

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 9, 1957

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

Prayer by the Rev. Mr. Benjamin Tibbetts of the Advent Christian Church of Waterville.

The journal of the previous session was read and approved.

Papers from the Senate Senate Reports of Committees Conference Committee Report Tabled Until Later in Today's Session

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Apprentice Lobster Fishing Licenses" (S. P. 137) (L. D. 274) reporting that the Senate recede from its action whereby the Bill was passed to be engrossed, and adopt Conference Committee Amendment "A" (submitted herewith) and pass the Bill to be engrossed as so amended; and that the House recede from its former action whereby the Bill was indefinitely postponed and accept the Minority Report "Ought to pass", adopt Conference Committee Amendment "A", and pass the Bill to be engrossed as so amended. (Signed)

ARTHUR H. CHARLES

JOHN H. REED

FRANK R. BAILEY

— Committee on part
of Senate

SHERMAN F. BAIRD

GORDON C. BREWSTER

JOTHAM L. ANDREWS

— Committee on part
of House

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

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: There are several people interested in this particular measure, and they

are not here at the moment, and I would like to have this tabled until later in the day please.

The SPEAKER: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante that Item number one, the Conference Committee Report be tabled, specially assigned for later in the day. Is this the pleasure of the House?

The motion prevailed.

Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act Providing a Uniform Date for City and Town Caucuses" (S. P. 370) (L. D. 993) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Create the Interstate Highway Matching Fund" (S. P. 154) (L. D. 401)

Report of same Committee reporting same on Bill "An Act relating to Certain Municipalities Maintaining Paupers" (S. P. 189) (L. D. 535)

Report of same Committee reporting same on Resolve Appropriating Money for the Purchase of "History of Old Broad Bay and Waldoboro" (S. P. 170) (L. D. 449)

Report of same Committee reporting same on Resolve Providing for Purchase of Unity Town Histories (S. P. 190) (L. D. 536)

Report of the Committee on State Government reporting same on Bill "An Act Establishing Minimum Wages of Employees in Public Works by State of Maine" (S. P. 424) (L. D. 1183)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Definition of Retail Sale under Sales Tax Law" (S. P. 69) (L. D. 116)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Natural Resources on Bill "An Act Revising the Maine Mining Law" (S. P. 398) (L. D. 1094) reporting same in a new draft (S. P. 561) (L. D. 1563) under same title and that it "Ought to pass"

Report of the Committee on State Government on Bill "An Act Authorizing Governor and Council to Sell or Lease State Property" (S. P. 537) (L. D. 1507) reporting same in a new draft (S. P. 560) (L. D. 1561) under title of "An Act Authorizing Governor and Council to Sell or Lease Certain State Property" and that it "Ought to pass"

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

In the House, the Reports were read and accepted in concurrence, the New Drafts read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act Directing Review of Settlement Laws" (S. P. 505) (L. D. 1418)

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

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

**Ought Not to Pass
Recommitted**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Establishing a Theodore Roosevelt Centennial Commission of Maine (S. P. 62) (L. D. 112)

Came from the Senate with the Report and Resolve recommitted to the Committee on Appropriations and Financial Affairs.

In the House, the Report was read and the House voted to concur.

**Bill Substituted for Report
Indefinitely Postponed**

Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act Authorizing Forest Commissioner to Convey Interest of the State in Ja-

quish Island, Cumberland County" (S. P. 440) (L. D. 1237)

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

In the House, the Report was read.

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

Mr. WILLIAMS: Mr. Speaker and Members: It seems too bad to me that there weren't islands enough in the State of Maine so that everyone would be able to have one, but as they are kind of scarce, it seems to be that a lot of people have to go without one.

Now, we held a hearing on Jaquish Island before the Natural Resources Committee. We brought out a unanimous "Ought not to pass" Report on the thing. It seemed to us at that time as though the state claimed to own the island. As far as I know, they do own the island. It's an island on the eastern end of Casco Bay, a marine island. If you look at a map of Casco Bay, you will see that Cape Elizabeth is on one end of it, on the eastern end this Jaquish Island kind of makes the other corner of it. To look at it across the Bay, there's probably two, three hundred yards of water between that and the lower end of Harpswell there, I think Bailey's Island they call that one. It's kind of a barren looking island, rocky, no trees growing on it, about twelve acres of ground, but there is a couple of landing beaches there where people can go there and have clam bakes, and they do go there and have clam bakes.

I have here a search of the title of Jaquish Island I would like to read for you: "Title Search of Jaquish Island, formerly called Loring Island, Harpswell, Maine. September 4, 1794 — Wilson to Samuel Haley — Book thirty-six, page one hundred twenty-eight, Cumberland County Registry of Deeds." There is no record of how this Wilson had the island. He apparently picked it out of the blue to start with, then Samuel Haley, the next one to Joseph Sturtevant, Joseph Sturtevant to Isaac Johnson and Isaac Johnson to Charles Johnson. I won't bore you with the dates of the thing. Charles Johnson, Jr. to Zerniah

Wheeler, that was in 1835. Zerniah Johnson Wheeler to David Johnson, Jr., in 1836, David Johnson Jr. to Ephriam Johnson, and Ephriam Johnson the last apparent owner died approximately sixty years ago according to the best information. His estate was never probated.

Since that time nothing has happened to the island. It never was taxed to Harpswell, one reason being that they didn't think they owned it, and it would seem to me that no taxes being paid on it, no possession was taken of it, that it would revert to the state. I know in a town, if you don't pay tax on your property inside of two, three years the town will catch up on you and sell it to somebody else. It looks to me it's about the only piece of state-owned land in that neighborhood. The man that's trying to get possession of it now is—, one of the men is a Johnson who is probably a descendant of these Johnsons mentioned in this deed. He offered five hundred dollars for the island and he told us afterwards that if he had the chance that he expected to sell it to somebody else, so if it was sold, if the state deeded their rights to him why the people that picnic there have lost their chance to do that forever. So now I would move indefinite postponement on this thing.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Members of the House: My good friend the gentleman from Hodgdon, Mr. Williams, has given us a careful explanation of this and I won't want to refute any of the statements that he has made. It so happens that this island is a very rocky, barren place with scrub spruce. It can never be utilized for any summer resorts or anything, it is only good for duck hunting and for lobster boats to go ashore to eat or anything like that, and I have a little information here that came up since the last Committee meeting and it happens that there is legal title to this property recorded in the Registry of Deeds from 1876 on. That being so, during this period of time if I am correct in my understanding of the law, there was on our books a statute

of limitations running against the State, which statute was repealed in the middle of 1870.

I am not going to take up any more time to go back through all the litigation of this law and everything. But these people are willing to pay five hundred dollars for this island which is worthless and now owned by the State, and I have talked to Mr. Johnson and the other gentleman and they said it was the best duck hunting in the state and it didn't bring taxes to anybody and they felt that it would bring taxes to Harpswell if they bought it, and they would like to have it for that purpose to build a shanty on it so they could use it for a gunning camp. You have heard all that the gentleman from Hodgdon, Mr. Williams, has said, but I just can't agree with him and I hope we concur with the Senate.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: Evidently this thing has boiled down like a lot of county propositions do. This is a little island that sits about four hundred feet from land's end. If you ladies and gentlemen have ever been down to Bailey's Island, it is a dormant place, nobody lives on it outside of the wild fowl life, gulls and so on, and if you get there on a beautiful day the silvery things from the gulls will show up if you get the sun from the east and you get there early enough in the morning. Now this island has never done much to support the town of Harpswell. Therefore, I am in favor of selling the island. It is no asset to the State of Maine. It is a great big rock. If there was any uranium on it I would have bought it myself. I say sell it and get rid of it.

Mr. CALL: I request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that with respect to item number thirteen, Bill "An Act Authorizing Forest Commissioner to Convey Interest of the State in Jaquish Island, Cumberland, County" Senate Paper 440, Legislative Document 1237, the Committee Report be indefinitely postponed. The gentleman from Cumberland, Mr. Call,

has requested a division. Will those who favor the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-nine having voted in the affirmative and thirty-two having voted in the negative, the motion prevailed, the Report was indefinitely postponed in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

An Act to Exclude Town of Cooper, Washington County, from Maine Forestry District (H. P. 821) (L. D. 1164) which was passed to be enacted in the House on April 23, and passed to be engrossed on April 10.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter Tabled Until Later in Today's Session

An Act relating to the Operation of Bicycles (H. P. 1062) (L. D. 1517) which was passed to be enacted in the House on May 3, and passed to be engrossed on April 25.

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

In the House:

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

Mr. CHILDS: Mr. Speaker, through the Chair I would like to request that Brother Browne, the gentleman from Bangor, and his colleagues on Judiciary check the last sentence of this bill and determine whether or not it may possibly be in violation of the due process clause. To give them an opportunity to do it I move that it lie upon the table until further in today's session.

The SPEAKER: With respect to item fifteen, Bill "An Act relating to the Operation of Bicycles", the gentleman from Portland, Mr. Childs, moves that this item lie on the table specially assigned for

later in the day's session pending further consideration. Is this the pleasure of the House?

The motion prevailed, and the Bill was so tabled.

Non-Concurrent Matter

Resolve to Reimburse Town of Caribou for Aid to Alphee Ouellette (H. P. 681) (L. D. 970) which was recommitted to the Committee on Claims in the House on April 12.

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

In the House: The House voted to recede and substitute the Resolve for the Report, and the Resolve was read once and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Closed Time on Deer in Certain Counties" (S. P. 281) (L. D. 740) which was indefinitely postponed in non-concurrence in the House on May 7.

Came from the Senate with that body voting to insist on its former action whereby the Bill was recommitted to the Committee on Inland Fisheries and Game, and asking for a Committee of Conference.

In the House: On motion of Mr. Ross of Brownville, the House voted to adhere.

Orders

On motion of the gentlewoman from Lovell, Mrs. Harriman, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

The SPEAKER: At this time the Chair would appoint to the Committee of Conference the following Conferees on the part of the House to confer with the Senate on the disagreeing action of the two branches of the Legislature on Joint Resolution Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products (S. P. 378) (L. D. 1001):

Messrs. CHILDS of Portland

ROSS of Bath

PLANTE

of Old Orchard Beach

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to escort to the rostrum the gentleman from Auburn, Mr. Turner, to serve as Speaker pro tem.

Thereupon, Mr. Turner assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.

House Reports of Committees Leave to Withdraw

Mr. Emmons from the Committee on Labor on Bill "An Act Relating to Dependency Allowances under Employment Security Law" (H. P. 661) (L. D. 942) reported "Leave to Withdraw as covered by other legislation."

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This morning we have on our calendar thirteen items from the Committee on Labor, and I think that a word of explanation is in order. The most difficult decisions that this Committee has to make are the decisions that deal with bills affecting Unemployment Compensation, which is the Employment Security Law as you can see by this next bill, and Workmen's Compensation which is the Workmen's Compensation Law. These are commonly called the money bills. They affect both labor and industry.

