adoption. The Clerk will read House Amendment "C".

The CLERK (reading):

HOUSE AMENDMENT "C" to S. P. 674, L. D. 1546, Bill "An Act to Appropriate Moneys to Continue the Cost of Living Increases of State Employees."

Amend said Bill by inserting after Section 2 thereof, a new section to read as follows:

**Sec. 2-A. Unit increases.** Beginning July 1, 1949 and continuing through June 30, 1950, there shall be appropriated from the general funds such sums as may be required by the respective departments of state government so as to provide

for all full-time state employees or substitutes therefor a further salary increase of \$3 per week. Authority is hereby granted for the same increase to be provided for employees paid from funds other than the general fund, the same to be financed from the individual funds involved. The provisions of this section shall not apply to salaries which are set by the legislature or approved by the governor and council. It is the intent of the legislature under the provisions of this section to provide for the fiscal year ending June 30, 1950 a substitute for the so-called \$3-\$4-\$5 increases as granted by the personnel board on October 4, 1948 and as continued by the provisions of chapter 21 of the resolves of 1949.'

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

Mr. BURGESS: Mr. Speaker, very briefly, I would like to explain that there are four departments of the State which only need enabling legislation in order that they may be authorized to carry on this cost of living increase, namely, the Highway Department, Liquor Division and I believe Fish and Game, three departments instead of four. The balance of State employees are paid from the general fund and so, in view of that, this amendment has been drawn giving those departments that are financed from their own departmental funds the enabling authority and appropriating from the general fund that amount that is needed to continue for one year only \$3 for all State employees.

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

Mr. SPEAR: Mr. Speaker, I rise for a point of information. Is there any provision to take care of the second year of the biennium? Can it be taken care of any other way other than an act of the present Legislature?

The SPEAKER: The Chair assumes that the gentleman's question is addressed to the gentleman

from Limestone, Mr. Burgess. He may reply if he cares to.

Mr. BURGESS: Mr. Speaker, may I ask the gentleman from South Portland to repeat the question; I did not hear it fully.

Mr. SPEAR: Mr. Speaker, is there any provision to take care of the second year of the biennium or must it be taken care of by a special act of the Legislature?

Mr. BURGESS: Mr. Speaker, there is no provision in this amendment for the second year. As I previously stated, it is the result of conferences with both branches of the Legislature and the Executive Office in the hope to arrive at a compromise which at least continues some cost of living scale for one year only.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: I wish to go on record as in favor of this amendment. This comes very near to being the same as New Draft "B" which came out of Salaries and Fees, signed by four members of the committee. At the time I put in the amendment the other day, striking off the 3, 4, 5, I was told by very good sources that there was no money available. It was not because I did want to see the State Employees cut off at this time. However, since then, there has been this compromise worked out which I think would be fair to all concerned and, as I said, it is very nearly in line with what we put out as New Draft "B" from the Salary and Fees Committee. I wish to go along in favor of this amendment.

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

Mr. FITCH: Mr. Speaker and Members of the House: I would like to also oppose this amendment. I believe that the committee at their hearing that the majority of the committee reported back a \$3, \$4, \$5 increase. As far as the money being available, it appears to me

that there are places where we are going to get more revenue than has been anticipated. As I have mentioned before, in the Insurance Department, the revenue is based on the percentage of the premiums collected. The liability premiums on the automobiles have increased as many of you know who have purchased one lately. Thereby, the State will definitely receive more money. The last report of the Inheritance Tax showed a \$1,352,000 income. The anticipated revenue is \$1,000,000. Whether they expect less people to die in the next year or not, I don't know. I believe that the other day when this bill was brought up that it slipped by with a lot of us not even realizing what was going on. If this amendment is defeated, I would make the motion that the committee report "A" be adopted.

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

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

Mr. McCLURE: Mr. Speaker and Members of the House: I would like to have the members know that my amendment "B" was defeated. The fact that I offered the amendment, in no way let it bother you in its defeat. My only purpose, as I stated before, was to correct what I consider great wrong to our wage earners in our State. I will go along with any compromise that will benefit, not me, but our State employees and I trust that if we can't raise this money to cover the next biennium from this surplus money which we should receive that goes into the general fund that we be allowed to use for the year following what my friend, the gentleman from Limestone, Mr. Burgess, offers in his amendment that that come from the sacred fund.

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

Mr. McGLAUFFLIN: Mr. Speaker, I would like to ask Mr. Burgess why it is necessary to make any compromise. Why shouldn't we



pay these people what they deserve?

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

Mr. **BURGESS**: Mr. Speaker, there are two reasons why we find it necessary or why I find it necessary that a compromise must be made. One is that our Governor in every message which we have received from him has definitely stated that unappropriated surplus should not be used for current expenses and should only be used for non-recurring items such as construction, and so forth.

It might be said by a wide stretch of the imagination, that the payment of this for one year or two years would not be a recurring action but I believe it would be stretching your imagination quite far.

