

# 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

## SENATE

Thursday, April 14, 1949

The Senate was called to order by the President.

Prayer by the Reverend Alfred J. N. Henriksen of Augusta.

Journal of yesterday read and approved.

### From the House

Bill "An Act Amending an Act to Provide for the Joining of Towns for the Purpose of Providing Better School Facilities." (S. P. 654) (L. D. 1447)

(In the Senate on April 7th passed to be engrossed as amended by Senate Amendment "A".)

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

In the Senate, under suspension of the rules on motion by Mr. McKusick of Piscataquis, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment A was read and adopted in concurrence, the bill as amended by Senate Amendment A and by House Amendment A was passed to be engrossed in concurrence and sent forthwith to the engrossing department.

Bill "An Act Relating to Clerk Hire in County Offices in Sagadahoc County." (H. P. 316) (L. D. 96)

(In the Senate, on April 7th, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Larrabee of Sagadahoc, the rules were suspended and the Senate voted to recede from its former action whereby the bill was passed to be engrossed; and on further motion by the same Senator, Senate Amendment A was indefinitely

postponed, House Amendment A was read and adopted in concurrence, and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the Waldo County Municipal Court," (H. P. 1848) (L. D. 1186) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A".

In the Senate, the "Ought to Pass as amended by Committee Amendment A" report of the committee was read and accepted in concurrence and the bill was given its first reading.

Thereupon, on motion by Mr. Collins of Aroostook, Committee Amendment A and House Amendment A were severally read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

Bill "An Act Relating to Hours of Sunday Sports." (H. P. 2047) (L. D. 1473)

(In the House, received by unanimous consent and referred to the Committee on Legal Affairs.)

In the Senate, unanimous consent being refused, the bill was not received.

### House Committee Reports

The Committee on Legal Affairs on Bill "An Act Relating to the Granting of Licenses for Certain Businesses and Purposes in the City of Portland," (H. P. 1651) (L. D. 958) reported that leave be granted to withdraw.

The Committee on Maine Publicity on Bill "An Act Relating to Permits for Outdoor Advertising," (H. P. 184) (L. D. 60) reported that the same ought not to pass.

The Committee on Public Utilities on Bill "An Act to Amend the Charter of the Van Buren Light

and Power District," (H. P. 1994) (L. D. 1370) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Relating to the Assessment of Taxes," (H. P. 1544) (L. D. 821) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to Taxation of Personal Property," H. P. 2004) (L. D. 1387) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to the Assessment of Taxes," (H. P. 1543) (L. D. 820) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to Taxation of Personal Property," (H. P. 319) (L. D. 99) reported that the same ought not to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to Use of the Town Road Improvement Fund," (H. P. 216) (L. D. 77) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the New Portland-South Portland Bridge on Route 1," (H. P. 1945) (L. D. 1306) reported that leave be granted to withdraw the same as it is taken care of by other legislation.

The Committee on Welfare on Bill "An Act Relating to the Transfer of the Department of Institutional Service to Department of Health and Welfare," (H. P. 1756) (L. D. 1099) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to Transportation of Dogs from Licensed Kennels," (H. P. 1971) (L. D. 1353) reported that the same ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Salary of Register of Probate and Clerks in the Office of Register of

Probate, Hancock County," (H. P. 1534) (L. D. 865) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills read once, and tomorrow assigned for second reading.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Running Horse Racing," (H. P. 1260) (L. D. 562) reported that the same ought to pass.

(signed)

Senators:

BATCHELDER of York  
BAKER of Kennebec

Representatives:

ATHERTON of Bangor  
CHAPMAN of Portland  
PAINE of Portland  
MARBLE of Dixfield  
HAYES of Dover - Foxcroft

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Senator:

EDWARDS of Oxford

Representatives:

CAMPBELL of Augusta  
MARTIN of Augusta

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate, the reports were read.

Mr. BATCHELDER of York: Mr. President, I move the acceptance of the Majority Report "Ought to Pass".

Mr. KNIGHTS of York: Mr. President, I move that the bill be laid upon the table, and if my motion prevails, I shall ask that it be especially assigned for next Tuesday morning.

A viva voce vote being doubted,

A division of the Senate was had.

Ten having voted in the affirmative and twenty opposed, the motion to table did not prevail.

Mr. EDWARDS of Oxford: Mr. President and members of the Senate, since I am the only member of this Body to sign the minority

report I think a few words to justify my position are necessary but I assure you that I shall not enter into any long discussion of the bill.

Since I think that a large majority of the present members of the Senate are those who have served in the last few years in either one branch of the legislature or the other, and since this bill has appeared regularly I think you have all heard the discussion many times, both for and against the bill. However, I would like to mention two or three points to justify my opposition to the bill and one is that I think the revenue derived from this bill would pay only a small part of what the proponents of the bill estimate, and regardless of what else it might do I think it would decrease the revenue from the harness racing horses just about that much, due to the fact that most of the betting would be by what is called the laboring class and that they have just about so much money with which to bet and consequently if they bet on the ponies they would not have much to bet on the harness racing.

I think the fairs depend to a considerable extent upon the revenue from the pari mutuel races and I also feel that since we have no horses in the state of Maine for the type of racing proposed in this bill that those horses would have to be brought in from outside the state and in my opinion would probably result in second-class races. I also feel that the jockeys would not be of the best.

As far as the moral issue is involved, I have no doubt that the proponents will tell you that it is no worse to bet on a horse driven by someone on his back than by someone in a sulky, but I believe we have gone just about far enough in passing legislation which will permit gambling in this state, and for that reason I hope that the motion of the Senator from Somerset, Senator Batchelder, will not prevail.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, I agree with Senator Edwards

for two reasons. First, I feel that the state of Maine is getting sufficient revenue from this type of project and I also agree with him that the anticipated revenue is greatly exaggerated. Furthermore, the pari mutuels were instituted in this state for the benefit of the fairs. I think we are making a big mistake when we take any step to hurt that situation and I believe this bill would hurt that situation tremendously.

Mr. SLEEPER of Knox: Mr. President and Senators, I am very glad to be able to speak as a proponent of this measure. The bill is very logical, very sensible and should be passed. I am not concerned, as others have admitted, with the moral issues involved but I do know it does away with the hypocritical attitude we have maintained on horse racing.

The opposition to this bill will come from all sorts of sources. They will be selfish sources. I do not blame the fairs too much for opposing the bill. It will detract slightly from the pari mutuel harness racing. But I think there is a definite and strong demand for the so-called horse racing. Every state in the Union — I think the number is 28 — that has pari mutuel harness racing also has this pony racing. I think any number of the hotel owners and summer visitors in our so-called recreational centers, as well as other summer visitors, want horse racing. They also like to attend the fairs, and I think this bill will just go along with a very definite move that is being made in this state to make Maine the Vacation Land and Summer Playground of the nation.

I am not too much concerned about the money part of it. One of the opponents said that it is the working man who does the betting. Now, I have never attended a horse race but I have gone by Suffolk Downs near Boston and by the number of cars parked there I wouldn't say they are all working men, at least not in the lower income brackets. There are people

who like that sort of thing and they want it. Just as a sort of feeler I inquired around Rockland at the beginning of the legislative session to learn how they feel on the racing issue and I was surprised at the number and type of people who said, "Why not? They have them everywhere else and we should have it here and if there is any income to be derived from it we should have it."

I don't think so much about the few hundred thousand dollars that might ensue to the state from the pari mutuel end of it. I am thinking more of the hotels, the eating places, garages, filling stations and so on that would benefit from the influx of people who will come to attend these affairs. The thing that nauseates me about this is the attitude that we shouldn't have it here but yet every day, all summer long, in the city of Rockland I know of groups that went to Rockingham and to make it still worse, when gasoline was rationed they used to hire taxis and go to Rockingham during the period of gasoline shortage.

So, I repeat, there is a very large segment of our population who want that sort of thing and if they want it they will have it, and I say if they are going to have it let them have it here and get the benefit of what money is spent for the state. New Hampshire realizes a little over three million dollars a year from this so-called source of revenue. I will admit I don't know, I am not a financial statistician as some of you are, but that will take close to a million dollars to bring in that two or three millions. But I am thinking, as I said before, of the other benefits of it. It is not a good thing to talk on. It is a lot easier to tear anything down and uphold moral issues, but anyway I think we have pretty nearly settled the moral issues here. We have tried to tell our neighbor and our brother how he should live and whether or not he should drink and we made a ridiculous attempt trying out prohibition and turning

what had always been a reasonably sober country into — well, I won't say what it was, but we can't legislate morals, and in this case I think we should allow a man, if he wants to bet, to do it. There is no moral letting down and there might be a generous increase in the state income, but I know there will be a general increase in benefits to the people who want that sort of thing and who cater to the class of people that follow it, such as hotels, garages, and so forth. And I know there are many people who do not come to the state of Maine because they cannot have that sort of thing here. Our two principal competitors for summer business are New Hampshire which has a race track and Massachusetts, Cape Cod, where there are several race tracks.

Mention has been made of the lack of horses and jockeys. There is a small circuit which runs through Lincoln, Lincoln Downs, and western Massachusetts which would undoubtedly send horses and jockeys to Maine. As I understand this from the proponents this will not be an out of state proposition, and what profit there is will all stay in Maine. All the employees of the tracks will be in Maine, the owners of the tracks will be Maine men and it will be a Maine business run by Maine men and none of the money will leave the state. That is what concerns us now because there are thousands of dollars now leaving the state, there are bookies operating all over the state and we know it, there are bets made through telegraph offices, and if you want to bet on these Massachusetts races you can telegraph your bet and no charge for it will be made by the telegraph office in Massachusetts. We know that thousands of our citizens go out of the state to attend these races and spend their money. Let's keep it here, and on top of that let's bring to Maine some of the Massachusetts and New Hampshire followers of this type of thing. No doubt the tracks will be located in the summer playground sections of the state and will not interfere

too much with the working man's pocket book. It is his money and if he wants to waste it that is his business and he will do it but I doubt if any Maine man will overbet his hand on anything. So I think there is no moral issue involved in this. It just goes along in line with our effort to make Maine a summer playground and vacationland.

Mr. COBB of Oxford: Mr. President, I rise to oppose this bill. I am not a minister, and probably not even as good a church attender as most of the other members of the Senate. I certainly am not a moralist but I cannot stomach this. I oppose this bill because I think it is an insidious infiltration of our legislative and governing Body. I oppose the bill because I think it is no help to our state in our Agricultural Associations. I oppose it because I do not believe this bill will bring the type of summer business that Maine has stood for, and I hope will always stand for. I oppose it because I think it is an undesirable form of revenue.