This year we had before our Committee seventeen such bills. Now, some of these bills dealt with the same section of the same law, and that is why you see so many of these ten items "Leave to withdraw." It is very difficult to let any one of the measures stand alone on its own merits. We must consider the group and the overall effect that they would have both for labor and industry. The most desirable conclusion, of course, could be met if you got labor and industry together and got them to agree to a compromise. But like all similar negotiations, of course, this is most difficult. This year we were very close to an agreement, but didn't quite reach it. So in the final analysis it was

left up to the Committee to bring out the labor legislation that we thought was fair and equitable to both labor and management.

Now, in short, let me tell you what we have done for your future information. On the labor side, we have increased unemployment compensation from thirty dollars a week to thirty-three dollars a week and from twenty-three eligible weeks to twenty-six eligible weeks, and that is item sixteen on your agenda today, L. D. 1573. Also under unemployment compensation, we have passed a bill out saying that a person cannot be disqualified for benefits just because they are ill during that week. That is under item number eighteen on your calendar. It is L.D. 1114.

On the labor side under Workmen's Compensation we have recommended that those benefits be increased from thirty to thirty-five dollars. Industry had agreed to go as high as thirty-three dollars. We recommend thirty-five dollars. We also recommend that a bill called "specifics" be increased, and that bill on specifics means that if a person loses a finger, or an arm, or a hand, or a leg, they are paid so many dollars for so many weeks. We went along with that bill, that is a Senate bill, so it is not on your calendar. We went along with that because we thought that we should bring that in line with the times since it has not been changed since 1929.

On the industry side, we have agreed on certain qualifications of disqualification. That is item nineteen on your calendar, L. D. 1112. We have a split report saying that holiday pay should be taken into consideration on Unemployment Compensation, and we have a minority report saying that pension pay should not be taken into consideration. Those bills are not on the calendar today. But in summary I must remind the House that when these bills come up for debate, they probably will try to be killed by industry. When they come up for debate, remember, we must take into consideration the over-all passage rather than just each individual bill. Thank you.

Report was accepted and sent up for concurrence.

Mr. Emmons from the Committee on Labor reported "Leave to Withdraw" on Bill "An Act relating to Dependency Allowances under Employment Security Law" (H. P. 711) (L. D. 1017)

Same gentleman from same Committee reported same on Bill "An Act relating to Disqualification of Benefits under Employment Security Law" (H. P. 877) (L. D. 1245)

Same gentleman from same Committee reported same on Bill "An Act relating to Disqualification for Benefits under Employment Security Law" (H. P. 901) (L. D. 1287)

Mr. Hanscomb from same Committee reported same on Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 658) (L. D. 939)

Mr. Letourneau from same Committee reported same on Bill "An Act relating to Definition of Wages under Employment Security Law" (H. P. 659) (L. D. 940)

Mr. Ross from same Committee reported same on Bill "An Act relating to Dependency Allowances under Employment Security Law" (H. P. 372) (L. D. 502)

Same gentleman from same Committee reported same on Bill "An Act relating to Compensation Benefits under Workmen's Compensation Law" (H. P. 814) (L. D. 1157)

Mr. Smith from same Committee reported same on Bill "An Act relating to Definition of Annual Payroll under Employment Security Law" (H. P. 660) (L. D. 941)

Mr. Winchenpaw from same Committee reported same on Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 878) (L. D. 1246)

Mr. Childs from the Committee on Legal Affairs on Bill "An Act Amending Civil Service Provisions of Portland Police Department" (H. P. 750) (L. D. 1064) reported Leave to Withdraw.

Mr. Frazier from the Committee on Public Utilities reported same on Bill "An Act relating to Facilities Furnished by Public Utilities for Rate Fixing Purposes" (H. P. 141) (L. D. 179)

Mr. Webber from the Committee on Towns and Counties reported same on Bill "An Act to Increase

the Salaries of the County Commissioners and County Treasurer of Penobscot County" (H. P. 397) (L. D. 527)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Haughn from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act relating to Reasonable and Just Charges by Public Utilities" (H. P. 1028) (L. D. 1460)

Report was read and accepted and sent up for concurrence.

Referred to Next Legislature

Mr. Ross from the Committee on Labor on Bill "An Act relating to Workmen's Compensation Insurance" (H. P. 902) (L. D. 1288) which was recommitted, reported that it be referred to the next Legislature.

Report was read and accepted, the Bill referred to the next Legislature, and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Ross from the Committee on Labor on Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 373) (L. D. 503) reported same in a new draft (H. P. 1089) (L. D. 1573) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Tabled

Mr. Totman from the Committee on Transportation on Bill "An Act Increasing Registration Fees for Motor Vehicles" (H. P. 865) (L. D. 1227) reported same in new draft (H. P. 1088) (L. D. 1572) under title of "An Act Increasing Registration Fees for Motor Vehicles and Operators' Licenses" and that it "Ought to pass"

Report was read.

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

Mr. TOTMAN: Mr. Speaker, Members of the House: This is the bill that you have heard discussed quite extensively that would increase license fees, plates, and

seven per cent on automobiles and trucks. This bill, is admittedly a vehicle to supplement the bond issue if, as and when we act on the bond issue. The bond issue presently is on the table. In order that the two bills may be kept together, I now move, since this is a major piece of revenue, that this bill be tabled, unassigned, with the understanding it will come off the table as soon as the bond issue matter is settled.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, moves that this matter lie on the table pending acceptance of the Report. Is this the pleasure of the House?

This motion prevailed and the Report was so tabled.

Ought to Pass with Committee Amendment

Mr. Ross from the Committee on Labor on Bill "An Act relating to Disqualifications for Benefits under Employment Security Law" (H. P. 781) (L. D. 1114) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 781, L. D. 1114, Bill, "An Act Relating to Disqualifications for Benefits Under Employment Security Law."

Amend said Bill in the 20th line by striking out the period after the underlined word "work" and inserting in place thereof the following underlined words and punctuation:

'and no work which would have been considered suitable at the time of his registration has been offered to him after the beginning of such illness or disability.'

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

Mr. Winchenpaw from the Committee on Labor on Bill "An Act Amending Employment Security Law as to Disqualification for Benefits" (H. P. 779) (L. D. 1112) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 779, L. D. 1112, Bill, "An Act Amending Employment Security Law as to Disqualification for Benefits."

Amend said Bill by striking out the 5th, 6th, and 7th lines and inserting in place thereof the following:

"I. For the period of unemployment next ensuing after he had left his employment voluntarily and without good cause attributable to such employment,"

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

Mr. Childs from the Committee on Legal Affairs on Bill "An Act relating to Superintending School Committee of City of Portland" (H. P. 835) (L. D. 1191) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 835, L. D. 1191, Bill, "An Act Relating to Superintending School Committee of City of Portland."

Amend said Bill by striking out all of "Sec. 3".

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

Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act relating to Facilities Furnished by Public Utilities for Rate Fixing Purposes" (H. P. 186) (L. D. 249) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. LESSARD of Androscoggin
— of the Senate.
Messrs. WALTER of Waldoboro
FRAZIER of Lee
ROY of Fort Kent

PLANTE of Old Orchard
Beach
BEANE of Augusta
HAUGHN of Bridgton
— of the House.

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

Report was signed by the following members:

Messrs. MARTIN of Kennebec
ROGERSON of Aroostook
— of the Senate.
Mr. ROLLINS of Belfast
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, I would move at this time that the Majority "Ought to pass" Report of the Committee be accepted and I would like to speak briefly on this bill.

The SPEAKER pro tem: The gentleman may proceed.

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: As you fully realize, this is probably as an important piece of legislation as any. I don't say that it is superior to some that we do have, but it is equal, which is in the minds of the public throughout the State of Maine. And after due deliberation amongst the Committee, public hearings, and the whole facts were brought out, and probably by this amendment which is submitted by the Committee which may need a little explanation with the word "reasonable" stricken out of the bill, and I might say the reason for that word "reasonable" being taken out of the bill is because in the minds of the court in three states they have now determined that the word reasonable can be construed to mean fair value or current value, and that was the reason for this word being taken out. I know that there is quite a lot to this bill and I hope everybody will give it serious consideration, and when the vote is taken on this bill for the record and for the public's mind to know how the people have voted in this body, I request a roll call vote.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, on behalf of the minority Members of the Committee, I would like to explain our position. First of all, this is not a partisan issue. As you know, the State of Maine Grange passed a petition pertaining to this particular bill. On that petition it should be recognized that they obtained twenty-five thousand names. This should not be ignored. Now the gist of our plea for a fair rate-fixing formula is simple. We believe that there should be a full recognition of all costs incurred in investments actually made. No return on costs not incurred or on investments not actually made. I do not wish to prolong this session this morning unless the opposition wishes to be technical and then I am willing to enter into full debate.

The SPEAKER pro tem: Is the House ready for the question? The gentleman from Bridgton, Mr. Haughn, has requested a roll call. All of those who desire that the yeas and nays be taken will rise and remain standing until the monitors have made and returned the count.

Thirty-nine members rose.

The SPEAKER pro tem: Obviously more than one-fifth of the members having expressed their desire the yeas and nays are ordered. Is the House ready for the question?

The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, to accept the Majority Report "Ought to pass" with Committee Amendment "A". All those in favor will answer yes when their name is called, those opposed will answer no. The Clerk will call the roll.

Mr. RICH of Charleston: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. RICH: I rise for a point of information.

The SPEAKER pro tem: State your point of information.

Mr. RICH: Mr. Speaker, I would like to ask of the gentleman from Bridgton, Mr. Haughn, through the Chair, if the "Ought to pass" Report complies with the request for signatures made by the State Grange?

The SPEAKER pro tem: The gentleman heard the question and he may answer if he so wishes.

Mr. HAUGHN: Mr. Speaker and Members of the House: I might answer in reply to the gentleman from Charleston, Mr. Rich, this is definitely as supported by the State Grange, the Farm Bureau and twenty-eight thousand signatures of people of the State of Maine.

The SPEAKER pro tem: The question before the House is that the Majority "Ought to pass" Report be accepted.

Mr. TOTMAN: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. TOTMAN: Point of information.

The SPEAKER pro tem: The gentleman may state it.

Mr. TOTMAN: I would like to pose a question to the Chair if it is in order to request under suspension of the rules by unanimous consent if it is possible to have a member's name called out of order at the beginning of the roll call?

The SPEAKER pro tem: The Chair is advised that there was never any precedence for such procedure.

Mr. TOTMAN: Mr. Speaker, I would like to so move by unanimous consent and under suspension of the rules that the names of the majority and minority party floor leaders and assistant floor leaders be called first in this instance.

The SPEAKER pro tem: Would the gentleman produce his request in writing? Would the gentleman please approach the rostrum.

(Conference at rostrum)

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, requests unanimous consent that names of majority and minority floor leaders and assistant floor leaders be called first. Is there objection?

(Cries of "yes")

The SPEAKER pro tem: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I know this is not debatable at this time, but I would like to ask a question through the Chair of the majority floor leader, the gentleman from Bangor, Mr. Totman.

The SPEAKER pro tem: A roll call has been ordered. The Clerk has been ordered to call the roll, and cannot be interrupted except by unanimous consent. The question before the House—

Mr. DUDLEY of Enfield: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. DUDLEY: Mr. Speaker, I object to the method in the way the roll call is being called and I move that we get on with the roll call because there are a lot of people here from the country that would like to get home by haying time.