I also previously stated here this evening that for several days there has been an attempt made to find a solution to this problem and I cannot guarantee you now that if you should adopt this amendment, it will be received in both branches of the Legislature favorably or, rather, in the other branch of the Legislature favorably, neither can I guarantee that it will meet with the approval of the Executive Office. I can only state to you that in my honest and well-considered opinion it is the nearest to anything that has been offered that will meet the approval and do some good. I can see no purpose in passing legislation through this House that would put the Executive Office on the spot.

Therefore, I hope you will vote to adopt this amendment in the sincere hope that it is a compromise that will meet with the approval of all concerned.

The **SPEAKER**: The question before the House is on the adoption of House Amendment "C" to Senate Paper 674, Legislative Document 1546, Bill "An Act to appropriate Moneys to Continue the Cost of Living Increases of State Employees".

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

Mr. **BROWN**: Mr. Speaker, I want to go along with the thought expressed by my good friend, Mr. McGlauffin. We recognize that there is an injustice here. We recognize that if this \$3 increase goes through, that there are some employees who are going to still receive a reduction in what they are getting at the present time.

Now, I can't find anywhere in this State or in the country at the present time where they are expecting anybody to take a reduction in wages. When this 3, 4, 5 dollar increase was set up, it was set up on the basis of rewarding for service rendered. All things were taken into consideration. So, I can't see why we should, if we recognize that there is an injustice here, why we should not restore the thing as it has been since they received the 3, 4, 5 dollar increase.

I believe that we should see that our employees are well paid because we cannot expect them to do a good job if we are taking away from them something that justly belongs to them. So, I hope this House, if it takes us all night, will stay here and see that this measure is put through that will maintain the wages of all State employees as they have been for the past year.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that the House do adopt House Amendment "C".

Mr. **BURGESS** (of Limestone): Mr. Speaker, I request that when the vote is taken, it be taken by division.

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

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

Mr. **McGLAUFFIN**: Mr. Speaker, I hesitate to speak again but I don't like this situation a little bit. I remember when Governor Bar-

rows was Governor, he made the statement that he would veto any increase of salaries, and Mr. McGillicuddy, who was afterwards Treasurer of the State, was on the Salaries Committee and he came to me and asked me what the Salaries Committee should do. I stated to him that I felt that his committee should do their duty as they saw it; that they were not responsible for what the Governor did. I might say that I, myself, went to the Governor and told him, asked him if he had made that statement and he said: "Yes". And I said: "Governor, you want to retract right now." He said: "Why?" I said: "You're taking the attitude that you won't consider anything on its merits. You are slapping the Salaries Committee right in the face; in fact, you are slapping the Legislature in the face; you are trying to dictate what we should do." I convinced the Governor that he had taken the wrong attitude. He changed his tactics.

Now, I feel that these people should have their pay, not for one year but for two, and we are not responsible for what the Governor does; that's up to him. I am not trying to embarrass him. If he is embarrassed, it is because of statements that he made which if he were wiser, he would not have said.

Another thing, I think it is up to us to do our duty as we see it. It is a little bit amusing to me to find the men who have been blocking every effort that some of us have made this whole term to try to get funds to meet the situation and who have done everything under God's Heaven to stop us, they suddenly have become so generous that they are willing that we shall spend money to perform the very acts we did try to perform. Rather a strange situation, it strikes me. But I don't like this situation of compromising my situation to accommodate the Governor or anyone else. I am in favor of having these men have that money not one year but two. I think that is what Mr. Fitch has outlined and while Mr.

Fitch and I very seldom agree, I think that he is right on this one. (Laughter)

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

Mr. McCLURE: Mr. Speaker and Members of the House: I only arise to answer what the good gentleman from Portland, Mr. McGlaflin, stated why we have opposed this measure on new taxes. We have opposed the measure on new taxes because of the interest of the people. We have the money to take care of this 3, 4, 5 in a surplus fund. That surplus fund was also paid by the taxpayers I represent and it should be used to take care of our wage earners in our State, first.

The SPEAKER: The question before the House is on the adoption of House Amendment "C". The gentleman from Limestone, Mr. Burgess, has requested a division. Is the House ready for the question?

As many as are in favor of the adoption of House Amendment "C" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-eight having voted in the affirmative and nine having voted in the negative, the motion to adopt House Amendment "C" prevailed.

The SPEAKER: Is it now the pleasure of the House that the Bill pass to be engrossed as amended by House Amendment "A" and House Amendment "C" in non-concurrence?

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

Mr. WOODWORTH: Mr. Speaker, I supported the motion of the gentleman from Limestone, Mr. Burgess, but I still feel that there should be some provision made to cover the second half of the biennium. I feel that this is a very important matter and I think that that section could be further amended to provide for the second year of the biennium. Therefore, I move that the matter be tabled un-

til tomorrow pending passage to be engrossed.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the Bill lie upon the table pending passage to be engrossed and be specially assigned for tomorrow, Saturday, May 7th. As many as are in favor of the motion will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Seventy-nine having voted in the affirmative and six having voted in the negative, the motion to table prevailed and the Bill was tabled and specially assigned for May 7th.

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On motion by the gentleman from Limestone, Mr. Burgess,

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