I think every member of this Senate is aware of the lobbying that has been going on in regard to these racing bills. They may be misguided gentlemen. When any man has the consummate nerve to say to me that the purpose behind these racing bills is an attempt to help the State of Maine, that the purpose is to assist the state in earning revenue to make better the gambling which started insidiously through our state fairs, I am afraid that I am not gullible enough to believe one word of it. The main purpose behind any gambling interest is a personal matter. I think in the heart of every Senator here, you know that. It is not to help any state. It is a personal equation in which they are working to gain as much power as they possibly can in the state.

I think if you look into the history of the states where gambling interests practically run the state, you will find they run it from the Governor's desk right through the

legislature and right through the state. I object to that for the State of Maine. I believe we have the kind of state of which we can be proud, without increasing this infiltration. Just go back to the beginning of this thing, if this article by Norman Thomas is correct:

"Pari-mutuel betting became a law on the grounds that it would help the agricultural fairs, but the pari-mutuel betting angle seems to have wiped Gorham off the map as far as an agricultural fair goes. The one week per month clause had to be put in to help assure the passage of the gambling bill. It was done in part to keep some outside gambling syndicate from moving in and to keep the big tracks from hogging things at the expense of the smaller ovals."

Now, if that is correct, the beginning of the gambling interests started in a very small way. Here were our fine agricultural fairs in which the state of Maine people took great pride, and as trustee of the Fryeburg Fair I believe in it and I believe it is the time of year when our people, in our area at least, look forward to getting together as a social event and to which they look forward all the year. They see people from surrounding towns that they haven't seen since the year before, and you will find proportionately, I believe, as many people out watching the horse pulling and oxen pulling contests as you will find in the grandstands for the pari mutuel racing and betting. As trustee of the Fryeburg Fair, in our final accounting meeting this fall we found that the privilege of having pari mutuel betting has lost us money but I think our Fair Association felt that we should continue with it because it was a part of a rural agricultural fair.

Many of you men ought to know the background of the Maine fairs much better than I do, but I am proud of what the Fryeburg Fair is doing for our section of the state as a pageant, a moment of particular interest to our agricultural people.

I think it serves an honest purpose. I cannot believe that this bill will be of any assistance to other fairs in the state. If we follow the story of the Gorham Fair, I grant you I was told that the man who owns the track generously offered to build buildings and help with agricultural displays, but the whole interest of the rural community died out and I assume he would say by the choice of the people. That is the type of clean, healthy interest for our people of Maine, that I am concerned with and I am not interested to see it go out the window.

A week ago I drove from here to Providence, Rhode Island. Many of you have done the same thing and you probably saw four or five or six large race tracks on the way. I cannot believe in my heart that a race track here can compete with those race tracks. Neither can I believe that from Miami, Florida, all the way up to the State of Maine where there are better horses and better racing, that that is going to be a very great attraction to tourists coming into the State of Maine. I cannot believe it will bring in the type of people we want to come to the state in order to eventually buy a home, giving us the benefit of their property tax, giving us the benefit of their inheritance tax and helping the State of Maine through normal taxation.

It is my belief from what little I have seen of racing that people come in and leave. Their interest is merely to bet their dollars and go out. They have to be lucky and win, and if they aren't, some of them are seriously hurt and disappointed. I confess that I have bet on horses. I am not in the position of the Senator from Knox. I have gone to the Fryeburg Fair and sat in the grandstand and run down to the pari-mutuel window and paid my two dollars and had an awfully good time. I have not been a great loser. I have seen others who didn't control their pocketbooks quite as well, people in my own town, who really suffered because they went and lost a lot of money that

they needed to feed their own families.

I would like to read one or two editorials that I think give a general picture of the feeling, perhaps, throughout the state. This one was Norman Thomas again:

"We're beginning to find out just how ridiculous some of the brothers over in Maine's Legislature can really be. We've suspected it for some time but did any of those ladies and gentlemen over there realize just how much their intelligence was being insulted and how foolish they looked Tuesday. We don't mean the 47 who voted against the running horse race bill, but the 83 who voted 'yea'. Of course they were ashamed of themselves as they showed when they voted to have a standing vote rather than have a recorded one with their declaration placed right down against their name in black, so all could read. We wonder if C. Stanton Carville of Stratton was smiling to himself like a guy selling a gold brick when he stood up and told the brothers and sisters of the congregation that returns to the state would be between \$600,000 and a million dollars. When he smoothly made that assertion we wonder if anyone got out a pencil and paper. Did they check up to see how much the suckers would have to push through the pari-mutuel windows to bring the state even that minimum figure of \$600,000 at the five per cent which the state will collect? If they had they would have found that \$12,000,000 would have to be bet. Then, if they had checked back they would have found that the total for pari-mutuel handle in Maine for a while season's light harness racing season in 1948 was \$6,154,486.

"Now we wonder if Mr. Carville really believes that the runners can double that? We don't think he does. As one speaker declared over there, only the 'scum' the cheapest horses, the cheapest owners, the cheapest jockeys would be on hand. No truer words were ever spoken. Mr. Carville gave the sad



story about 'out of state vultures' taking Maine's wealth now by a system of betting on out of state tracks. That word 'vultures' just about expresses what the game would draw. And that chorus he pulled about Summer visitors 'demanding' the introduction of running races. How did the legislators keep a straight face? Harry B. McKeen expressed things, though very mildly when he announced, 'I don't feel that the State of Maine is going to gamble itself into any great amount of prosperity.'

An editorial from another Maine paper:

"No Morals Involved.

"No morals were involved in the proposal to authorize betting on running horses in Maine.

"How true. Morals are conspicuously missing at race tracks and betting windows.

"As far as 'playing the horses' goes, there is no difference between the spectacle of a horse hauling a man and one with the driver on its back.

"A sharp difference exists between the old 'State Fair' kind of racing—and the organization of a track for the runners.

"The harness racing, under the friction of promoting better breeding and keeping agricultural fairs alive, brings the State some \$200,000 a year out of pari-mutuel wager.

"Proponents of the running horse racket which passed the House on a non-roll call vote yesterday plug \$600,000 to \$1 million annual revenue as the bait. It is extremely unlikely that Maine can furnish the number of bettors to roll up such a stake.

"The disadvantages of running races—especially in Maine with hot competition throughout the season in Massachusetts and New Hampshire—are plain.

"The worst in the running game would set up business in this State. It's a racket. Maine is in danger of selling part of its birthright for an unclean 'piece of change.'

"The running race proponents must smile to themselves. They've jockeyed this measure through the House while the harness racing men are battling among themselves over how much and where their races will be held next Summer.

"It couldn't be that the Legislature is clutching at financial straws these days. The sales tax was beaten. The Committee of Taxation today reported 8-2 ought not to pass on a revised income tax bill.

"Is the Legislature planning to finance the State's marginal way on man's weakness and his bad habits—beano, bets, booze and tobacco?"

Another editorial in the Evening Express:

"So This Will 'Boost' Maine!

"A proponent of the bill to legalize running-horse race betting in Maine, which passed the House of Representatives on Tuesday, said this measure 'is a chance to really boost Maine.'

"How would it 'boost' Maine?

"Why, it would please that element of the summer population which, according to the bill's sponsor, demands 'this type of entertainment.'

"Is this element, in the main, composed of the type of summer resident that is most welcome here? Are these the people who buy and pay heavy taxes on summer homes, thereby contributing invaluablely to the prosperity of many of our towns?

"There are no statistics at hand, bearing on the motives which cause people to come to Maine in Summer. But it had always been taken for granted that people came here chiefly to get away from city heat, city noise and dirt, city crowds; that they came to Maine seeking quiet, seeking the scent of pines and the sea, seeking respite from the nerve-racking pace of the thronging city pavements.

"Now we are asked to believe, by the horse-race legislator, that these people have been 'demanding' the opportunity to have, here in Maine, the same sort of noisy, crowd-packed 'entertainment' they could

have in the outside cities from which many of them come!

"It is perhaps significant that the House vote favoring running-horse meets, 83 to 47, was not a roll-call vote. Only 24 of those casting this vote favored putting themselves on record. Could that have meant that some of the 83 representatives of Maine taxpayers who stood up in favor of this bill were not exactly proud of what they were doing to their State?"

"They ought to have made it a record vote. The element they seek to please, that element which, so we hear, has been 'demanding' running-horse betting in Maine, undoubtedly would like to read the names of all its friends in the Maine Legislature.

"Others, among their constituents, would like to know those names, too."

This little editorial impressed me:

"Our Moral Climate

"One thing: Maine's present Legislature hardly can be called strait-laced. It toys with a proposal to delight race track bettors by legalizing running-horse meets, and it apparently can see no particular flaw in the spectacle of the State profiting financially (though not otherwise) through the sale of beer and ale to 18-year-old kids.

"This still is the State of Maine — or is it?"

I am not going to read this other editorial "Racing Bill Ought Not to Pass" — again the Portland Press Herald. You probably all have read and are familiar with it.

I would like to take a moment of the Senate's time to give to you a part of one of the finest speeches I have ever heard, by a man who loved Maine, fought for Maine, and when he talked about Maine to the people of the state of New York, it was the Maine Club of New York, he talked in the kind of language that I think pleases you and pleases me and all the people in the State of Maine. This was given by the Honorable Luere B. Deasy of Bar Harbor addressing the State of Maine group in New York City. It had come in the winter after elec-

tion at which time Governor Cobb slid by by a five thousand vote, which was pretty close:

"I understand that what is expected of me is not a speech but a message from home, a message from Maine, our common mother. She sends this message — that she is as well as can be expected; that this fall she has contracted some cold which, judging from past experiences, she will continue to have for several months; that last September she nearly had an attack of nervous prostration, but that her constitution is still unimpaired."

That was with reference to the vote for Governor.

"She counts herself unfortunate, however, in that whenever any of her sons and daughters develop more than ordinary ambition or display more than usual promise, they leave her and take up residences in New York or in some more distant state. But she counts herself fortunate in that, however far her children may wander, they do not forget her but look back ever with love and longing.

"In speaking of Maine to an audience unacquainted with it, one is handicapped by their want of familiarity with the language one must use. With you, it is different. You are to the manor born, and when I speak to you of the stately pines and dark spreading hemlocks over-arching the road leading from Skowhegan to Seebloomook, you know that I am not snatching weird words from 'Alice in Wonderland' but that I am speaking of actual geographical localities. When I call to your minds the view that presents itself to the delighted eye of him who stands on the summit of Mt. Katahdin and looks northward to where the sun glints the surface of Lake Wooligosquigwan and where the pines are reflected in the burnished mirror of Lake Apmougenegumock, you know that I am not practising vocal gymnastics but that I am trying to describe the beauties of Maine. When I speak of the vista from that same lofty eminence looking northwesterly to where the Conquomgomoc River has

its rise, and remind you that you can trace its course in a silver thread across the meadows where it forms its junction with the Umbazooksis, and thence southwesterly to where it leaps in wild, turbulent cascades over the triple falls of Debsconeak, Pockwockamus and Aboljackomegus, then winding its devious way through forests until it loses itself in Lake Ambajejus — an alien audience would accuse me of coining words to try to spell down a Boston schoolma'am. But you Maine folks know that I am trying to describe, in as simple language as possible, a perfectly familiar scene in your native state."