The SPEAKER pro tem: The gentleman is out of order.

The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the Majority Report on Bill "An Act relating to Facilities Furnished by Public Utilities for Rate Fixing Purposes, House Paper 186, Legislative Document 249, be accepted, and a roll call has been ordered. Those in favor of the motion of the gentleman from Bridgton, Mr. Haughn, will say "yes" when the roll is called and those that are opposed will answer "no". The Clerk now will call the roll.

Mr. CALL: Mr. Speaker?—Mr. Speaker?

The SPEAKER pro tem: The gentleman is out of order.

ROLL CALL

YEA — Andrews, Babineau, Bean, Winterport; Besse, Beyer, Brewer, Brewster, Brockway, Broderick, Brown, Ellsworth; Browne, Bangor; Burnham, Call, Carey, Carter, Etna; Caswell, Childs, Christie, Cole, Cormier, Cote, Couture, Bath; Couture, Lewiston; Coyne, Crockett, Curtis, Davis, Westbrook; Day, Denbow, Desmarais, Dostie, Dudley, Dumais, Duquette, Earles, Edgerly, Edwards, Elwell, Emerson, Emery,

Emmons, Ervin, Farmer, Flynn, Foss, Frazier, Frost, Fuller, Gallant, Graves, Hancock, Harriman, Harrington, Harris, Hatch, Hatfield, Haughn, Heald, Hendricks, Hersey, Hickey, Hilton, Hughes, Huthinson, Jack, Jacques, Jalbert, Jewell, Johnson, Jones, Karkos, Kelly, Knapp, LaCasce, Latno, Leathers, Letourneau, Libby, Lindsay, Mann, Mathieson, Maxwell, Maynard, Morrill, Nadeau, Needham, Pierce, Plante, Porell, Prue, Quinn, Rankin, Rich, Roberts, Ross, Bath; Ross, Brownville; Rowe, Madawaska; Roy, Sanborn, Saunders, Shaw, Shepard, Smith, Portland; Stanley, Stilphen, Storm, Tarbox, Tevanian, Thackeray, Totman, Turner, Violette, Wade, Walker, Walter, Warren, Webber, Whetson, Whiting, Winchenpaw, Wood.

NAY — Allen, Bartlett, Blanchard, Bragdon, Bruce, Carville, Cyr.

ABSENT — Anthoine, Baird, Beane, Augusta; Carter, Newport; Davis, Calais; Hanscomb, Hanson, Hathaway, Hendsbee, Higgins, Hoyt, Kinch, Lane, Miller, Morway, Rancourt, Rollins, Rowe, Limerick; Smith, Falmouth; Vaughan, Walsh, Williams, Speaker.

Yes: 121, No: 7, Absent: 23.

The SPEAKER pro tem: One hundred twenty-one having voted in the affirmative, seven having voted in the negative, absentees twenty-three, the Majority "Ought to pass" Report is accepted.

The Bill was read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 186, L. D. 249, Bill, "An Act Relating to Facilities Furnished by Public Utilities for Rate Fixing Purposes."

Amend said Bill by striking out in the 6th line the underlined word "reasonable"

Committee Amendment "A" was adopted and on motion of Mr. Haughn, under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: At this time the Chair would like to take this

opportunity to thank the gentleman from Auburn, Mr. Turner, for his excellent services as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Auburn, Mr. Turner, to his seat on the floor, amid the applause of the House and Speaker Edgar resumed the Chair.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of eighth grade pupils from Tenants Harbor accompanied by Harlan H. Bragdon. On behalf of the House the Chair extends to you ladies and gentlemen a most hearty and cordial welcome and we hope you will enjoy your visit here today. (Applause)

Passed to Be Engrossed

Bill "An Act relating to Employees of Maine Maritime Academy Receiving Federal Social Security Benefits" (S. P. 51) (L. D. 82)

Bill "An Act relative to Salaries and Clerk Hire of Municipal Courts" (S. P. 547) (L. D. 1537)

Bill "An Act relating to the Unfair Sales Act" (S. P. 555) (L. D. 1551)

Bill "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded" (H. P. 195) (L. D. 282)

Bill "An Act relating to Teachers for Mentally Retarded Children" (H. P. 336) (L. D. 468)

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

Third Reader Tabled and Assigned

Bill "An Act Prohibiting Dogs Running at Large" (H. P. 601) (L. D. 848)

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

(On motion of Mr. Edwards of Raymond, tabled pending third reading and specially assigned for Wednesday, May 15.)

Bill "An Act relating to Expenses of Members of State Liquor

Commission" (H. P. 695) (L. D. 1002)

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

Third Reader Tabled

Bill "An Act Amending the Law Permitting Municipal Employees to Receive Federal Social Security Benefits" (H. P. 1086) (L. D. 1565)

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

(On motion of Mr. Quinn of Bangor, tabled pending passage to be engrossed and unassigned.)

Resolve Authorizing Preparation and Sale of Index to Private and Special Laws (H. P. 62) (L. D. 91)

Resolve Appropriating Moneys for Testing Tanks for State Sealer of Weights and Measures (H. P. 586) (L. D. 835)

Resolve relating to Construction of a Road and Terminal in City of Rockland (H. P. 587) (L. D. 836)

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

Amended Bills

Bill "An Act relating to the Use of Public Ways and Parking Areas Maintained by the State at the Seat of Government" (S. P. 148) (L. D. 348)

Bill "An Act relating to Fluoridation of Public Water Supplies" (S. P. 466) (L. D. 1379)

Bill "An Act relating to Membership in State Board of Education" (S. P. 481) (L. D. 1386)

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

Third Reader Tabled

"An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes" (H. P. 656) (L. D. 937)

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

(On motion of Mr. Needham of Orono, tabled pending passage to be engrossed and unassigned.)

Bill "An Act to Revise the Laws relating to Vital Statistics" (H. P. 774) (L. D. 1107)

Resolve Providing for State Pension for Beverly Ann Archer of Rumford (H. P. 56) (L. D. 68)

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

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 99) (L. D. 142)

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

Mr. Bean of Winterport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 99, L. D. 142, Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans."

Amend said Resolve by striking out the figure "\$11,738.05" in the 2nd line and inserting in place thereof the figure "\$12,013.07"

House Amendment "A" was adopted and the Resolve passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

Bill "An Act relating to Taxation of Domestic Fowl" (H. P. 190) (L. D. 253)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Publication of Specimen Ballots, Constitu-

tional Amendments and Referendums in Foreign Language Newspapers" (H. P. 1015) (L. D. 1445)

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

(On motion of Mr. Plante of Old Orchard Beach, tabled pending third reading and specially assigned for tomorrow.)

Bill "An Act Authorizing Sunset Real Estate Corporation to Construct a Bridge Across Medomak River" (H. P. 424) (L. D. 601)

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

Bill "An Act Amending the Rules of Descent" (S. P. 551) (L. D. 1540)

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

Mr. Earles of South Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 551, L. D. 1540, Bill, "An Act Amending the Rules of Descent."

Amend said Bill by striking out in the 6th, 7th and 8th lines of "Sec. 3" the following underlined words and punctuation "or in estates in which the deceased made no provisions in his will for a surviving widow or the widow waived the provisions of the will, and deceased left no issue,"

House Amendment "A" was adopted, the Bill read the third time, passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence and sent to the Senate.

Passed to Be Enacted

An Act relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act (S. P. 259) (L. D. 697)

An Act relating to Payment of Expenses of Lewiston Municipal Court (H. P. 152) (L. D. 190)

An Act relating to Packing of Food (H. P. 288) (L. D. 384)

An Act Providing for Disability Retirement Under State Police

Retirement System (H. P. 326) (L. D. 443)

An Act relating to Permissive Closing of County Offices on Saturday (H. P. 445) (L. D. 621)

An Act relating to Rental of Westbrook Municipal Court and Northern Cumberland Municipal Court (H. P. 730) (L. D. 1034)

An Act relating to Employer's Contribution Rate Under Employment Security Law (H. P. 815) (L. D. 1158)

An Act relating to False Report of Deposit of Bonds or Other Infernal Devices (H. P. 938) (L. D. 1331)

An Act to Increase Clerk Hire for Probation Officers in Androscoggin County (H. P. 1008) (L. D. 1434)

An Act relating to Licensing of Special Insurance Brokers (H. P. 1014) (L. D. 1444)

An Act relating to Countersignature by Resident Agents on Insurance Policies (H. P. 1072) (L. D. 1539)

An Act Granting a New Charter to the Town of Old Orchard Beach (H. P. 1073) (L. D. 1538)

An Act relating to Systems of Water Supply (H. P. 1074) (L. D. 1543)

Finally Passed

Resolve Opening Pineo Pond, Town of Deblois, Washington County to Fly Fishing Only (S. P. 298) (L. D. 795)

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

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

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: I would ask that at this time you reconsider your action of yesterday where you passed to be engrossed item number seven, House Paper 1085, Legislative Document 1562, Bill "An Act Classifying Certain Surface Waters in Maine."

The SPEAKER: The gentleman from Caribou, Mr. Brewer, moves that the House reconsider its ac-

tion whereby yesterday the House passed to be engrossed Legislative Document 1562, Bill "An Act Classifying Certain Surface Waters in Maine". Is this the pleasure of the House?

The motion prevailed.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I rise inasmuch as it is necessary to make the next motion to have a Member of the House who voted on the prevailing side. Therefore, in courtesy to the gentleman from Caribou, Mr. Brewer, I would move that the House reconsider its action whereby it indefinitely postponed the amendment presented by that gentleman.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House reconsider its action whereby it indefinitely postponed House Amendment "A". Is this the pleasure of the House?

The motion prevailed.

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

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: I now move that we adopt House Amendment "A".

The SPEAKER: The gentleman from Caribou, Mr. Brewer, now offers House Amendment "A" and moves its adoption.

The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, I move that this amendment be tabled until later in the day. I have tried to contact my local officials in regard to the effect of this amendment on Presque Isle, and so I would like to have a little time to get their answer.

The SPEAKER: The question now before the House is the motion of the gentleman from Presque Isle, Mrs. Christie, that House Amendment "A" be tabled until later in today's session pending the motion of the gentleman from Caribou, Mr. Brewer, that House

Amendment "A" be adopted. Is this the pleasure of the House?

The motion prevailed.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House item number one under unfinished business, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Planning Board for City of Lewiston", House Paper 84, Legislative Document 110, tabled on April 12 by the gentlemen from Lewiston, Mr. Rancourt, pending acceptance of Report.

The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker and Members of the House: In the absence of my colleague the gentleman from Lewiston, Mr. Rancourt, he has asked me to handle this matter for him. After consultation with the Chairman of both houses, the Chairmen of Legal Affairs, and several members of the Committee, and they have agreed, I would like to move the substitution of the Bill for the Report in order to present an amendment, which the entire delegation from Lewiston is agreeable to.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Cote, that with respect to Bill "An Act relating to Planning Board for City of Lewiston", House Paper 84, Legislative Document 110, the Bill be substituted for the "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was given its first and second readings.

Mr. Cote of Lewiston then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 84, L. D. 110, Bill, "An Act Relating to Planning Board for City of Lewiston."

Amend said Bill by striking out the Emergency Preamble and everything after the enacting clause and inserting in place thereof the following:

'P. & S. L., 1939, c. 8, Art. XVI, §21, repealed and replaced; renum-

bered. Section 21 of Article XVI of chapter 8 of the private and special laws of 1939, as enacted by section 3 of chapter 209 of the private and special laws of 1949, is hereby repealed and replaced and renumbered to read as follows:

'Sec. 22. Planning Board. The Board of Mayor and Aldermen shall have the authority to create by ordinance a planning board of 5 members to be appointed by said Board of Mayor and Aldermen for a term of 5 years or until their successors have been appointed and qualified; save that at the time of appointing the first planning board, the Board of Mayor and Aldermen shall designate the member whose term shall expire at the expiration of each year for 5 years thereafter. Vacancies occurring in the planning board shall be filled by appointment by the Board of Mayor and Aldermen for the unexpired term. Said Board of Mayor and Aldermen shall provide in their annual appropriation for such sums of money for the functioning of said planning board and shall make such other orders, rules and regulations as members of said Board of Mayor and Aldermen may deem proper from time to time in relation thereto. The provisions of section 2 of this Article shall not be applicable to the members of said planning board.'

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the city of Lewiston at the next regular municipal election to be held on the 3rd Monday in February, A. D. 1958, an appropriate article being inserted in the call for such election. The city clerk shall prepare the required ballots, which shall be in form substantially as follows:

Official Ballot

Adoption of Amendment to Existing Charter Question

"Shall the act entitled 'An Act Relating to Planning Board for City of Lewiston,' passed by the 98th Legislature, be accepted?"

Yes

No

Place a cross or check mark in the square indicating your choice.

(Facsimile signature)

City Clerk

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said election.

The result of the vote shall be declared by the municipal officers of the city of Lewiston and due certificate thereof filed by the city clerk with the Secretary of State."

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

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number two under unfinished business, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act to Create a Board of Harbor Commissioners for Penobscot Bay and River", House Paper 1032, Legislative Document 1464, tabled on May 2 by the gentleman from Belfast, Mr. Rollins, pending acceptance of Report.

Thereupon, on motion of the gentleman from Bath, Mr. Ross, the Bill with accompanying papers was retabled pending acceptance of the Committee Report and specially assigned for Friday, May 10.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number three under unfinished business, Bill "An Act to License and Regulate Operation of Trading Stamp Companies", House Paper 895, Legislative Document 1281, tabled on May 2 by the gentleman from Bowdoinham, Mr. Curtis, pending the motion of the gentleman from Portland, Mr. Childs, to indefinitely postpone.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: In keeping with my promise to you Thursday last, when you so graciously allowed me to table this measure, to allow me to prepare an amendment, I now have that amendment. Mr. Speaker, under suspension of the rules I move that we reconsider our

action of Thursday whereby we adopted House Amendment "A".

The SPEAKER: The Chair must advise the gentleman that the pending motion before the House is the motion to indefinitely postpone, and therefore a motion for reconsideration is not in order. The House must first dispose of the motion to indefinitely postpone. If the motion did not prevail then the gentleman would be in order.

Mr. CURTIS: I beg your pardon. I thought from this that it was all right, therefore I ask for a division when the vote is taken.

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

Mr. CHILDS: Mr. Speaker, the Bill and amendment which is before this House now is the one which I pointed out the other day which would cost one company \$250,000. This particular company netted in the State of Maine, after taxes, \$46,000. So in other words, it would cost the company to do business in the State of Maine \$204,000 just to do business. I also pointed out the other day that I am opposed to this type of taxation, it is class taxation. Here we are taxing a particular segment of business which is selling. Even going deeper than that we are taxing a particular part of the advertising business which is the giving of premiums. I named to you the other day half a dozen other ways or other businesses giving premiums in which this tax does not even affect them. It has been quite a while since I have taken anything in constitutional law, I am of the opinion that this would be unconstitutional, I think it is discriminatory, I think it is confiscatory. And I certainly hope that my motion to indefinitely postpone this Bill and its accompanying papers prevails.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Members of the House: On the question of constitutionality, I would like to throw out a few things to the House, the few opinions from the State of Massachusetts which might be in line with this particular bill before us. Our own court has said

excise taxes unlike property taxes do not need to be uniform and equal throughout the state under the Constitution of Maine. However, an excise tax "which is so unreasonable or oppressive as to be confiscatory is invalid under the Constitution of the State of Maine." That's in 123 Me. 573. Furthermore, an excise tax whether it be two per cent or twenty per cent of the gross receipts of a business must tax all businesses in the same class at the same rate." Now in Massachusetts "O'Keefe v. Somerville," the question was the constitutionality of an excise tax on every person, firm or corporation selling, giving or delivering trading stamps, the excise tax being equivalent to three per cent of the gross receipts of such business. The Court said that the selling or giving of trading stamps could not be considered a business in itself and that the business which the statute was trying to reach was the selling of articles under an arrangement to deliver stamps as a part of the sale. Since the delivery of stamps is entirely legitimate, an attempt to impose a tax upon the business of selling accompanied by the delivery of stamps and not imposing it upon all selling was held by the Massachusetts Court to be discriminatory, and thus the statute was unconstitutional.

There is further discrimination in this bill, as amended, in that it specifically provides that it "shall in no wise apply to merchants or manufacturers who issue and redeem their own coupons." In an opinion of the Massachusetts Court, the Court held that an attempt to tax trading stamps to be redeemed by some person other than the vendor while exempting vendors who redeem their own coupons was discriminatory and rendered the statute unconstitutional. The classification must have a reasonable relation to the purposes and objects of the law and it cannot be argued that the public welfare did not suffer when a person, firm or corporation redeemed his own stamps but did suffer when he made arrangements for someone else to redeem the stamps. And in that specific case, they refer to the Sperry & Hutchinson Stamps v. Hoegh which was an Iowa case.

Our own court, in a case which required a milk gathering station proprietor to give bond or deposit security to secure the payment to the people from whom he might buy milk, said, in holding the statute unconstitutional in *State v. Old Tavern Farm*, 133 Me. 'The rights of every person must stand or fall by the same rule of law that governs every other member of the body politic under similar circumstances, and every partial or private law which directly proposes to destroy or modify personal rights, or does the same thing by restricting the privileges of certain classes, and not of others, where there is no public necessity therefor, is unconstitutional and void.'

I, therefore, want to go along with the motion of Mr. Childs from Portland to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, I understand that we are taking a case from Massachusetts. I might say that there are about eight states this year that have passed tax measures on trading stamps, and I think most of you have read one in *Life Magazine* where the tax was something like six thousand dollars. Maybe they're wrong and Massachusetts is right. As far as taxing individuals, we tax electricians and plumbers. We license beer stores and so forth. Why not the stamp business? We are still interested in helping stores. In the State of Maine the stores that are vulnerable to this tax racket are about twenty-eight hundred grocery stores, forty-five hundred filling stations, and about eight thousand other types of business. We want to help this business stay in business without having a stamp racket held over them. As I said before, we are interested in a tax on this business in order to have a control on the enormous volume that is done. We feel that through this tax, the next legislature will have figures to work on.

One other item that's been brought in regard to this tax business is an advertising medium. The National Retail Grocers Association fixes the average cost

of advertising for grocery stores at one point six, or a dollar and sixty cents on a hundred dollars' worth of business. The stamps are taking three dollars on a hundred on top of the advertising expense.

I trust that the motion of the gentleman from Portland, Mr. Childs, to indefinitely postpone this bill does not go through.

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

Mr. ROSS: Mr. Speaker, notwithstanding the constitutionality of this question, I would like to make a few remarks relative to small companies. On various labor bills whether they deal with safety or the employment of minor or Workmen's Compensation, and notwithstanding their merits, I have heard many persons in this House remark that they would hurt the little fellow, that they would put small business out of business.

Now relative to this subject under discussion today, we've only heard about the large stamp companies, but there are smaller ones and let me mention one specific example of this type. In 1926 the Merchants Profit Sharing Stamp Company was incorporated in Bath, Maine. This was one of the very first in the state. It has been operating continuously for thirty-one years. It is a one-family operation. It is a limited operation with excellent customer relation. I say limited because they only have forty-four clients. They do a fourteen thousand dollar gross business a year, but out of this only forty-nine hundred dollars is in cash. That may sound strange, but it's because of the policy of this company. The merchants return to them their filled up books and for that they get a credit of one dollar and twenty-five cents a book toward their future procurement of stamps. The customer plan is also a little bit different. For every filled up book, the customer gets a credit in the store of a dollar and a quarter.

Now, this whole program to me, I think is a very fair and ethical stamp plan. The operation is small because they do not have the personnel to expand.

The proposed taxes that we have been talking about might hurt the

large companies, and it might drive them out of the State of Maine, but it would certainly not drive them out of business. But with these smaller companies like the one I just mentioned, and I understand there are several others in the state, these taxes would of necessity force them to suspend their operations, and I certainly support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I trust that you will not go along with indefinite postponement at this time until you have heard the amendment. After you have heard the amendment you will find out that all the talk that the gentleman from Bath, Mr. Ross, and the gentleman from Portland, Mr. Childs, made does not apply because they are talking about the Bill as it was at the beginning. Therefore, I hope that you will listen to all the things that are pertinent to the thing and then if you want indefinite postponement that is your prerogative.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker, I arise for the purpose only to answer the gentleman from Harrison, Mr. Morrill, he said that other business such as electricians, and I guess he mentioned the word plumbers, had to pay a tax. They have to pay a license fee which is for the purpose of regulation. They certainly do not pay a gross tax on all the business electricians or plumbers do in the State of Maine. And as far as another member is concerned he is increasing or decreasing the amount of taxes when it has no bearing as far as a tax is concerned, I still agree that it is discriminatory, and I hope that my motion will prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Portland, Mr. Childs, that Bill "An Act to License and Regulate Operation of Trading Stamp Com-

panies" and all accompanying papers be indefinitely postponed.

The gentleman from Bowdoinham, Mr. Curtis, has requested a division.

Will those who favor the indefinite postponement please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-seven having voted in the affirmative and sixty-six having voted in the negative the motion to indefinitely postpone did not prevail.

The SPEAKER: The Chair now recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I now move that under suspension of the rules and out of order we reconsider our action of Thursday, May 1, whereby we adopted House Amendment "A" to Legislative Document 1281.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House reconsider its action whereby it adopted House Amendment "A" on May 1. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CURTIS: Mr. Speaker, I now offer Amendment "A" to House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, now offers House Amendment "A" to House Amendment "A", and moves its adoption.

The Clerk will read House Amendment "A" to House Amendment "A".

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

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "A" to H. P. 895, L. D. 1281, Bill, "An Act to License and Regulate Operation of Trading Stamp Companies."

Amend said Amendment by striking out the underlined words "Privilege tax" in the 1st line of that part designated "Sec. 282"

and inserting in place thereof the underlined word "Tax."