There is more to that splendid address. If the Senators want it, it is on my desk. It brings out to me the type of thing they spend their money for in going to Maine. I would venture to guess if we were to poll our friends from New York and all the way down the coast line, you wouldn't get the type of people we want, many of them, to come here because we had added one more race track, one more opportunity for gambling. I don't believe that will bring them. They can get it all the way between with better horses and better gambling.

I cannot stomach what seems to me dishonest taxing. I am strongly in favor of some tax bill as most of the Senate knows. I believe it is an imperative necessity. I believe we need it. I don't believe that we as people of the State of Maine are going to benefit if we talk in terms of dollar revenue from this type of taxation. I hope the Minority Report is favorably considered.

Mr. BATCHELDER of York: Mr. President, I believe that when pari-mutuel was first introduced in this state it was for the purpose of helping our fairs so that we might have a better grade of horses. Now I have no grievance with the fairs and we do everything we possibly can to help them, but as I sometimes saw when I attended some of these fairs, we found a large portion of the crowd began to gather just a short while before the rac-

ing started and left as soon as it was over. We found that more or less people attend these fairs not for the pari-mutuel betting but for the purpose of seeing the races.

I think that a great many of our horses probably will be better grade horses, and even though people may leave our state and attend races in various other states where the prizes are a lot larger, I don't think it need disturb us nor should we feel that we may have a cheap grade of horses. I find a great many of our races now are very slow class and certainly not a high class type. We do advertise our state as being a recreational state. We try to encourage people to come here. And a great many of them have summer residences, and yet on the other hand we attempt to put on many restrictions which don't permit the people to have many of the things they can enjoy in other states.

Some of our larger states, I think we will find have running races along with the others. This is one of the oldest type of races I believe, ever introduced in any country and yet we see in this country, although we have both running races and sulky races, that Maine is the only state which prohibits running races.

Something has been said about morals. I cannot see in the fact that we have pari-mutuel here why it makes any difference whether possibly a man might be riding on the back of a horse or riding behind him in a sulky. I believe that if we are going to have pari-mutuel we should not have any discrimination. I think many people like to see the running races. As a matter of fact I believe there are more people watching the runners than there are watching the sulkies and I believe that in view of this fact, this bill should have favorable passage.

Mr. HOPKINS of Kennebec: Mr. President, I rise this morning in opposition to the motion of the Senator from York, Senator Batchelder and when the vote is taken I ask for the Yeas and Nays. Last Friday I spoke in defense of a lost cause here in the Senate if you

gentlemen here remember during the absence of the Committee on Temperance. Emphasis at that time was placed on social trends in this state and in the nation and the need for reversing this trend.

I would not take the time of the Senate this morning to repeat anything I said at that time although in order to be consistent I would have to rise in opposition to the passage of this bill and say again that I think this nation is facing a great social crisis and that our salvation depends on reversing these trends which are taking place.

It is a fact, at least I think it is a fact, and if there are any here in the Senate who are not in agreement with me I hope they will contradict me; that no man knows the reason for those changes in the attitude and habits of individual man which in combination determine the trend of civilization which allows it to move forward or destroys it.

I said last Friday that I think there are no pessimists in this Senate and I don't classify myself as pessimistic but my most careful and mature judgment is that we do have a crisis and have to face it. It has been said that we cannot legislate morals. Senator Sleeper made that quotation and with that I am in full accord. We cannot legislate morals but that doesn't mean, gentlemen, that we cannot legislate in a way to promote better social conditions. My plea in voting on this bill is that you give careful consideration to that one point and that one point only. Is this bill in the interest of the State of Maine and will it promote better social conditions? Is there need for it? I believe there is not and I hope the bill will be defeated.

Mr. KNIGHTS of York: Mr. President, if there is a man in this honorable assembly this morning who has greater diffidence or greater hesitancy in speaking on this question, I hope he will come forward and declare himself.

My purpose this morning in moving that this matter be tabled and heard next Tuesday morning was to give me an opportunity to pre-

pare myself on it. I am speaking now wholly extemporaneously. I hadn't known that this matter would be in here this morning, but I am proud this morning to be able to rise and oppose a bill of this nature. If we pass this bill we are going to open York County—Senator Batchelder comes from there too and I am sorry he is on the other side of this matter—we are going to open York County to every crook and thug that there is in Revere and Boston who like the lilies of the field, they toil not neither do they spin.

Senator Cobb speaks about his fair at Fryeburg. I was there two years ago. Back in the olden days these fairs served as an opportunity for people to exhibit the products of their farm husbandry and the women showed what they could do with their needles. Today there is nothing in any of those fairs of that sort. A great many of them have gone out of existence simply because of this horse racing. We are developing a class of people who are becoming more and more irresponsible every day.

In my town there are a lot of people who are following those races and betting and every one of them should have a guardian. The result is that in the Poor Department we are being called upon more and more every year to help these people who call themselves unfortunate.

When this pari-mutuel law was passed there was engrafted upon the people of Maine the worst cancer that was ever known. It is crooked from start to finish. I have never interested myself in any of these races. They never got two dollars out of me and they aren't going to, whether it is a running race or a trotting race. I have talked with people who had horses that they had in the pari-mutuel races and one fellow in my county tells me that the thing is crooked from start to finish and he said the only way a person could win at this game was simply to find a jockey who knew how the race was going to come out. That is

where the winners are determined, it is in the stables. The owners don't know. I am proud this morning, as I said before, to be able to vote against this bill.

If we open up this sort of gambling, why not legitimize "nigger pools" and all those other gambling devices going on everywhere all the time. If we can stop this here now, we will have made some progress and I hope that this bill does not pass.

Mr. SLEEPER of Knox: Mr. President and Members of the Senate, since we are about to be placed on record on this matter, for which I am thankful because I am not a hypocrite if nothing else, I would like to explain to the people who will vote Yes on the measure, just why they should consider themselves felons, halfwits and other things of a like nature. I could stand up here for hours and read editorials from newspapers, all opposed to this bill but who is the newspaper that opposes the bill? That paper will gladly accept every bit of advertising that these races give them. They will headline the winners of all these races and I am glad that Senator Knight brought in "nigger pools" because this same paper somewhere in great, heavy, bold, black print will print the Treasury balances so the poor suckers that bet on those can find out whether they won on their miserable half dollar they have bet.

I am not a hypocrite if nothing else and if I want to vote on something that I feel a large majority of the state want, I feel I have a right to do that and must not be pilloried for any personal motive.

One of the opponents of this bill admits he is on the Board of a fair which will undoubtedly suffer if this bill is passed. He has a personal motive and should not be allowed to vote. I will make nothing if this bill passes. If I should I wouldn't have the hypocrisy to stand and speak for the measure. I object very much to the editorials read and the mention of a man's name who had the courage to in-

roduce this bill at the request of a large percent of the population.

We speak of how beautiful Maine is. It is beautiful. I love it. That is why I live here. But Maine with all its beauty and high moral standing has less per capita wealth of any state north of the Mason Dixon line. They have all sorts of racing in Massachusetts but their per capita wealth is much higher than Maine's. The same thing applies to New York. Compared with every other state, there is some reason why Maine is not quite so prosperous. Why is it? Is it because we haven't harness horses in this Twentieth century era of progress? I believe that is why Maine is not quite so prosperous and if we could keep it that way I would vote down this measure but if we are going to try to be a mercantile state with these great trucks zooming up and down the road I would like to go the whole hog and go the way the other states in New England go.

I am very much opposed to this personal abuse that a man has to go through when he tries to take an unbiased viewpoint on this thing. I have no personal motive one way or another and that is more than some other members of the Senate can say. I wonder what else lies behind these editorials. Are they sincere or are they perhaps stockholders in the World of Mirth Show which the average state fair has drawn in. You talk about morals. I don't allow my children to go to any of those fairs, where they have one whole street with the hootchy-kootchy show and gambling devices and where little children are paying 25 cents to ride on merry-go-rounds. Is that a country fair? Is that an exhibition of "punkins" and things like that? It is exactly the opposite. That is where half the opposition to the bill comes from, those same fairs, and not only the fairs but I imagine the operators of the booths, these World of Mirth shows that are so fun inspiring and so uplifting to the children and adults who go to them rather than see horrible horse races with crooked jockeys.

I would rather see the fairs return to their old standard, real fairs, and if they want to go to the races, let them go to them. Don't pull in the children and their mothers under the guise of a fair, and then send them in to do the betting or lead them down that walk with the "hootchy-kootchies" with that music which we all know and these gambling devices where little children are allowed to go, trying to win pennies. There is always a motive to everything. There is a motive behind these editorials and I know these same papers will welcome every cent of advertising they get, and feature all the big race tracks. The Press Herald, the Portland paper—there are only one or two sincere papers in the state and I am looking at the correspondent of one of them now—these same papers feature great, full pages of races in every part of the country and yet this same paper has the colossal nerve to write editorials against the sort of thing they uphold in one section and deny in others. That is just about as logical as all these editorials are. I don't know what it is. Perhaps Mr. Gannett is President of the World of Mirth Shows. I don't know. That sounds ridiculous but it might be so and I will be willing to bet there is some connection there. There is always a motive in everything. I have no motive in this except that I do not want to see anyone abused. I didn't want to say any more than I did time before but the next two speakers began to abuse Stan Carville and pictured him as a criminal. He is one of the smartest young men in the state. And they ridiculed some of the others. I bet that half of these people that voted against it had a motive and a good one financially probably.

I want to say that the few of us who have the courage to vote here for it—and I predict there will be a few—can still hold our heads up and call ourselves half decent citizens anyway.

Mr. BREWER of Aroostook: Mr. President, as I have often heard our able Senator from Knox, Senator Sleeper, say, that he was confused by the argument, when he injects the thought that these World of Mirth Shows has all of these hootchy-kootchy and what not, I am just beginning to wonder if, being the secretary of one of the fairs that hires the World of Mirth Shows to be on our midway, if maybe I haven't been missing something. Apparently I have. Not only that, but he tells you that those involved in fairs should not vote on the question. I have to plead guilty to this also. I am not only general secretary of a fair, but I happen to be a director and stockholder in the fair held in my community. But since I have told Mr. Carville that I could not go along with him, it might be well at this time to register my objections to this bill and also inform the Senator that I must vote against the bill. I am not concerned with the moral issue involved. I have always felt that I was not my brother's keeper, and for that reason I am not disturbed about that angle. Neither am I disturbed by the fact that it would hurt my individual fair or the one in Bangor, and possibly not the one in Skowhegan. But it is my sincere belief that nine other fairs from Lewiston to the southern end of the state would be hurt materially by pony racing.