Further amend said Amendment by striking out the underlined words "privilege tax of $\frac{1}{2}$ " in the 4th line of that part designated "Sec. 282" and inserting in place thereof the underlined words 'tax of $\frac{1}{10}$ '

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: The amendment would not change the effect of my remarks as far as I can see as to the constitutionality of this Bill. By striking out the word "privilege" does not necessarily mean that it is not a privileged tax. And in lowering the amounts of the tax to one-tenth, would state that in the year 1956 in particular, for S & H stamps, it would have cost the Company \$50,000, and their income after taxes was still only \$46,000.

The Bill, in my mind, probably it would have been a good idea to send the question to the Law Court, but it is too late for that at this time, and in my opinion, I believe that it is unconstitutional, and I dislike seeing a bill leave here that would only have to get to the courts within the next year in order to determine that question. I therefore move that this amendment be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, in striking out the word "privilege" and just inserting the word "tax" reminds me of a story of the farmer who had three black cows and he always wanted a white cow, so in order to get his white cow he took a sign and put it around the black cow's neck and said "This is a white cow."

Now, through the Chair I would like to inquire of the gentleman from Bowdoinham, Mr. Curtis, if he can tell me percentagewise what this new amendment would mean as far as the tax on one particular company was concerned?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Bowdoinham,

Mr. Curtis, who may answer if he so chooses.

Mr. CURTIS: It would mean somewhere about three per cent.

Mr. CHILDS: If the gentleman would revise his figures he would find that it means exactly four per cent. And if I remember correctly, the testimony was that if one particular company, which was the S & H, did in the State of Maine a gross business of \$1,250,000. Four per cent of \$1,250,000 is \$50,000. The company netted in the State of Maine \$46,000. So therefore it is only going to cost them \$4,000 to do business in the State of Maine. And if that is not discriminatory I certainly do not know anything that is.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, I believe we are using the figures of one company here, and I doubt very much the figures they have given us. One figure they claimed that there was only three per cent of unredeemed stamps. National publications and some of your larger colleges that have gone into this subject come up with a figure of forty per cent of unredeemed stamps. I think these national publications in their surveys come nearer right than that three per cent that was given to us by one company.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker and Members of the House: The gentleman from Portland, Mr. Childs, has stated that one firm did a million and a quarter dollars worth of business here in this state. I submit that a firm that is doing that amount of business can afford to pay some tax to the state. All of our people who are in business here have to pay a tax. If this tax is too high it can be reduced, but I think that we should not go home to our people and tell them that we have taxed their small businesses and allowed out of state business to operate without paying for that privilege. And I may say a remark off the record?

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, I rise to point out some figures here, I think there is some misunderstanding. In reference to this particular company, the S & H Company. If their net earnings was \$46,000 in the previous year, that assumes that their gross earnings given the Federal tax structure, was \$92,000 in that year. Had this tax been in effect then, the \$50,000 which would be paid in taxes, would be deducted from the \$92,000 before Federal Taxes, which would leave \$42,000 left. Federal taxes being paid on the \$42,000 after this tax is paid here, the company would earn or net \$21,000, and would not be running in the red by a minus \$4,000.

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

Mr. TEVANIAN: Mr. Speaker and Members of the House: For the benefit of the gentlewoman from Kittery, Mrs. Burnham, we will assume that this Bill is constitutional. I don't think that if we passed this measure as amended, that we are going to have any effect whatsoever on the stamp companies. They are going to pass that tax onto the grocery stores, the small grocer that is in a very precarious position because of the stamps to begin with, and the ultimate tax is going to come back to us, the people. They will not absorb that loss, they will pass it on because it is so small. And I certainly hope that this Bill and its amendments are indefinitely postponed.

The SPEAKER: Is the House ready for the question?

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

Mr. CROCKETT: Mr. Speaker and Members of the House: The stamp business has become a great business, not only in the State of Maine but all over this great United States. You and I have gone to fairs. You've seen these come-on games, the shell games, the dice games, this and that. What does it do? Until they get a license to operate from a fair association, and they know they're half-way legitimate, they must pay for their stand, we will say a concession. But

how much concession do the stamp people pay to operate in the State of Maine? They pay nothing. It is a con game. You've all heard about it. It's a shell game where we the people of the State of Maine must accept that wealth and success and say no. The poor stamp people are giving Mrs. Murphy, or Mrs. Cohen, or Mrs. Riley something. She doesn't get something for nothing. She's paying for every darn thing she gets, and paying for it dearly. I'm telling you as legislators representing the people, if you don't tax these people, you are doing a great injustice to Mr. and Mrs. Murphy of the State of Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We've heard a great many figures banded around here, and I think we all know the old adage about figures. However, Life Magazine says that the S & H Company, if we're going to be specific by name, and as that is the only company we have under consideration here which it seems to be, that they did over a hundred million dollars worth of business last year.

Now, I pay a tax if I want to do business. I see no reason why any other company doing business in this state should not pay a license fee. A license presumably does several things. It not only brings revenue to the state, but it allows the state to keep control of the different people doing business here. Now, if we are so concerned for S & H, let us remember, that if we do not regulate these companies in some way, S & H will be back in a few years to this legislature, asking us to control the stamp companies because in many states we have had what they call the hotel operators, whereby they come in and set up a display of merchandise, go out and sell their stamps, and are gone over night. There is too much money here. As poor as some stamp companies seem to be, there's still a lot of money involved, and where a lot of money is involved, there are always a lot of free lance operators.

I think we should pass the bill.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker and Members of the House: I can see no reason why this industry should not be taxed along with the rest of us. I would like to point out to the House that earlier in the day we had a bill, a third reader, that is going to impose a tax on the poultry industry. And in my opinion, these stamp companies that are making the large profits that has been stated here by some today, are better able to pay than the poultry industry.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from York, Mr. Hancock, that House Amendment "A" to House Amendment "A" be indefinitely postponed.

The Chair recognizes that gentleman.

Mr. HANCOCK: Mr. Speaker, I would include the Bill in that motion.

The SPEAKER: The Chair must advise the gentleman from York, Mr. Hancock, that his motion to indefinitely postpone the Bill is not in order, because on the list of priorities as far as motions are concerned, a motion to amend takes precedence over a motion to indefinitely postpone. That applies to the Bill. The only motion that has been made in connection to House Amendment "A" to House Amendment "A", or the priority motion rather, is the motion of the gentleman from York, Mr. Hancock that House Amendment "A" to House Amendment "A" shall be indefinitely postponed.

Is the House ready for the question?

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: I move that the vote be taken by division.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has requested a division.

The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker and Members of the House: I think most of the points have been well covered except that at the hearing which

was before my committee, the proponents of the Bill consisted of the gentleman from Harrison, the gentleman from Bowdoinham and Senator Reed of the Senate. Opponents were numerous, I should say between seventy-five and one hundred. Testimony ran along the lines that stamp business had been the sole salvation of that operation, increased from ten to forty per cent in some cases. Now, there is considerable opposition to the stamp companies, and I feel that this bill won't accomplish what we are trying to do. Either we should have a bill to outlaw the stamp companies or a straight income corporate tax to get at their net earnings.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, I would withdraw my motion to indefinitely postpone the amendment.

The SPEAKER: The gentleman from York, Mr. Hancock, withdraws his motion to indefinitely postpone House Amendment "A" to House Amendment "A".

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

Mr. TEVANIAN: Mr. Speaker, I move that the Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would remind the gentleman from Portland that there still remains before the House a motion for the adoption of House Amendment "A" to House Amendment "A", and that motion takes priority over an indefinite postponement.

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

Mr. ROSS: Mr. Speaker, I believe that for the persons who are opposed to the general idea it would be in order for the House to adopt the amendment, and then one of the opponents can make the motion that the Bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair will rule that that is correct.

Is the House ready for the question?

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

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen of the House: I don't know, but the people who

have spoken for the stamp companies, in favor of the stamp companies are attorneys. I am not an attorney. I was sent up here to represent the people of the State of Maine. Now, I am not accusing anybody, but however, in view of the fact that the ordinary layman, the last three men who spoke were attorneys, I don't say they are hired by the stamp companies, I don't think they can be approached—

The SPEAKER: The gentleman is very close to being out of order, and questioning the motives of any member is definitely out of order.

Mr. CROCKETT: Mr. Speaker, I said I don't accuse anybody—

The SPEAKER: But then the gentleman proceeded.

Mr. CROCKETT: But the way I feel about it is this, I will still go back to what I said before. They are running a shell game and they are getting away with it, and they are just not paying for any concession in the State of Maine. I know that if I want a shell game to go to any fair I am going to pay for that space and operate, or if I don't get one, the sheriff or the chief of police or the constable will come in there and arrest me, they will put me out of business.

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

Mr. JALBERT: Mr. Speaker, before I make a few remarks, I would like to ask a question through the Chair of the gentleman from Freeport, Mr. Crockett, to give us an explanation of just what a shell game is.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has addressed a question through the Chair to the gentleman from Freeport, Mr. Crockett, who may answer if he so chooses.

Mr. CROCKETT: I will be very glad to answer the gentleman from Lewiston, Mr. Jalbert, he is very familiar with the shell games.

The SPEAKER: The Chair will ask the gentlemen to confine their remarks to parliamentary remarks.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As the former secretary of the Maine State Fair Association, I assure you that

I am very familiar with shell game operators. And I assure you that I think it is—and I say these remarks sincerely, knowing full well as the gentleman from Freeport, Mr. Crockett, does, that such games are outlawed in Maine. They now come under the felony clauses. But I think it is disgraceful, regardless of one's feelings, to compare any business, legitimate business in this city, or any county or any state in this Union with the shell game. I think the gentleman from Freeport, Mr. Crockett, probably ran away with himself, and he certainly is to be excused for it.

Speaking on the Bill itself, I concur wholeheartedly with the gentleman from Bath, Mr. Ross, in that the thing to do for those who are opponents of this measure, is go along with the amendment and then try to kill the bill if they can or we can.

As far as my own locality is concerned, you have heard the gentleman from Lewiston, Mr. Rancourt, speak on it at length what it means to us, and again I repeat that we are close to being a distressed area, which means that one mill has an order amounting to about \$200,000, taxes are paid on those, that would mean a curtailment of that small industry. One of the other mills, the Lady Pepperell, sheets and pillow cases, they informed me that it would mean one month of curtailment. The Bates Manufacturing, certainly it would help them.

Now, those who would take issue with my remarks can say that they would buy the products from our good city just the same. That is problematical. There are other places where they could buy such products, and my sole purpose for being against the Bill is that reason, and I think it is a good enough reason.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I now move the question.

The SPEAKER: Does the Chair understand the gentleman to mean the previous question?

The Chair is advised as far as moving the previous question is concerned, the gentleman from

Cumberland, Mr. Call, may do either one of two things. He may move the previous question in so far as House Amendment "A" to House Amendment "A" is concerned, or he may move the previous question on the Bill, the question of its passage to be engrossed. Which does the gentleman intend?

Mr. CALL: Because the gentleman from Bowdoinham, Mr. Curtis, has an amendment to offer, I now move the previous question on the amendment.