It is not my belief that the revenue they tell you this bill will bring in will anywhere near come up to the amounts anticipated. As you have been told, I think the total from the pari mutuels on the harness racing was a little better than six million dollars, and the state's take, if I remember correctly, is somewhere around \$232,000. I don't think that they could hope to come up to the amount of the pari mutuel betting which about nineteen of the fairs in the state hold.

As to the argument that people come to the races, and immediately after the races leave, possibly many of them do. But we find that many

of our people leave the races and then go over to a ball game, or down through the midway. I feel that horse racing, although it is pari mutuel, does not pay and never has in our fairs where we have conducted them. Nevertheless, it is part of the show, and is drawing card enough so it can be financed by other revenue that we take in—the gate receipts and the midway. I certainly hate to hear the World of Mirth ridiculed. I have done business with these men for years. That is their business. I think that they run, and intend to run, as clean a show as anybody possibly can. But they have to watch their help in a good many cases to see that something isn't put over on them as strictly as we do many of ours. We often find at the gates that we have ticket takers that are not conforming to all of the rules of honesty. In fact, we hired a detective agency to watch over them and check on the gate receipts, and before we got through, we found that the detective agency was cutting in on the receipts. This is not always the case, but as you travel the show, it seems to be one of those things.

So, not from any moral standpoint, but believing that in a period of time, even your proponents of the bill admit it might hurt the fairs a little bit, I feel that it would seriously affect harness racing in the nine fairs, at least, in the southern end of the state. For that reason, I am going to vote ought not to pass on the bill.

Mr. WILLIAMS of Aroostook: Mr. President and Senators, I suppose I rise as a hypocrite this morning, because I shall oppose this bill. It is rather amusing that the point has been raised when any one who happens to question anything on the moral conditions is called a hypocrite, though maybe it is right, because I agree that all of us maybe do not live quite as some fellow members of this body would think that we should. And so, when I speak of this on a moral ground, I hope that nobody will take the position that I am point-

ing my finger at them more than I am pointing my finger at others, including myself.

There is nothing against legalizing betting. Because we have betting at the present time; because there are lottery tickets sold; because we have practically every other form of betting in the state of Maine; therefore, we should legalize running races. I am not going to mention some crimes, but I will say that we have murder in the State of Maine, and yet nobody in this Body would think of legalizing it. I believe that their argument because we have some betting in the State of Maine that we should legalize all other forms is no more valid than that argument, absurd as it may sound.

I have sat here listening very carefully to see if the proponents of this bill would present one logical reason why the State of Maine should have this bill. I thought, of course, they would point out the desirability of it. Apparently that distinguished Senator from Knox has a real reason for it, because he feels that it will do away with the side shows at other fairs. Now, I can't quite follow that argument. I wonder if there might be built up somewhat of a midway around these tracks, or near them. In fact, as near as I am informed, Old Orchard is not completely free from the midway at the present time, and I doubt if the World of Mirth Shows would be any more demoralizing than some shows that you might see in that vicinity.

What are moral laws, anyway? I am opposing it wholly upon that particular ground, not because I have any interest in any fair in the way of having interests. We all like to go to them. Moral laws are pretty much good laws by which to live. I do not think there is any member of this Senate that would get up and say that any one of the ten commandments, which I hope we have all learned in our lifetime, was not a good law by which to live. Most all the laws of man are rather good by which to live. I don't know whether this is such a bad bill. But

I have always considered it was, because it is a breaking down of one link in the chain of the moral conduct of our people.

Now, someone, no doubt, will say that I am not appointed to be the keeper of the morals of this state. Yet, I believe that you and I when we were elected to this body, that there was a large group of citizens in this state that expected us to look out for the moral laws of this state, and for that reason I will oppose this bill. I think I have probably been consistent in opposing this bill, because I have been in past Legislatures. In 1945 when some members of this Legislature were quite swayed at that time saying the money would have been available for this particular bill.

I am not prepared to oppose this bill, because the Chairman of the Legal Affairs Committee told me last night that it had been table, and on arriving this morning I found it wasn't. It makes no difference, because what I say on that will not change the vote. But I do think upon the moral ground, the breaking down of morals within the state which I think you are all aware of as the Senator from Kennebec has pointed out this morning, that this bill should not pass, and that the majority report of the Committee should not be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, that the Senate accept the Majority "Ought to Pass" report of the Committee and the Senator from Kennebec, Senator Hopkins, has moved that the vote be taken by the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of one-fifth of the members present.

A division of the Senate was had.

Obviously more than one-fifth having risen, the Yeas and Nays were ordered.

The Secretary called the roll:

YEA: Allen, Baker, Barnes, Batchelder, Boucher, Bowker, Brown, Crosby, Goodwin, Haskell, Leavitt, Noyes, Savage, Sleeper, Slocum,

Smart, Turgeon, Varney, Ward—19.

NAY: Boutin, Brewer, Cobb, Collins, Denny, Edwards, Ela, Greeley, Hopkins, Knights, Larabee, McKusick, Williams—13.

Nineteen having voted in the affirmative and thirteen opposed, the "Ought to Pass" report was accepted.

Thereupon, the bill was given its first reading and tomorrow assigned for second reading.

### Order

Mr. HASKELL of Penobscot: Mr. President, I present an Order and move its passage and I move that reading of the Order be dispensed with. In support of that motion I would explain that it is the identical order that I explained to the Senate yesterday. I have shown it to each of the members of the Legal Committee. It involves reading three sections in our constitution.

There being no objection, reading of the Order was dispensed with:

### "STATE OF MAINE"

In the Senate  
April 14, 1949

"Whereas a bill has been introduced and is now before the legislature known as H. P. 2046, L. D. 1481, "An Act Imposing a Personal Income Tax" with a referendum annexed thereto and it is important that the Senate be informed as to the constitutionality of that portion of the proposed referendum clause, which calls for a special state-wide election to be held on the 2nd Monday in June, 1949, at which time the voters are to act upon the acceptance or rejection of said act, in accordance with the following referendum clause, a part of said act:

"Referendum. The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding bien-



nial meetings of said inhabitants for the election of senators and representatives, at a special statewide election to be held on the 2nd Monday in June, 1949, to give in their votes upon the acceptance or rejection of the foregoing act, and the question shall be: "Shall an act to provide appropriations for more adequate educational aids to the cities and towns; more adequate provisions for old age assistance, aid to dependent children, board of neglected children; more adequate appropriations for institutional care; continuation of existing state wages; payment by the state of towns' share of the cost of the aid to dependent children program, establishment of a state fire control system, and certain other services of state government become law together with a 2% individual income tax law to provide revenue necessary to finance these services, as passed by the 94th legislature, be accepted?"

"And the legal voters of said cities, towns and plantations shall indicate by a cross or checkmark placed within a square upon their ballots their opinion of the same, those in favor of the act voting 'Yes' and those opposed to said act voting 'No'; and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same, and if it shall appear that a majority of the legal voters voting on the question are in favor of the act, the governor shall make known the fact by his proclamation and the act shall take effect 90 days after the recess of the 94th legislature in regular session.

"And, whereas Section 16 of Article XXXI of the Constitution of Maine provides as follows:

"Sec. 16. No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the

business of the legislature, or either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate."

"And whereas Section 19 of said Article XXXI provides as follows:

"Sec. 19. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in thirty days after the governor has made public proclamation of the result of the vote on said measure, which he shall do within ten days after the vote thereon has been canvassed and determined. . . . The legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote."

"And whereas the Senate desires that the special election to ratify said act be held on the 2nd Monday of June, 1949, which day it is certain would be within ninety days after the recess of the legislature; and

"Whereas the Senate is uncertain whether the special election to ratify said act may be held within the

ninety days after the recess of the legislature; and

"Whereas the state appropriations for the next biennium and the allotment thereof are dependent upon enactment of the law as soon as it may be legally permissible, and the Senate deeming that the questions hereinafter propounded present important questions of law and that the occasion is a solemn one; now, therefore, be it

"Ordered, in accordance with the provisions of the Constitution of the State, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give the Senate their opinion on the following questions:

"(1) Where the legislature enacts a measure expressly conditioned upon the people's ratification by a referendum vote, can the legislature fix the day of holding a special election thereon within ninety days after the legislature recesses?

"(2) When the legislature enacts a measure expressly conditioned upon ratification by the people by a referendum vote and orders a special election on such measure, is it governed by any provision as to the time of holding such election as is provided in the 17th and 18th Sections of Article XXXI, or is the time left to the judgment and discretion of the legislature?"

Which Order received a passage.

#### Senate Committee Reports

Mr. Larrabee from the Committee on Claims on "Resolve in Favor of New England Automatic Sales Co., Inc., of Marshfield, Massachusetts," (S. P. 290) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Stephen J. Chamberlain, of Nahant, Massachusetts," (S. P. 289) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve in Favor of Chester Blake, of Oakland," (S. P. 287) reported that the same ought not to pass.

(On motion by Mr. Hopkins of Kennebec, tabled pending consideration of the report.)

Mr. Barnes from the Committee on Judiciary on Bill "An Act Creating a Public Safety Council, Emergency," (S. P. 538) (L. D. 1101) reported that the same ought not to pass, as it is covered by other legislation.

Mr. Haskell from the Committee on Salaries and Fees on Bill "An Act Relative to Salaries of Inland Fisheries and Game Wardens," (S. P. 364) (L. D. 581) reported that the same ought not to pass.

(On motion by Mr. Haskell of Penobscot, tabled pending consideration of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Trespass," (S. P. 430) (L. D. 781) reported the same in a new draft (S. P. 661) under the same title and that it ought to pass.

Mr. Collins from the Committee on Salaries and Fees on Bill "An Act Relating to Compensation of Justices of the Supreme Judicial and the Superior Courts upon Retirement," (S. P. 105) (L. D. 109) reported the same in a new draft (S. P. 662) under the same title, and that it ought to pass.

Mr. Haskell from the same Committee on Bill "An Act Relating to Salaries of Somerset County Officers," (S. P. 315) (L. D. 508) reported the same in a new draft (S. P. 663) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills in new draft laid upon the table for printing under the joint rules.

Mr. Baker from the Committee on Legal Affairs on Bill "An Act Relating to Elevators, Power-Driven Dumb-Waiters and Moving Stairways," (S. P. 505) (L. D. 1006) reported the same in a new draft (S. P. 664) under a new title, Bill, "An Act Relating to Elevators," and that it ought to pass.

Which report was read and accepted, and the bill in new draft

and under a new title was tabled for printing under the joint rules.

Mr. Bowker from the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Pensions for Officers and Employees of Domestic Insurance Companies," (S. P. 582) (L. D. 1250) reported that the same ought to pass.

Mr. Collins from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Clerk of Courts of Knox County," (S. P. 178) (L. D. 236) reported that the same ought to pass.