The SPEAKER: The Chair understands that the gentleman from Cumberland, Mr. Call, moves the previous question with relation to House Amendment "A" to House Amendment "A". In order for the Chair to entertain the motion for the previous question the Chair must have the approval of one-third of the House.

Will all those in favor of the Chair entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having approved the Chair's entertaining the motion, the question now before the House is shall the main question be put now?

Will those who favor putting the main question now please say aye; those opposed, no.

The motion prevailed.

The SPEAKER: For what purpose does the gentleman arise?

Mr. TEVANIAN: I arise for the purpose of making a motion, Mr. Speaker, to indefinitely postpone the Bill.

The SPEAKER: The Chair must advise the gentleman from Portland that the House has ordered the Chair to put the question regarding the adoption of House Amendment "A" to House Amendment "A".

The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that House Amendment "A" to House Amendment "A" on Bill "An Act to License and Regulate Operation of Trading Stamp Companies,

House Paper 895, Legislative Document 1281, shall be adopted. A division has been requested.

Will those who favor the adoption of House Amendment "A" to House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred and one having voted in the affirmative and none in the negative, House Amendment "A" to House Amendment "A" is adopted.

The question now before the House is the adoption of House Amendment "A" as amended by House Amendment "A". Is this the pleasure of the House?

The motion prevailed and House Amendment "A" as amended by House Amendment "A" was adopted.

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

Mr. TEVANIAN: Mr. Speaker, I now move that the Bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Tevanian, that Bill "An Act to License and Regulate Operation of Trading Stamp Companies" and all accompanying papers be indefinitely postponed.

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

Mr. ROSS: Mr. Speaker, I am not an attorney. I feel that I do represent the people of the State of Maine, and in this particular case I am talking about forty-four stores with several hundred satisfied stamp customers. I don't normally uphold minority groups. I sincerely feel this tax is inequitable and the amendment will still force the little company in Bath, Maine, to suspend their operation. I still favor the indefinite postponement and I request a division.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker, I am an attorney and I still represent the people of the State of Maine. And

as I said before, I still believe this is class legislation here. If we want to put a gross sales tax on all corporations, which is reasonable, I am all for it. But I certainly am opposed to this, I definitely am opposed to the principle, and I hope the motion of the gentleman from Portland, Mr. Tevanian, will prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. TOTMAN: Mr. Speaker and Members of the House: While this is not a party issue, I certainly cannot sit idly by and see this House apparently follow the emotions of us who have perhaps businesses or feel very strongly because we have our own businesses. You heard a freshman representative in this House just make a statement as a member of the Committee, which I think has more merit and should receive your careful consideration, as anything that has been said on the floor of this House this morning on this Bill. And I am referring to the gentleman from Stonington, Mr. Shepard. He certainly hit the nail on the head. If you want to pass a tax on businesses simply a penalty or privilege tax and the proponents of this Bill admitted it was a privilege tax because they had that obnoxious word taken out of the amendment to make it more palatable. I should say that you should pay more attention to what the gentleman from Stonington, Mr. Shepard, has pointed out when he said "If you don't like the stamp companies do one of two things, either introduce a bill to outlaw them or introduce a bill in this state to have a corporate income tax. I am not a lawyer, but I am certainly very firmly convinced that if this bill passes legislature it will definitely be put to a constitutional test.

The SPEAKER: Is the House ready for the question?

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

Mr. SMITH: Mr. Speaker, I have been requested by several businesses in Portland that are doing a stamp business to go on record as to outlaw the stamp tax.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I am indeed sorry that the gentleman from Bangor, Mr. Totman, thinks there was only one member who hit the nail on the head. And I had a talk here that I was going to make, but I am not going to make it. I think you are all just as bright as I am and probably much brighter, and I think we all have a mind of our own and we will decide this. I just want to say this is a tax measure alone, and we are not trying to, as the gentleman from Bangor says, we ought to try to put them out of business, we are not trying to whatsoever. We are just trying to regulate them and if I was an executive of any of the stamp companies I would embrace this bill one hundred per cent.

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

Mr. MILLER: Mr. Speaker, as a representative from Portland, a city of 90,000 people, I would like to — I don't know where Mr. Smith, my fellow representative from Portland, received the reports from these various companies in Portland that handle stamps now, but I can assure you that as a representative of the people of Portland, that I personally made a poll of several of the stores in Portland that do handle these stamps and have been assured that they would like to see this bill defeated. I also would like to go on record as saying in this House today that as of this date I have heard no opposition to the stamps in the City of Portland.

The SPEAKER: Is the House ready for the question?

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

Mr. MAYNARD: Mr. Speaker and Members of the House: I am somewhat confused, I don't know whether we are voting to kill the stamp companies or simply to put a tax on them. It looks to me as if we are voting to place a tax on companies whose business a great many of us might not like. Now, I don't like stamps, they are a nuisance and I don't think they give something

for nothing. A lot of people do, a lot of people like to fool themselves into thinking so. However, I think the question is whether this is a fair proposition or not. Now, if we are going to tax businesses, I think we should tax all businesses.

I went along with this Bill for quite a while and one main reason was because of the treatment one of our representatives got at the hearing by opponents to the bill. In other words, I did follow my emotions in this matter. Now I have done a little studying in this business the last few days, I have heard some people say they would like to get rid of stamps and other people say they would like to keep them. I think an awful lot of people like to keep stamps, particularly the housewives, my own wife collects stamps. But I think this is a question of fairness. Is it fair to tax one company in this matter? My feeling is that it is not, and that is the reason why today I am not going along with this Bill. I would like to see it indefinitely postponed.

The SPEAKER: Is the House ready for the question?

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

Mr. CROCKETT: Mr. Speaker, we have a sales tax in this state. I would like to ask the gentleman that supports the proponents of this Bill, whether the stamp company has ever paid a sales tax on something that they sell.

The SPEAKER: Would the gentleman advise the Chair of the individual to whom this question is addressed?

Mr. CROCKETT: Well, to any gentleman who wants to answer it, I will give them all a break. And the question is—does the stamp company pay a sales tax to the State? I don't want anyone to tell me that Mrs. Murphy, when she gets her merchandise for that stamp book, I know she pays a sales tax or she don't get it.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, has addressed a question through the Chair to any member of the House who may answer.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, in the hearing it was brought out that this one company paid \$25,000 in taxes, I think that is the right figure. They claim that they were paying that out of their own pocket. It came to life that about \$21,500 of that was sales tax that they had collected on items that they had given out to their store. When you get an item for stamps you pay the tax on it. They were paying tax on books that they were having printed in the state.

The SPEAKER: Does that answer the gentleman from Freeport?

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

Mr. CHILDS: Mr. Speaker, the gentleman from Harrison, Mr. Morrill, is correct, the sales tax is passed on to the consumer. I don't know what sales tax is not passed on to the consumer.

The SPEAKER: Is the House ready for the question?

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

Mrs. HENDRICKS: Mr. Speaker, I guess perhaps it is my turn, everybody from Portland has spoken. I spoke specifically with a small store owner, and he claimed that the stamps helped his business in this way, he has a small business and he does quite a bit of credit. He can't afford to send collectors out to collect the payments every so often, so he gives these stamps and the customers come in and pay their bills on time just so they can get the stamps, and this helps his business.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Portland, Mr. Tevanian, that Bill "An Act to License and Regulate Operation of Trading Stamp Companies", House Paper 895, Legislative Document 1281, and all accompanying papers be indefinitely postponed. A division has been requested.

Will those who favor the indefinite postponement of this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-one having voted in the affirmative and sixty-nine having voted in the negative the motion to indefinitely postpone did not prevail.

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House, a group of eight students from Milo High School accompanied by their principal, Mr. Joseph Reardon and Mr. Claude Trask. On behalf of the House the Chair extends to you ladies and gentleman a most cordial welcome and we hope that you will enjoy your visit here today. (Applause)

On motion of the gentleman from Bangor, Mr. Totman, the House recessed until one-thirty o'clock this afternoon.

After Recess
1:30 p.m.

The House was called to order by the Speaker.

The SPEAKER: Is there objection to taking up out of order a paper from the Senate? The Chair hears none, the Clerk will read the paper.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn on Friday next they adjourn to meet on Monday, May 13th, 1957 (S. P. 569)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The SPEAKER: The Chair might state at this time that although there will be a formal motion to this effect, the plan, as far as the House is concerned, is to convene on Monday at 1:00 p.m.

The SPEAKER: The House is proceeding under unfinished business on page eight of the calendar.

The SPEAKER: Under Orders of the Day the Chair lays before the

House item number four under unfinished business, Bill "An Act relating to Retirement of Members of Portland Police and Fire Department not under State Retirement System", House Paper 1057, Legislative Document 1512, tabled on May 3 by the gentleman from Portland, Mr. Broderick, pending third reading, and the Chair recognizes that gentleman.

Mr. BRODERICK: Mr. Speaker, is the Speaker in possession of House Amendment "A"?

The SPEAKER: The Chair would advise the gentleman that the Clerk is in possession of the amendment, but it has not been presented to the House.

Mr. BRODERICK: I will offer House Amendment "A", Mr. Speaker.

The SPEAKER: The Chair is advised that the amendment has been made out in some other member's name, and if Mr. Broderick wishes to offer an amendment he must have one made out and signed by himself.

Thereupon, the Bill was given its third reading.

Mr. Childs of Portland presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1057, L. D. 1512, Bill "An Act Relating to Retirement of Members of Portland Police and Fire Department not under State Retirement System."

Amend said Bill by striking out the 9th line thereof, the underlined figure "57" and inserting in place thereof, the underlined figure "55".

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

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number five under unfinished business, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act relating to Use of Decoys and Blinds in Merrymeeting Bay", House Paper 874, Legislative Document 1242, tabled on May 3 by the gentleman from Cumberland,

Mr. Call, pending acceptance of the Report.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: As I intend to move to substitute the Bill for the Report I would like to speak on it.

The SPEAKER: The gentleman may proceed.

Mr. CURTIS: This little Bill just changes one word, it takes out the word. As the law is now no decoys can be put in Merrymeeting Bay until one hour before legal shooting time, and they must be taken out within one hour after legal shooting time.

Now, what this Bill would do, it would allow the goose decoy to stay in overnight, because they are very big and heavy and is hard to put them in, and also for other reasons which I will try to explain.

The goose is a pretty wise old bird and he knows a lot more than a duck does. In fact he knows enough to go south winters, that is more than we do. And then he comes back in the spring with his family. And he lives to be around one hundred years old so he has quite a family. As you might know, if you went down to my farm now you might see three or four thousand floating around, but a month ago there were ten or fifteen thousand. And we are always glad to have them because morally they are a wonderful specimen of love or whatever you call it, because once my friend the male takes onto him a mate, and although he may live a hundred years he never looks at another female as long as his mate is living, and that is true.

Now, I see a lot of these geese. I never hunted one in my life, I never intend to. I never shot one. Although I have been aggravated enough by them too, because I remember one year they cost me about \$300, the stuff they ate off from me. I did appeal to the Federal Government and they gave me some relief, not money but they sent down some bombers and one thing and another to scare them off with, and they didn't bother us for the rest of that year.