Mr. Sleeper from the same Committee on Bill "An Act Relating to Clerk Hire in County Offices in Somerset County," (S. P. 317) (L. D. 510) reported that the same ought to pass.

Mr. Brown from the Committee on Sea and Shore Fisheries on Bill "An Act Amending the Atlantic States Marine Fisheries Compact," (S. P. 634) (L. D. 1391) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once, and tomorrow assigned for second reading.

Mr. Collins from the Committee on Banks and Banking on Bill "An Act Relating to Investments of Savings Banks in Certain Mortgages," (S. P. 398) (L. D. 736) reported that the same ought to pass as amended by Committee Amendment "A"

Which report was read and accepted and the bill was given its first reading: The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 398, L. D. 736, bill 'An Act Relating to Investments of Savings Banks in Certain Mortgages.'

Amend said bill by adding at the end thereof, the following:

'XXV. In notes or other interest bearing obligations issued by Development Credit Corporation of Maine in accordance with, and by virtue of, the charter and by-laws of said corporation, up to, but in no case exceeding, 2½% of the reserve funds of any such bank.'

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Fees of and Examinations by Board of Dental Examiners," (S. P. 87) (L. D. 114) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read, and on motion by Mr. Ward of Penobscot, the bill and accompanying papers were laid upon the table pending consideration of the report.

Mr. Ela from the same Committee on Bill "An Act Eliminating Special Primary Elections in Certain Cases," (S. P. 539) (L. D. 1102) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment 'A' to S. P. 539; L. D. 1102 Bill, An Act Eliminating Special Primary Elections in Certain Cases.'

"Amend said bill by striking out in the 3rd line of that part designated as Sec. 47 thereof, the underlined words '**United States senator or**'

"Further amend said bill by striking out in the 4th line of that part designated as Sec. 47 thereof, the underlined words '**or permitted**'

"Further amend said bill by striking out in the 3rd line from the end thereof, the underlined words '**United States senator or**'"

Which amendment was adopted, and the bill was as so amended was tomorrow assigned for second reading.

Mr. Edwards from the Committee on Legal Affairs on Bill "An Act Relating to Fire Escapes on Buildings," (S. P. 578) (L. D. 1241) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 578, L. D. 1241, Bill 'An Act Relating to Fire Escapes on Buildings.'

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

"R. S., c. 85, No. 46, amended. Section 46 of chapter 85 of the revised statutes, as repealed and replaced by chapter 271 of the public laws of 1947, is hereby amended by adding at the end thereof a new paragraph, to read as follows:

"Any person or corporation aggrieved by any order of the commissioner issued under the provisions of this section may appeal to a justice of the Superior Court by presenting to him within 30 days from the effective date of such order, a petition therefor in term time or vacation and he shall fix a time and place of hearing which may be in the chambers or in vacation and cause notice thereof to be given to the commissioner and after the hearing the justice may affirm or reverse in full or in part any such order of the commissioner and the decision of such justice shall be final. If the commissioner in the interest of public safety, because he deems there is immediate danger, forbids the use of such buildings for any public purpose until satisfactory compliance with his order, such order shall become immediately effective and the filing of a petition for review shall not operate as a stay thereof."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Baker from the Committee on Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Bridge Repairs," (S. P. 640) (L. D. 1411) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"COMMITTEE AMENDMENT A to S. P. 640, L. D. 1411, Bill 'An Act to Authorize the County Commissioner of Cumberland County to Issue Bonds for Bridge Repairs.'

"Amend said Bill by adding after the word 'determine' in the 6th line from the end thereof the following:

'; but none of which shall run for a longer period than 20 years from the date of original issue thereof.' "

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Hopkins from the Committee on Public Utilities on Bill "An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey," (S. P. 235) (L. D. 349) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"COMMITTEE AMENDMENT A to S. P. 235, L. D. 349, Bill 'An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey.'

"Amend said bill by striking out in the 5th line of said bill the figures '50,000' and inserting in place thereof the figures '25,000'.

"Further amend said bill by striking out in the 10th line of said bill the figures and words '5,000 shall become available' and inserting in place thereof '25,000 is hereby appropriated from the general fund'."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Noyes from the same Committee on Bill "An Act to Create the Waterville Sewerage District," (S. P. 584) (L. D. 1258) reported that

the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 584, L. D. 1258 to Bill 'An Act to Create the Waterville Sewerage District.'

"Amend said bill by adding at the end of Sec. 2 the following paragraph:

'Provided, however, nothing herein contained shall be construed as authorizing said sewer district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the legislature.'

"Further amend said bill by inserting after the semi-colon, in the 13th line of Sec. 4 the following: 'may enter into contract with persons, corporations or municipalities outside the boundaries of the district to care for sewage or drainage through the district's system'

"Further amend said bill by inserting before the period in the headnote of Sec. 9 the following: '; distribution of surplus'

Further amend said bill by adding at the end of Sec. 9 the following paragraph: 'Distribution of surplus shall be at the discretion of the trustees.'

"Further amend said bill by striking out in the 5th line of Sec. 10, the words 'be uniform' and inserting in place thereof the words 'not be discriminatory'

"Further amend said bill by inserting after the word 'and' in the 6th line of Sec. 10 the words 'shall be'."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. Sleeper from the Committee on Salaries and Fees on Bill "An

Act Relating to the Salary of the Judge of the Lewiston Municipal Court," (S. P. 466) (L. D. 917) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 466, L. D. 917, Bill, 'An Act Relating to the Salary of the Judge of the Lewiston Municipal Court'

"Amend said Bill by striking out the underlined figures '\$2,800' in the 11th line thereof and inserting in place thereof the underlined figures '\$2,600' "

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act Relating to the Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court," (S. P. 467) (L. D. 916) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Which report was read and accepted and the bill given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 467, L. D. 916, Bill 'An Act Relating to the Salary of the Clerk and Clerk Hire of the Lewiston Municipal Court'

"Amend said Bill by striking out the underlined figures '\$2,400' in the 5th line thereof and inserting in place thereof the underlined figures '\$2,250'

"Further amend said Bill by striking out the underlined figures '\$2,100' in the same line thereof and inserting in place thereof the underlined figures '\$1,950' "

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. Collins from the same Committee on Bill "An Act Relating to Fees of Clerks of Courts," (S. P. 441) (L. D. 829) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Which report was read, and on motion by Mr. Barnes of Aroostook, the bill and accompanying papers were laid upon the table pending consideration of the report.

Mr. Haskell from the same Committee on Bill "An Act Relating to the Salary of the Judge of Western Somerset Municipal Court," (S. P. 316) (L. D. 509) reported that the same ought to pass as amended by Committee Amendment "A" enclosed herewith.

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 316, L. D. 509, Bill, 'An Act Relating to the Salary of the Judge of the Western Somerset Municipal Court'

"Amend said Bill by striking out the underlined figures '\$3,000' in the 7th line thereof and inserting in place thereof the underlined figures '\$2,700' "

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

The Majority of the Committee on Taxation on Bill "An Act Relating to Exemptions from Taxation," (S. P. 447) (L. D. 827) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Senators:

NOYES of Hancock

Representatives:

DOW of Falmouth  
CHASE of Cape Elizabeth  
CARTER of Bethel  
WIGHT of Bangor  
LONGSTAFF of Crystal  
DORSEY of Fort Fairfield

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Senators:

HASKELL of Penobscot

ALLEN of Cumberland

Representative:

DUQUETTE of Biddeford

Mr. NOYES of Hancock: Mr. President, I move that this bill and both reports lie on the table pending the adoption of the Majority "Ought to Pass" report, and that it be especially assigned for next Tuesday.

The PRESIDENT: The Chair will inquire if the Senator wishes to make a motion to accept the "Ought to Pass" report?

Mr. NOYES: I do, Mr. President. A viva voce vote being doubted by the Chair,

A division of the Senate was had. Twenty-five having voted in the affirmative and one opposed, the bill and accompanying papers were laid upon the table pending motion by the Senator from Hancock, Senator Noyes, to accept the Majority "Ought to Pass" report.

The Majority of the Committee on Judiciary on Bill "An Act Providing for Runoff Primary Elections," (S. P. 623) (L. D. 1359) reported that the same ought to pass.

(signed)

Senators:

BARNES of Aroostook

WARD of Penobscot

ELA of Somerset

Representatives:

WILLIAMS of Auburn

PAYSON of Union

SILSBY of Aurora

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Representatives:

McGLAUFILIN of Portland

BURGESS of Rockland

WOODWORTH of Fairfield

MUSKIE of Waterville

On motion by Mr. Barnes of Aroostook, the Senate voted to accept the Majority "Ought to Pass" report of the committee, the bill was given its first reading and tomorrow assigned for second reading.

The Majority of the Committee on Salaries and Fees on Bill "An Act Relating to Salaries of State Department Heads Set by Statute," (S. P. 314) (L. D. 507) reported the same in a new draft (S. P. 665) under the same title and that it ought to pass.

(Signed)

Senators:

COLLINS of Aroostook  
HASKELL of Penobscot

Representatives:

CAMPBELL of Garland  
BROWN of Durham  
BENNETT of Raymond  
CLAPP of Brooklin  
LITTLEFIELD of Kennebunk  
KENT of Randolph

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

Senator:

SLEEPER of Knox

Mr. COLLINS of Aroostook: Mr. President, I move the acceptance of the Majority Report "Ought to Pass in New Draft".

Mr. SLEEPER of Knox: Mr. President and Members of the Senate, the hour is late and I won't want to go into great debate or detailed argument.

I do want to defend the idea that I signed this lone minority report. There was a great deal of sentiment at one time at the beginning of the session to bring the salaries of certain department heads in line with the salaries of other department heads which are set by the Governor and Council, and there was a group that felt there were certain department heads that should have an increase in salary, some should be kept the same and I will admit there was not sentiment for lowering any salaries—I don't think we have had

a bill in this session lowering a salary—but I was induced to introduce this measure and was led to believe that this was the sentiment of several members of the committee.

Since then the cost of living has dropped and eggs have gone down from 60 cents to 58 cents and everything has gone down except taxes and they felt some of these increases weren't warranted.

What I objected to was that some of them were taken out of this bill in new draft. Others were granted raises sometimes more than the original bill called for and yet two or three that I was particularly interested in were left out in the cold. I can't argue this thing because there are a great many more brains on the other side than I possess, in quantity at least, if not quality, so I just don't know what attitude to take.

I hesitate to keep this Senate in session but I still think there is some justice in what I was trying to do and I still insist that some shouldn't be taken out and others raised. The argument in the case of the Forestry Commissioner was that the wild land owners were willing to be assessed more and pay him more, which was well and good. Another argument for raising the Public Utilities Commissioners was that their pay doesn't wholly come from state sources. The much overworked Labor Commissioner had her pay raised and I don't heartily agree with that because she gets a thousand dollars from another source. She is a member of the Industrial Commission and so I hesitate and if only one soul would get up and help me I would fight the bill, but I hesitate to accept the "Ought to Pass in New Draft" report and I will inform my esteemed colleagues that I will have several amendments prepared and will introduce them at the proper time.

I now second the motion to accept the "Ought to Pass in New Draft" report.

Thereupon, the Majority Report of the Committee "Ought to Pass in

New Draft" was accepted, and the new draft was laid upon the table for printing under the joint rules.

#### Passed to be Engrossed

Bill "An Act Relating to the Salary of the Commissioner of Labor and Industry." (H. P. 600) (L. D. 183)

"Resolve Regulating Fishing in Hancock Pond, in the Town of Oxford." (H. P. 990) (L. D. 421)

Bill "An Act Relating to the Salary of the County Attorney of Waldo County." (H. P. 1073) (L. D. 479)

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

Which were severally read a second time and passed to be engrossed, in concurrence.

Bill "An Act Relating to the Salary of the Register of Deeds in Cumberland County." (H. P. 190) (L. D. 62)

Bill "An Act to Provide for the Annual Salary of Members of the Public Utilities Commission." (H. P. 368) (L. D. 128)

Bill "An Act Relating to Salary of Judge of Probate in Cumberland County." (H. P. 718) (L. D. 260)

"Resolve Improving the Fish Screen at Outlet of Long Pond in Sandy River Plantation." (H. P. 1036) (L. D. 520)

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

(On motion by Mr. Greeley of Waldo, tabled pending passage to be engrossed.)

"Resolve Opening Bagaduce River, in Hancock County, to Trapping of Eels." (H. P. 1344) (L. D. 696)

"Resolve Providing for a Fish Screen at Outlet of Hancock Pond in the Town of Denmark." (H. P. 1394) (L. D. 727)

"Resolve Providing for a Fish Screen at Outlet of Peabody Pond in the Town of Sebago." (H. P. 1395) (L. D. 728)

Resolve Providing for a Fish Screen at Outlet of Tacoma Lakes

Chain in the Town of Litchfield." (H. P. 1485) (L. D. 842)

"Resolve Providing for a Fish Screen at Outlet of Lake Auburn in the City of Auburn." (H. P. 1488) (L. D. 845)

Bill "An Act Relating to Salary of Sheriff of Hancock County." (H. P. 1664) (L. D. 972)

"Resolve Providing for a Fish Screen at Outlet of Great Pond in Plantation No. 33, Hancock County." (H. P. 1695) (L. D. 1018)

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

(On motion by Mr. Greeley of Waldo, tabled pending passage to be engrossed.)

Bill "An Act Relating to the Salary of the Judge of Probate of Waldo County." (H. P. 1733) (L. D. 1087)

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

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

Bill "An Act Relating to Employment of Women and Minors." (H. P. 2040) (L. D. 1463)

Which were severally read a second time and passed to be engrossed, as amended, in concurrence.

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

Bill "An Act Relating to Aid to Dependent Children." (S. P. 156) (L. D. 206)

"Resolve in Favor of the University of Maine for Law School." (S. P. 337) (L. D. 568)

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

Bill "An Act Relating to Taxation of Various Corporations." (S. P. 446) (L. D. 828)

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

Bill "An Act Relating to Advice by Public Utilities Commission to



Towns Concerning Water and Sewage Systems." (S. P. 553) (L. D. 1172)

Bill "An Act Relating to the Approved Listing of Certain Appliances, Compounds, Powders and Liquids." (S. P. 657) (L. D. 1469)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

### Enactors

Bill "An Act Relative to Closed Time on Deer." (H. P. 1035) (L. D. 461)

Bill "An Act Relating to Closed Season in Certain Waters in Oxford County." (H. P. 1132) (L. D. 540)

Bill "An Act Regulating Fishing in Big Magalloway River in Oxford County." (H. P. 1133) (L. D. 541)

Bill "An Act Relating to the Licenses of Buildings for Dancing Purposes." (H. P. 1402) (L. D. 762)

Bill "An Act Amending the Uniform Veterans' Guardianship Act." (H. P. 1634) (L. D. 987)

Bill "An Act Amending the Charter of the City of Portland re Form of Ballot." (H. P. 1649) (L. D. 956)

Bill "An Act Relating to Welfare Claims Against Estates." (H. P. 1910) (L. D. 1273)

Bill "An Act Relating to Sirens on Motor Vehicles Used by Deputy Sheriffs." (H. P. 1938) (L. D. 1312)

Bill "An Act Creating the Development Credit Corporation of Maine." (H. P. 1970) (L. D. 1358)

Bill "An Act to Require Stop Lights on School Buses." (H. P. 2023) (L. D. 1412)

Bill "An Act Amending the Unemployment Compensation Law as to Benefit Eligibility Conditions." (H. P. 2028) (L. D. 1421)

Bill "An Act Relative to Night Hunting." (H. P. 2029) (L. D. 1422)

(On motion by Mr. Barnes of Aroostook, tabled pending passage to be enacted.)

"Resolve Regulating Fishing in Mayfield Pond in the County of Somerset." (H. P. 573) (L. D. 1423)

"Resolve Regulating Fishing in Sand Pond in the County of Oxford." (H. P. 991) (L. D. 422)

"Resolve Regulating Fishing in Long Pond in the County of Franklin." (H. P. 1037) (L. D. 521)

"Resolve Regulating Fishing in Kemankeag Pond in the County of Franklin." (H. P. 1039) (L. D. 523)

"Resolve Authorizing the Sale of Hatcheries and Feeding Station Property." (H. P. 1040) (L. D. 524)

"Resolve Providing for a Fish Screen at Outlet of North Pond, in the Town of Woodstock, in the County of Oxford." (H. P. 1041) (L. D. 525)

"Resolve Regulating Fishing in Big Fish Lake, in the County of Aroostook." (H. P. 1143) (L. D. 603)

"Resolve Authorizing Commissioner of Inland Fisheries and Game to Sell Certain Buildings at Marshfield to Orris Bowker." (H. P. 1147) (L. D. 549)

"Resolve Regulating Fishing in Brassua Lake in the County of Somerset." (H. P. 1148) (L. D. 605)

"Resolve Regulating Fishing in Certain Somerset County Waters." (H. P. 1482) (L. D. 839)

"Resolve Regulating Fishing in and Closing Tributaries to Lake Maranacook and Narrows Pond, in the County of Kennebec." (H. P. 1484) (L. D. 841)

"Resolve Closing Lake Cobbosseecontee in Kennebec County to Fishing Through the Ice for Salmon and Trout." (H. P. 1777) (L. D. 1116)

"Resolve Relating to Stewart Pond in the Town of Belgrade, Kennebec County." (H. P. 1778) (L. D. 1117)

Bill "An Act Relating to Cost of Maintaining Patients at Hospitals for the Insane." (S. P. 58) (L. D. 34)

Bill "An Act Relating to Allocation of Moneys for Governor and Council." (S. P. 66) (L. D. 47)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

Bill "An Act Relating to Practice of Architecture." (S. P. 211) (L. D. 273)

Bill "An Act Extending the Period for Which the Board of Finance in

the City of Waterville is Established." (S. P. 459) (L. D. 911)

Bill "An Act Relating to County Jail Costs for Certain Violations." (S. P. 500) (L. D. 1001)

"Resolve Regulating Fishing in Spencer Lake in Somerset County." (S. P. 203) (L. D. 266)

Which bills were severally passed to be enacted and resolves finally passed.

#### Emergency Measure

Bill "An Act Schooling in Brunswick for Tuition Pupils from Certain Other Towns." (H. P. 1255) (L. D. 538)

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

#### Orders of the Day

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on bill, An Act Relating to the Publishing of State Notices (H. P. 1714) (L. D. 1071) tabled by that Senator on March 30 pending consideration of the report; and on further motion by the same Senator, the "Ought Not to Pass" report was accepted in concurrence.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table House Report from the Committee on Taxation—Majority Report "Ought Not to Pass," Minority Report "Ought to Pass" on bill, An Act Repealing the Gasoline Road Tax (H. P. 1200) (L. D. 532) tabled by that Senator on April 7 pending acceptance of either report.

Mr. ALLEN of Cumberland: Mr. President and members of the Senate, before I get lost, I will move at the moment to accept the minority report ought to pass on "An Act Repealing the Gasoline Road Tax," and I shall further explain that I believe that this bill by its repeal

will be of great benefit to the people of our state, and particularly to persons who are doing business in Maine. Two years ago we O.K.'d a bill which four years ago had passed the Legislature calling for reciprocity; in other words, removing the tariff barriers that lay between our state and other states.

I was of the opinion that the people of Maine wanted no tariff barriers between our states. I was of the opinion that the people of Maine felt that free trade between this state and other states meant better industrial and personal relations between those people in those states. It was my belief that the people of this state felt that Europe, its states and related countries, have had problems over the centuries, because there were barriers between those countries which led to misunderstanding and which led to strife of one kind or another. This country was built on the principle of forty-eight united states.

This morning I have the unenviable position of opposing the master mind, the financial wizard of the Senate, our good friend the Senator from Penobscot. He will rise, shortly, and read to you, with or without his slide rule, financial statistics to the point that this is a terrible thing if we repeal this gasoline tax. I still stand here to tell you that this bill is a problem to Maine business, and it is my belief that the repeal of this bill will be of the greatest benefit to our people.

I shall offer an amendment which I think will be of interest to the people in the Legislature, both here and in the House, an amendment which will exempt New Hampshire trucks from this act. The New Hampshire Legislature is now passing, and has passed on one branch, a bill of a retaliatory nature which will mean that our trucks will have to abide by New Hampshire regulations, which is designed, of course, against this state and against its people doing business. This exemption will, in other words, have a second point—all Maine

trucks operating exclusively in the two states will not come under this act. I think that you will hear some discussion as to the advisability and as to the wisdom of this amendment. I feel that this amendment will really help to clear up the Taxation Committee on February 23rd, Paul Merrill, President of the Merrill Transport Company, told the Committee that his company had carefully segregated the cost of keeping these records and found that it cost them sixty man hours per month, at a total cost of \$720.00 per year to keep these records. Another comparatively small outfit, Hunnewell Transportation Company was stated to have spent 262 hours a year in keeping these reports. The real burden, however, falls upon the small truckers who aren't able to afford an expensive bookkeeping set up.

I feel that the state is joining Washington in what has been done there in the last fifteen years in causing more and more problems to people trying to do business in this state, and that small business is being driven to the wall by all of these regulations. It seems to me that a bill such as this is just one more trouble for business and the man who is trying to make a dollar on his investment.