Now, I do have planted down there twelve acres of rye and they

will feed it off, and I don't care if they do, because it is well fertilized and it will come again. In fact they will set us back about a month, and that is all right because it will be haying time if they come off naturally, and I will be done haying and can cut the rye in time. So the geese and I are on good terms, and I am not trying to catch them for that reason. But I do think inasmuch as they come up in the spring by the thousands and we feed them along there, that some of these boys who are so interested in geese and have hunting camps, like my good friend from Cumberland, Mr. Call; he has my camp, he has had it four years now, and I hope he lives to have it four years more, and I hope he gets some geese, but he has never got a goose yet, and I am trying to have him get one. That is a fact.

Now, in order to help him get some geese I want to leave these out over night, because as I say, these geese are very wise and as they come down, now mind you they have rested going up, and when they come back down they probably have it in mind that they would like a little rest in Merrymeeting Bay. They come down there and if they don't see any geese thereabouts or anything, they figure there is something wrong so they keep on going. Well, if you wait till morning to put your decoys out, by the time you get them out the duck business starts up. If you ever heard a battle cry, it sounds just about like it does down there on Merrymeeting Bay when it comes time to shoot, so Mr. Goose don't stop at all, he keeps right on going. So the boys don't get any geese.

Now, one of the men who lives there, Mr. Kelly, he owns a good deal of the land around Merrymeeting Bay, and whose main business is hunting, the boys felt that he could get out too many decoys and beat them. Because it is a gentleman's agreement, an unwritten law, that if you have decoys out no other sportsman will come up and put his near them. And they felt that him owning so much land he might get out too many. I went along with that until I had an amendment to correct that. Now, the Chairman of the Joint Committee who handled

this, he told me, in fact it was his idea to cut this down and it would be all right then if we recomitted it. But I thought the time was short and wouldn't do it. I thought I would let you folks decide it yourselves. And then a member of the Commission, the Inland Fisheries and Game, they said they thought it was a good thing. And there you have it, and that is what it is up to. Now, we have had this amendment cut down so you can only put out thirty-six, and maybe we could put them out in braces of twelve so there wouldn't be any more than three points.

Now, all I am interested in is that some of these boys might get a goose. Now if they don't want them, that is that. But I am sure that if they don't have any better luck than they have had in the past why they won't get too many, and I thought that this might help them get some. I think probably they will tell you like they told me that a great many of these sportsmen's clubs are against it. And I might say at the hearing the President of the Maine Sportsmen's Club, Mr. Carr of Richmond, appeared as proponent. And I belong to two of these sportsmen's clubs and they are not against it, although they don't think maybe they will get too many geese because they think they are too wise.

So I move, Ladies and Gentlemen, to substitute the Bill for the Report.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: My good friend and colleague, the gentleman from Bowdoinham, Mr. Curtis, and my Lord and Peer, I say that because he is my landlord—he has taken a lot of thunder out of the remarks that I would like to make, but I know he has never shot a goose, but there has been thousands of them there on Merrymeeting Bay. And sometimes it is much to his agitation when he looks over his field right in back of my camp and sees those thousands of geese.

This Bill primarily was put in for the benefit of just two people who own sporting camps for hire

and blinds, and the amendment that the gentleman from Bowdoinham, Mr. Curtis, has put in is very tricky, which we found to our amazement, and which surprised us. It allows a person to put thirty-six decoys out and leave them out after sunset in the evening to sunrise in the morning. Well now, you are going to start shooting a half hour before sunrise in the morning, so we take the thirty-six geese and divide them up into flocks of four, nine times four is thirty-six. That gives them nine points in the Bay, good gunning points to put four geese on and control nine places.

Now, it is a unwritten rule in the Bay that when you are proceeding out to hunt with your gunning float getting ready to go gunning, if you see a flock of decoys out you honor that position and you move on. Now, if this is allowed it means that we may proceed up the river a mile and find nine sets of decoys out, and there are no good places to gun because those fellows who own the property have got out geese decoys all along the Bay.

I would like to tell you ladies and gentlemen something. You know these goose and duck hunters are ninety per cent insane and ten per cent sane. They must be to hunt in rain, sleet and snow. So we ought to have a right to say how we shall suffer, us gunners, and I think this law is very unfair, all the gun clubs are against it, all the duck hunters are against it. We feel honestly if you want to get a good position to gun and put your tollers out that you have go to get there early in the morning and be the first man on the Bay to do it. And that is why I ask the indefinite postponement of this Bill and all its accompanying papers because it came out of that Committee unanimously "Ought not to pass".

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that the Report be indefinitely postponed.

The Chair recognizes the gentleman from Topsham, Mr. Jack

Mr. JACK: Mr. Speaker, Ladies and Gentlemen of the House: I opposed the Bill at the hearing. It is

a very, very selfish bill. The gentleman from Bowdoinham, Mr. Curtis, tells us that the geese are eating off his land. He said there is about 15,000 or 18,000 eating off about four acres of his land. The count in Merrymeeting Bay must be very small in accordance with what the count was by the Fish and Game Department. The gentleman from Bowdoinham, Mr. Curtis, ought to be proud of these geese because on about three acres of land down there, I think it was about two years ago, the geese got on and he had them driven off. The year before he cut three and a half tons of hay on this land, and by the geese being on there that spring and fertilizing his land and digging it up, he got thirty-five ton of hay off that same land. I have hunted for fifty-eight years straight in Merrymeeting Bay without a miss of a season. The first day of the season there is over a thousand hunters that hunt in Merrymeeting Bay. The Bill would allow any person to put out tollers if they own land or lease land on the shore. There isn't one man out of fifty who hunts in Merrymeeting Bay that has any shore rights whatsoever. On my land down there, my brothers and mine, we own three farms and a half, there is probably at least a thousand hunters goes off our shores during the hunting season. We want them to go because I have had the time of my life in the past and I hope that the coming generation will have the same opportunity. I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that the Report be indefinitely postponed.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I would just like to correct a few things my good friend, the gentleman from Topsham, Mr. Jack, has said. He said three acres of land of mine. I pay taxes on three hundred anyway on the waters of Merrymeeting Bay. And as far as what he tells about the fertilizer, I think that

don't go. There was about twelve acres and they did cut it down. Then the government came and took care of them, and the next year we did get a good crop. Now, I just want to say one more thing. These people, now this Mr. Kelly who owns land around there, he rents it to Martha Gardner, and he puts up signs saying no trespassing because it is Martha Gardner estate. But anybody, any of you folks who want to come down and hunt, you don't have to, I don't put up signs, you can go on my land and help yourself. But Mr. Kelly, all you have to do is tell him you are a hunter and he will never refuse you. And the other gentleman referred to, Mr. Carr, he does not put out any signs. And as I say, he is President of the Maine Association of Sports Clubs.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: As a member of the Fish and Game Committee we gave this Bill careful consideration. However I believe it was the opinion of the Committee that we would go along with the amendment if it said fifteen ducks or decoys. But we did feel that the ground could be held by a certain few hunters and that was the reason for putting it out "Ought not to pass". However, if the amendment said twelve or fifteen decoys we might go along with it, but thirty-six seemed like quite a lot.

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Call that Bill "An Act relating to Use of Decoys and Blinds in Merrymeeting Bay", House Paper 874, Legislative Document 1242, be indefinitely postponed.

The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I desire a division.

The SPEAKER: The gentleman from Cumberland, Mr. Call, requests a division.

Will all those in favor of indefinitely postponing this Bill please rise and remain standing until the

monitors have made and returned the count.

A division of the Houe was had. One hundred and three having voted in the affirmative and nine having voted in the negative the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of fourteen pupils from the eighth grade of the Baldwin Consolidated School, accompanied by Ida Ward. On behalf of the House the Chair extends to you ladies and gentlemen a most cordial welcome and hope that you will enjoy your visit with us today.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number six under unfinished business, House Divided Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators", House Paper 953, Legislative Document 1354, tabled on May 1 by the gentleman from Brunswick, Mr. Walsh, pending the motion of the gentleman from Augusta, Mr. Carey, to accept the Minority "Ought to pass" Report.

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

Mr. CAREY: Mr. Speaker and Members of the House: You will note that this measure was tabled on May first by Mr. Walsh. He's not here today. However, I have talked with him, and he is in agreement that this bill be discussed at this time. I spoke at some length on May first in regard to this bill, and I'd like to just refresh a few points.

Due to increase in costs and decrease in revenues, the survival of local bus lines in Maine may well depend upon this bill. This bill provides for a refund of the gasoline tax to the local bus lines. It applies only to local lines, operating largely on city and town ways rather than on state highways. Now who is in support of this bill? The preparation of the bill was prompted by a recommendation of the

New England Governors' Conference. This Conference appointed an impartial committee on transportation, the Maine members being Mr. Terrance Moore of Orono, Andrew Symes of Rockland, and Paul Thurston of Bethel. This committee recommended relief from gas tax. I quote from their report: "The current economic conditions affecting the privately owned transit industry render imperative an immediate revaluation of the afflictful gas structure."

Now the federal government has also taken steps in this direction, as have several states, and there is much legislation in other state legislatures pending presently. The Governor has supported this bill. The members of the Public Utilities Commission favor it. The press in Maine has come out strongly in support of this need. The municipal governments of Auburn, Lewiston, Portland, South Portland and Westbrook have passed orders for endorsement. A municipality without a bus line is at a decided disadvantage. Here in Augusta we are on the brink of losing our local line. Many other cities in Maine face the same problem.

There is an urgent need for this bill, and I urge you to accept the minority report.

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

Mr. BEYER: Mr. Speaker, in seconding the motion of the gentleman from Augusta, Mr. Carey, I'd like to give you a little bit of the word of some towns, like mine, I am sure there are others, who also benefit by bus service operated locally.

I know it is a national problem, and our state is no different from the nation, we've noticed that bus companies are wilting on the vine. As recently as 1951 the Portland Coach Company operated every half hour out in my town. At the present date, they are operating only every two hours, and on Sunday there is no service at all. I do feel that these companies, let me say first that I realize the problems of the Taxation Committee, in coming out with this bill, because once you do open the door, of course, a very great problem arises for the future. I also say that you cannot approach

that particular premise blindly, and that you must think of the alternative that you face.

Now, what do these bus companies do for communities, like the cities like my colleague from Augusta, Mr. Carey, has spoken, but also some of the outlying towns? In the first place, they supply to many of us a good deal of transportation for our schools, and the fare, of course, is one half. In the second place, they transport about half of our customers to the downtown merchants in the community centers where these local bus companies operate. Thirdly, to many of us they provide a second car for the families who live a little bit out in the country, and when the bread winner is traveling a lot, or salesman, the wife can get transportation to do her shopping and other necessities. Also, there's a point, and I don't know if it's been brought up yet, that this parking problem in the major cities is becoming quite serious. In my opinion, the preservation of the bus system is the only real solution to the parking problem.