The Senator from Penobscot will no doubt quote you figures as to the loss that the state will incur by the passage of this act. The figures which we had in Committee varied. I got about five different reports and five different figures. The State Highway Commission were finally in an executive session and was not too excited about the matter. The proponents of the bill were numerous and they represented the people that you and I do business with every day. Up on the western borders of the state, you have got the problem of the people coming from Gorham, New Hampshire into western Maine who have to travel through both states because of the interlocking road system. You also have the through traffic between the two states.

I would like to point out, if you will bear with me just a minute, to show you that this tax is not exactly a profitable one for the state. The expense of collecting the tax is unreasonable. Three employees, and auditor, a police officer and a clerk are working full time on the collection of this tax. There are other necessary costs of travel, printing, and so forth. During 1933, they collected a little over \$39,000.00, and it must be obvious that the expense of collecting it was at least \$10,000.00. A tax which costs twenty-five per cent of the total return just for the collection, disregarding the expense upon the taxpayer, is certainly not justified.

According to the survey made by the Tax Assessor's office recently, of the 350 carriers required to report under this law, 72 of the large carriers bought 3,482,983 gallons of gas in Maine, but they only used 3,415,782 gallons upon our highways. In other words, they paid a tax of \$28,191.69 but got a credit of \$30,728.03. Won't these carriers naturally start working off this credit by buying gasoline in other states? If they do, won't the receipts decrease instead of increasing in the future, and won't this actually defeat the purpose of the law? Outside of its very small value as a tax, this law serves no very useful purpose.

It is true that our highways are used to some extent by citizens of other states who drive in here with gasoline purchased in Massachusetts, Vermont or New Hampshire—but this is largely offset by our citizens driving over the highways of other states with gasoline that they purchased in Maine.

It is impossible to tell just how much gasoline was purchased in Maine rather than in other states because of the existence of this law, but we think that the amount is very very small, for the following reasons:

1. We note that the records of the 72 carriers compiled by the Tax Assessor's office shows that these 72 bought more gas in Maine than

they used in Maine, and received more credits than they paid in tax.

2. These 72 carriers were the very large ones which had considerable operation in other states. Most of the remainder of the 350 carriers reporting under this act probably don't drive much out of the State of Maine, anyway, and so don't have much reason to purchase gasoline out of the state.

3. Truckmen ridicule the idea that carriers haul large auxiliary tanks of gasoline in their trucks purchased in other states to be used in Maine. They say that this would not be good business to haul gasoline down into the State of Maine in order to save two or three cents a gallon tax, because they had rather haul a pay-load of merchandise of the same weight.

4. This tax law probably doesn't change the customs of truckmen much anyway, as truckmen have to get their gas at their own terminals or some other regular place of business. They can't have their drivers buy gas from local filling stations because of the danger of the driver and the filling station operator "clipping" them. A truck going from Portland to Boston is forced to fill up with gasoline in Portland, anyway, regardless of this law. The records of the Merrill Transport Company and Hunnewell Transportation Company show that they have bought all their gasoline in Maine for use out of the state in spite of the extra tax.

The only important effect of this tax, outside of the burden upon the truckmen, is that it is creating a trade barrier between Maine and the rest of the country by making it disagreeable, inconvenient and unpleasant for citizens of other states to do business with us.

I know that probably I was prejudiced against this bill from the moment it came in, or rather in favor of the bill and against the tax, because I stood in the House two years and four years and fought for reciprocity because of the idea of trade barriers. And you can't tell me, and my good

friend, the Senator from Penobscot can not tell me that the State of Maine can legislate an equality with the State of Massachusetts by legislation of any kind. Massachusetts will always be a wealthy state, and brother, we will always be a poor state. When you try to legislate equality between the states, you are causing friction; you are slowing down the natural flow of free trade; and I say it is against the principles on which this country has been developed.

As I said before, I shall offer this amendment, which in effect will take care of the bill which the State of New Hampshire is now passing, and will pass, in Concord, a bill which would retaliate against our people. And I say this amendment taking care of the equality and the situation between these two states will answer our problem.

Therefore, Mr. President, as I said before, I move the acceptance of the minority ought to pass report of the Committee on Taxation, and I think that probably my good friend, the Senator from Penobscot who has been sitting back there smoking his cigar, is now ready to begin his speech.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, I envy the enthusiasm by means of which the young man can put so much emphasis into the debate at twelve-thirty. I will be very brief. For those who did not happen to be here during the 1945 and 1947 sessions, I will recite very briefly the history of the reciprocity law, and the history of the road tax law, and the history of the increase in the gas tax.

In 1945, after rather spirited debate, we passed the reciprocity law on a two-year basis. I suspect the two-year clause was put into the law as an amendment to achieve its final passage. At the 1947 session, a similar bill was put in to repeal the time limiting factor of the reciprocity law. It had acceptance. I supported it. I believe in reciprocity. At that same session, 1947, we did two other significant things. We increased the gas tax from

four to six cents, and we also passed the road tax. The very action of passing the increase in the gas tax from four to six cents was the justification for the road tax, and is the justification, basically, for its continuation, and for the defeat of this repeal. That, very briefly, brings you up to this session. At this session, two bills relating to this road tax were introduced. One sought to repeal it in its entirety. The other sought to simplify it by providing that a simple statement could be filed with the State Tax Assessor in which the taxpayer made the simple statement that he had purchased his gas in Maine, without the necessity of great and lengthy proof. That was Legislative Document No. 98. That bill was heard by the Committee, reported unanimously ought to pass, and is on the table in the House, I suspect without an opponent in either branch of the Legislature.

Now, why did eight of us on the Committee vote against the repeal? And why did a majority of the other branch vote against repeal of the road tax? As I see it, the reasons are fairly simple, and briefly they are these. The road tax in its simplest terms provides that those private contract carriers who use Maine highways shall purchase enough gasoline in the State of Maine to cover the mileage that they travel in the State of Maine.

The truckers at the last session who enthused about reciprocity were equally enthusiastic that that principle was correct. They told us in committee that their sponsors in both branches agreed heartily that that principle was something that they believed. They believed that whenever they used our highways, the least they could do was purchase gasoline in Maine and pay our six-cent tax to help us build roads for them. What has been the result. They have proven to us in the last twelve months that they have purchased gas in the State of Maine and paid a tax of four hundred thousand dollars. Now, they have also paid penalties

of forty thousand dollars. That is no more or less than a fine, and they pay that penalty or fine when they get caught using the gasoline of some other state on our highways.

I think the best example of that was the testimony offered by the operator of a Boston milk collecting concern. He pointed out the effects of this law by proving to the Committee that in one quarter, if I remember the figures correctly, that his company paid us something like twelve hundred dollars in penalties. And then he had us note how regressive it was, as in the next quarter he only paid us six hundred dollars, and the next quarter he cut it right down to three hundred dollars. And with complete frankness, he gave us the records to prove it. When we looked at the records, it was found that his trucks were travelling just as many miles in the State of Maine, but he had shown his operators that it was cheaper to buy gasoline in the State of Maine than it was to pay the penalty. So, the reason he was paying less of the penalty was his company purchased enough gasoline in the State of Maine to cover the mileage that they travelled, and the three hundred dollars he paid us was only the difference that he failed to pay us.

Now, I would be the first to urge the repeal of this thing if it meant only forty thousand dollars in the highway fund. But that, Senators, is the penalty in the bill. The important thing in the bill is that we are asking those truckers to buy that four hundred thousand dollars worth of gas. Now, at the hearing, I thought with complete honesty and frankness, I asked several of the proponents this question. If the bill were repealed, would you buy as much gas in the State of Maine as you purchased under this bill. They were as frank and honest as I, and without exception said, we will still buy gasoline in the State of Maine, but we acknowledge, Mr. Chairman, that it would be quite a temptation to

purchase our gas in a state where the tax is less.

I think of my own little operation in Bangor where we use, roughly, 500,000 gallons of gas a year. If that happened to be an interstate operation and we could gas up, for instance, on the Massachusetts end of the run, the difference in tax would be fifteen thousand dollars, and that just happens to be more money than we are making in twelve months. If it were honest and above board, and within the law, certainly that is what we would do.

Now, the proponents of the repeal point out that is a trade barrier. The designer of this road tax bill in 1947 was an enthusiastic supporter of reciprocity, and he wrote into the law pure one hundred per cent reciprocity, and I think too few of the proponents of the repeal understand the real nature of this tax. If the hour were not so late, I would read Section 246 of Chapter 362. Instead of reading it, I will try to summarize it for you. It provides that a New Hampshire trucker, for instance, can come into the State of Maine with New Hampshire gas, and this is providing New Hampshire imposes this tax, and Maine will, of course, require him to pay us our tax. But he has already brought it in the State of New Hampshire and paid the tax on it. But Section 246 very clearly, still under that condition, that the State Tax Assessor of Maine shall certify to the Controller the fact that that was paid in the State of New Hampshire, and the State of Maine shall refund to that New Hampshire truck every penny that he has paid. Conversely, a State of Maine truck required to pay a road tax in the State of New Hampshire will get every penny of that road tax refunded to him by the State of Maine if New Hampshire passes a similar law. The proponents of reciprocity should point to this section as the purest type of honest reciprocity.

Now, if all of those things are reasonably true, I have tried to ascertain why such an effective lobby,

and such enthusiasm as has been generated in my associate who usually signs with me on all of these reports could be possible, and I have come to the conclusion that the trucking boys are a little bit fed up with the differential between the Maine gas tax and the gas tax of other states. I can't see any other reasonable approach to their enthusiasm. And of all the people using our highways, who ought to be more than willing to support them, not only for their own selfish use of our highways, but in their acknowledgment that maybe it is the trucks who are causing us to spend substantial sums of money? They ought to be the ones to support that highway fund.

I acknowledge the truth in the statement of the Senator from Cumberland when he said that the Highway Commission did not strenuously oppose the bill. I am not sure that I agree with the policy that is held by many departments that they should not participate in the legislative hearings and that they should not legislate for us.

But by the same token, Senators, when you passed the emergency gas tax bill, and with some pride gave the Ela bill and Burgess bill back to the towns and took six or eight hundred thousand dollars away from the highway fund, there might have been good justification for that, but I don't believe we can all agree that there is good justification handing out that same kind of money to what I am afraid are pretty selfish trucking interests in this state. Remember, and I repeat, when they wanted reciprocity, their enthusiasm knew no bounds in their willingness to support this type of thing. They were at the head of the list in wanting to pay their fair share of our highway costs. But now, the only valid argument they have is that it takes someone in their organization sixty hours a month to turn in the returns, and we have taken care of that in L. D. 98. They want it repealed.

Complete reciprocity is here, and if we want to protect this twelve million dollar highway fund with

respect to a gas tax, I would think we should continue the protection given to us when those truckers are required to prove that they do buy Maine gasoline covering Maine mileage. I sincerely hope that the motion of the Senator from Cumberland does not prevail.

Mr. McKUSICK of Piscataquis: The hour is very late and Senator Haskell had covered this very thoroughly and very clearly, but I simply wish to say that I am much concerned with the cost of maintenance of our highways. I am concerned with some of the items that I see in the papers about trucks which are licensed for 70,000 pounds appearing on the highways. They must be licensed with other states, because our own limitation is only 50,000. I am concerned with the item I saw the other day that a truck was picked up with a 63,000-pound load, and I am concerned with the fact that trucks coming within our state have the use of our highways from Kittery to Fort Kent, while a great deal of our trucking, naturally, when they go across our borders are headed from Portland to Boston and use the highways of New Hampshire only comparatively a short distance and the highways of Massachusetts only a comparatively short distance.

I have also in mind the figures which were furnished us by a former tax commissioner, Mr. Stevens, who took a State Policeman and went down on the border in order to get some statistics on this matter. He stopped, as I remember, 104 trucks. Of those 104 trucks, if I remember the figures correctly, only six were State of Maine trucks that were going back and forth across the border.

Now, in answer to the question as to whether those trucks could afford to bring an extra load of gas into the State, as a matter of fact, he discovered that a very large portion of those trucks had one or two supplementary gas tanks built into the trucks, and they were coming into the state with an amount of gas which would enable them, per-

haps, to travel to Bangor and back. He also questioned those drivers as to whether they intended to buy any gas in the state, and the reply was that they did not intend to buy any gas in the state except in emergency. To correct that condition, this law that this seeks to repeal was placed on the statute books, and the result has been that those truckers find it more convenient to buy their gas in the state than to pay the penalty. So, the amount that is actually collected as penalty is only a small fraction of the amount that is saved to the state through the operation of the use or gas tax act.

So, I do not see with the amount of mileage that we have to support in the state, compared with the mileage that the other states in New England support, how we can afford to give away this amount which I believe is conservatively estimated at four hundred thousand dollars and take it out of the maintenance of highways.

Mr. BATCHELDER of York: Mr. President, I think that this bill works an undue hardship upon the people living near the border. We have a great many people that are engaged in business that requires them to go through the State of New Hampshire and Massachusetts. We have many of our roads so tied in that it becomes necessary for the people in order to get away from their homes, it is necessary for them to travel over certain portions of the roads in the State of New Hampshire. We have some people living within our own towns who are actually required to go into New Hampshire in order to get back into Maine. Many of these people have trucks, and they would be required to pay through the same process in the State of New Hampshire. I understand there is a bill pending in New Hampshire which probably will be passed which actually requires our people to pay the same tax there. And whether or not we get any exemptions will depend on what action our state takes here.

Several years ago, it was necessary in order for people to travel in various states that they obtain a license not only here in Maine, but also in the states which they might wish to pass through. I believe we recognized the fact we were creating many barriers among the various states and much unfriendly feeling due to the fact that many of our citizens were picked up at the borderline and arrested and taken into Court. As I understand it, this condition exists here in Maine, as it is necessary for us to keep an officer at our state border in order to pick up out-of-state trucks that are coming in here. I do not think that that promotes good feeling among our neighboring states.

If we have got a law on our statute books, as has been stated, that actually costs us about twenty-five per cent on what we actually receive out of all that, I don't think that is really a good law. If it were really a good law, when we attempt to pass the reciprocity act granting to other states that same right, I believe that it really is entirely wrong at the present time for us to attempt a use tax to put back and collect some portion of that money.

I believe that what our citizens might pay, in addition, by having to pay a tax in other states would more than offset what gain we might make here in Maine. For that reason, I hope that the motion of the Senator from Portland, Senator Allen, will pass.

Mr. SLEEPER of Knox: Mr. President and fellow Senators, I am not hopping to put my nose into other people's business, because I happen to be the proud author of the road tax bill in the first place. I introduced the measure two years ago, and I worked for its successful passage. My motives were not wholly altruistic in the introduction of this bill. I was greatly irritated, and rightly so on behalf of the citizens of Maine, by these great swarms of hosts of trucks that gobbled up the highways of this state, ripping them to pieces,

and apparently not paying any tolls nor attempting to help us. To cap the climax, I happen to operate a small fleet of trucks, myself; and it dawned upon me one day as I was stepping out of the automobile registration office in Rockland where I had just deposited one hundred twenty dollars to register a tank truck. When I stepped into the street, I was almost run over by this St. Johnsbury trailer truck which was tearing up the highway. I was giving him the highway, and I was paying for it. And I wondered if there weren't some way that the small businessmen in Maine could make these boys who were taking all the highways pay their just share of the tax. We got in a few experts on the matter—and they were really experts—and we found that the State of Virginia felt the same way. The State of Virginia is a little different, as it is a state through which trucks and trailers pass from the north and from the south, ripping up their highways. Virginia has a fairly high gas tax, and they dodge the gas stations in Virginia. In an effort to collect what they thought was their rightful due to help keep up the highways for these trucks, Virginia evolved this so-called use tax, and Maine copied that same tax.

We are not in the middle as Virginia is, but we do happen to be the neighbor to the aggressive mercantile State of Massachusetts. I would like to invite the Senators if they don't believe me, or what I am saying, to take their sardines for lunch down here at the foot of the steps and watch the trucks go by. I will bet the Senator from Portland, Mr. Allen, that out of every truck that goes by, at least seven out of eight will be out of state, riding for free except for this road tax. That is why we felt the need for this tax. Little by little, they are even putting our Maine concerns out of business. I think they ought to pay their just share of the burden. The Senator from Portland has said that small businesses were being driven to the wall by the bookkeeping on this



thing. I would much prefer to do a little bookkeeping on my own behalf and make the other fellow at least pay his share of the highway that I am giving to him through the registration of my trucks and the gas tax that I am paying. Our extra gas tax which is very high now would naturally, with the repeal of this law result in all of these trucks buying their gas in Massachusetts.

Mr. Allen also said that these out-of-state trucks use our highways to some extent. I will leave that to everyone who has travelled on the road as to what extent these trucks use our roads.

Mr. ALLEN of Cumberland: Mr. President and Members of the Senate, anybody who knows me, knows that I am always hungry. I would be delighted to go down and eat any time. I don't care whether it is inside or outside. I want to make clear, Senators, one fact in rebuttal to one remark made by the Senator from Penobscot and one made by my good friend, Senator Sleeper from Knox. The Senator from Penobscot, I think, was rash enough to say that these trucks are not paying their share for the use of these highways. My good friend, Senator McKusick, said they were tearing down the highways.

In case you didn't hear my first statistics which I read, let me read them again. From October 1, 1947 to December 31, 1948, 72 carriers out of 350 reported and showed 3,482,983 gallons of gasoline purchased in Maine at a tax of six cents per gallon for a total of \$208,978.98. In case people don't think that the trucking industry is paying its share of the gas tax in the state, I would say that is a lot more gas than you or I will use, I hope. The second point I want to make very clear, and which perhaps the Senate will allow, is that, as I stated before, this amendment which I am offering will extend reciprocity to New Hampshire and will not affect trucks from Massachusetts or from other states. There is a law being passed in New Hampshire,

like it or not, and this amendment which I am offering, if you see fit to back up my motion for this amendment, will strike out the word "repealing" in the title and insert in place thereof the words "in relation to." I think this amendment is a very important part of our presentation of this subject.

The other point which I meant to bring out was this fact. You and I are well aware of the importance of Maine, and not only southern Maine, as a market center for northern New England. We are the distributing point in Portland not only for Portland, but other parts of the state, for New Hampshire, Northern New Hampshire and Vermont. And this bill, whether my opponents like it or not, is still a tariff barrier which is a detriment to the natural flow of trade of business and of people across our borders. I would say that this region of all regions which is feeling competition in business from our southern states, and is trying to retain the importance that New England has always had in a market and industrial development, is certainly the least able to set up these laws and these regulations designed to get the state a few more dollars, but designed also to encourage business to move south. I view with alarm the increased number of restrictions which our good state is putting on business. It isn't moving as far as our good friends who have been in control in Washington for some years, but it is moving along those lines, and I realize that perhaps that is not pertinent to this discussion, but it is one more reason that business capital is not too enthused about trying to do business in Maine.

It is just one more restriction, and they can say what they like, but Maine's having its problem trying to attract new industries, and this sort of law on the books doesn't help in the least. Furthermore, I would say that despite the disparaging remarks which have been levied at the trucking industry, they do spend millions in this state, and in other states. They do employ

a large number of individuals, and they carry the produce from Rockland, Bangor and other points to the outside world. And I say that this is in my humble opinion poor law which the Legislature passed two years ago and should certainly repealed at this time.

Mr. HASKELL of Penobscot: Mr. President, I have previously spoken on the motion. The motion to accept the minority report. Since the amendment has been injected into the debate, I will discuss the amendment very briefly. First, it was considered carefully by the eight members of the Committee on Taxation who signed the majority ought to pass report and was rejected by the Committee. Second, it was considered carefully, and I think courteously, after the House had rejected the repeal and been rejected by those opponents in the House. The rejection of this amendment was based on this concept. The amendment seeks to strike out of the list of forty-seven states the State of New Hampshire. To me, it is a bold and not to subtle attempt to seek later repeal by another amendment, because certainly if we do not believe in the principal of reciprocity as established in this law, we can't believe in exemption insofar as the State of New Hampshire is concerned. Because, where is the equity and justice among states in picking out New Hampshire, or Vermont or Massachusetts. If you are going to pick out one, it would be far better to pick out Massachusetts, because that is the state where most of our interstate trucking business originates.

It is for that reason that those who opposed it in committee, and who opposed it in the house, saw little value in this late attempt to salvage something out of a bill that is unsound.

Mr. SLOCUM of Cumberland: Mr. President, this has been a very interesting debate. I feel that this is just another nuisance tax. We shouldn't raise any barriers to the movement of goods and supplies in and out of our state. The amount of money that is brought into the state is negligible, and whether this bill passes or not, don't forget this one fact, that it is not the truckers who are paying the tax. It is the ultimate consumer. I am sure that those in our midst who are in the trucking business would not stay in business very long if they paid the tax and did not pass it along to the ultimate consumer. I believe that this is bad publicity for the State of Maine. We are expending two hundred thousand, or I hope more, dollars in Maine publicity. To erect even in this constitutional way a barrier for the free flow of goods, is not good advertising for our state. It shows that it has had a bad effect already in our neighboring state which has already introduced retaliatory legislation. Mr. President, when the vote is taken, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Allen, that the Senate accept the Minority Report "Ought to Pass," and the Senator from Cumberland, Senator Slocum has asked for a division.

A division of the Senate was had.

Seven having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, on motion by Mr. Haskell of Penobscot, the Majority Report "Ought Not to Pass" was accepted in concurrence.

On motion by Mr. Haskell of Penobscot,

Adjourned until tomorrow morning at 9.30 o'clock.