Now, there are a few other factors that I would like to bring out without prolonging this matter too much. The alternative to privately operated bus companies is municipal operation if that seems necessary, and remember that this bus service to the industrial centers of our state, which are most important, is the workman's jitney. It's the only way that many of the people have to get to work, and if the municipality loses its privately owned bus company, then they must provide municipally operated companies. The experience of the country has been very poor. I am sure some of you are familiar with the Boston rate. When I used to go to school near there, the tariff was ten cents anywhere in municipal Boston. It is now twenty cents and about once a year you read in the Boston papers about the furor and levying a deficit on the benefiting municipalities in order to cover even the deficit of the municipally operated system when there is such a high rate of twenty cents a ride.

So I submit to you that before you vote against this bill that you think about the possibility and the

alternative of operating these bus companies municipally. I do also submit that although the price tag may be in the neighborhood of sixty-five thousand dollars that you can't think about that alone. You've got to think of the alternative, and the alternative to deficit financing municipally may be a lot higher figure. I think these people in privately owned companies are doing their best to operate their companies efficiently. They are providing a lot of service to towns other than just the cities mentioned, and in my opinion, they are a very important economic factor in our state today.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, since the New England Governors Conference, four of the New England states have enacted or adopted similar legislation. Those of us in the Biddeford, Saco and Old Orchard area realize this critical situation for it is very important for our area. We feel that it is a safe request. Under the anti-diversion amendment to our Constitution, the gas taxes have become in essence a fee for the use of the state highways. Local transit companies have little or no occasion to use these highways, being confined to their Public Utilities Commission certificates to operation on city streets or in a specific area. Because of this, the gas tax on them becomes a discriminatory and unfair burden. Those of us in the southern part of the state who depend a great deal on these local transits feel that this measure warrants their support.

The SPEAKER: Is the House ready for the question?

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

Mr. MAYNARD: Mr. Speaker and Members of the House: I would like to speak a word for the Maine people who must use the bus today, who have no car available in their own family for one reason or another. The children and mothers,—and if the bus companies ever go out of business it will be a terrible hardship. So I would like to favor this bill.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: As an operator under the Public Utilities Commission's authority, I feel that this bill is highly class legislation. And you may be quite sure that if you accept this that we people who do trucking will be in here with a similar bill in another legislature.

Now, we are up against this thing all the time. In 1942 I bought a cab and chassis for my business for \$742. I have got to buy another one right away, I have bought several since, the next one was higher and higher. And this next one doing the same job is going to cost me \$3800. I pay my man to drive it five times what I did in '42. I am paying for gas more than I did, I pay for everything. At that time I could get repairs done on my truck for \$1 an hour, and now I am paying \$3. And I don't mind telling you last year I paid \$1800 for repair bills on the truck that is hauling. We are all possessed with this problem. And I found that I had to raise my rates, and I believe that is what these people will have to do if they want to stay in business. I told my producers that I would have to have more money, and believe you me they didn't accept it kindly, in fact they got out a petition and went around amongst themselves. And I came within about two jumps of being out of business, but they found that no one else could haul it any cheaper so I am still in business and they granted me a ten cent raise.

Now, that is what these people are up against, I know they are up against a tough proposition, we are all up against this thing. With ever rising costs we are up against this thing. Ever rising cost of building roads we are up against the same thing. Are we going to take money from our roads and relieve these people, and next session relieve us people who are trucking other things and serving the public through public utilities? It is all wrong. Now, if people want this there must be some value to this business, and if these people want it I am sure they are willing to pay for it. They were willing to give me a raise when it came down to brass

tacks. Now, I think it is so wrong that I am going to move indefinite postponement of this bill and accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that both reports be indefinitely postponed.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I just want to go on record as favoring the Minority "Ought to pass" Report be accepted because we have a very small bus line in the area that I represent, and that bus line is in the same position as the other bus lines, having a hard struggle to exist. I certainly hope that the motion made by the gentleman from Bowdoinham, Mr. Curtis, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I would like to ask a question through the Chair if I may, and I would like to direct it to the gentleman from Bowdoinham, Mr. Curtis.

The SPEAKER: The gentleman may proceed.

Mrs. HENDRICKS: I would like to know that if he feels these buses use the state roads enough so that they should be paying taxes on a road that is supposedly broken up and has to be maintained because of the use of vehicles on that road?

The SPEAKER: The gentleman from Portland, Mrs. Hendricks, addresses a question through the Chair to the gentleman from Bowdoinham, Mr. Curtis, who may answer if he so chooses.

Mr. CURTIS: Mr. Speaker, in answer to the lady I would say that it has always been my contention that the people who use the roads should pay for them in proportion to what they use of them. Now, there is just two ways to do that, one is by the gas tax and one is by the toll. Now, if these people wish, these localities where these are located, wish to let up their excise taxes or property taxes that is going to be paid to cities I would really go along with that. But when it comes to a road tax that is different.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker, I just want to say that this is one time the gentleman from Bowdoinham, Mr. Curtis, and myself agree on, class legislation. I want to say that I certainly am not in agreement with subsidizing private companies. That is just about what this amounts to. If the buses can do it, next time the taxi cabs will be in, and they will be wanting to be subsidized, and I am just wondering where you will stop. And through the Chair I would like to inquire of anybody on the Taxation Committee what is the price tag on this?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to any member of the Taxation Committee who may answer if he so chooses.

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

Mr. CYR: Mr. Speaker, the price tag is between \$65,000 and \$70,000.

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

Mr. CHILDS: It is only a drop in the bucket, but sometimes these buckets add up when they keep coming in. I will go along with the motion for indefinite postponement.

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

Mr. BEYER: Mr. Speaker, I would just like to say one word in rebuttal to the gentleman from Bowdoinham, Mr. Curtis, and the gentleman from Portland, Mr. Childs.

When you are speaking of buses you have got one company with no captive customers. They are required to keep these vehicles for the peak season, and most people can turn to their cars on a good day, but in bad weather most of us turn to the buses. Now, when you are talking about trucking, next session we have got to give it to the truckers and next session we have got to give it to the taxicabs drivers, if you have got the

courage of your convictions you can decide independently each time. My point is the truckers are still competitive, operating in the same area as are the taxicabs. I know several different companies of taxicabs operating in Portland, I see no reason why they can't operate as they are now and it wouldn't be competition, in a similar manner to the trucking companies, but there is only one bus company in each area, and they are fast, as shown by the record, curtailing their service or even dropping entirely out of existence. And I don't think it is fair to compare the bus companies with truckers or taxicabs.

The SPEAKER: Is the House ready for the question?

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I know that the Portland Transit Company in Portland is in grave danger of going out of business unless relief is granted under this Bill. And before you people vote I wish you would consider what the problem would be as far as children going to and from school and housewives doing their shopping, and those families that have got to get about which do not have transportation. They do need to rely on these buses. I think we are justified in passing this Bill and granting the relief which they seek. These buses do operate for the benefit of all of us and the problem is quite acute in our cities here in the State of Maine.

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

Mr. QUINN: Mr. Speaker and Members of the House: I have had several communications from merchants in my area, and also from the Chamber of Commerce, urging me to support this legislation. Not necessarily for the bus companies but for the people who are compelled to travel into the community for their employment, for their merchandising and etc., that do not own automobiles. Further than that the Chamber of Commerce in my area in Bangor are very much interested in keep-

ing the bus going in that area, and it is now at a point where it is just wavering as to whether it can stay in business there. We have had it change hands two or three times, and no service rendered there, and it was a very great hardship to people who didn't own automobiles. A lot of poor people who work in the mills depend on those buses to go to and from their work to the mills. And another thing, it helps our community in the way of our parking problem, because people traveling on buses to their employment leave their cars at home and that lightens the parking burden in the community so that it gives people from outside more of a chance to come in and do business.. Therefore, I am going to support this Bill and vote against indefinite postponement, not for the bus company as such, but for the people in my area who depend on these buses to get them to and from their employment and their merchandising.

The SPEAKER: Is the House ready for the question?

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

Mr. ROSS: Mr. Speaker, I certainly believe that we have heard the pros and cons on this this afternoon. I doubt if anyone has any more information to add, I hereby move the previous question.

The SPEAKER: For what purpose does the gentleman rise?

Mr. SMITH: I want to speak to the House.

The SPEAKER: The Chair must advise the gentleman from Portland that a motion for the previous question takes precedence over any further debate on the question.

Mr. SMITH: I would like to say if Mr. Ross or anybody else —

The SPEAKER: The Chair must rule the gentleman is out of order.

Mr. SMITH: I would like to speak against the bill.

The SPEAKER: The Chair must rule that the motion for the previous question takes precedence.

The gentleman from Bath, Mr. Ross, has moved the previous question. In order for the Chair to entertain this motion it must have the consent of one-third of the House.

Will those who favor the Chair entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having indicated their favor of the motion, the question now before the House is shall the main question be put now.

For what purpose does the gentleman rise, he may debate only the question of shall the main question be put now.

Mr. CURTIS: Mr. Speaker, I would like to move that this vote be taken by division if it has not already been moved.

The SPEAKER: The Chair would ask the gentleman on which question does he want the division, whether the main question shall be put now, or the motion for indefinite postponement?

Mr. CURTIS: On the motion for indefinite postponement.

I just wanted to give some of the thinking of the Tax Committee on this before the question was put.

The SPEAKER: The previous question has already been ordered.

Will those who favor the Chair putting the main question now please say aye; those opposed, no.

The motion prevailed.

The SPEAKER: The main question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that with respect to item number six, Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators", House Paper 953, Legislative Document 1354, both reports be indefinitely postponed.

The gentleman from Bowdoinham, Mr. Curtis, has requested a division.

Will those who favor the motion to indefinitely postpone both reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-four having voted in the affirmative and eighty-seven in the negative the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Augusta, Mr. Carey, that the House accept the

Minority "Ought to pass" Report on Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators", House Paper 953, Legislative Document 1354.

Will those who favor the acceptance of the Minority "Ought to pass" Report please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Bill was given its first and second readings and assigned for third reading tomorrow.

The SPEAKER: The Chair now lays before the House item number seven under unfinished business, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Highways on Bill "An Act to Authorize the Construction of a Causeway, Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohn's with Chebeague Island", House Paper 19, Legislative Document 24, tabled on May 2 by the gentleman from Cumberland, Mr. Call, pending acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious that the people of the State of Maine are now in the process of planning for the future. The range of plans covers every activity of human affairs, and we the people, in communities all over the state have dedicated ourselves, and are now directing our civic affairs, in a manner, to advance the economy and well being of the entire state.

The size of our state and the diversified types of work, and business, required to maintain our economy, develops wide differences in opinion regarding the degrees of importance to assign to the people's requests and desires. There are, however, two major classifications which are absolutely necessary to establish the framework of any economy around which all other activities must revolve, namely: communications and transportations. Communications and transportations can be classified as the life blood of our entire state. We, on Che-

beague, believe that we understand and appreciate the present efforts for the development of new roads, advanced educational facilities, rules and regulations affecting every type of business, and in general realize that what benefits one section of our state helps us all.

On January 30, 1957 the people of Chebeague Island, Maine appeared before the Legislative Highway Committee and requested approval of a document number twenty-four, house paper number nineteen. This is an act to authorize the construction of a causeway connecting Cousins Island, and a bridge and causeway connecting Littlejohns with Chebeague Island.

Approval of this project should in the final analysis be based upon the major and important facts. Number one, the present economy of Chebeague Island, with three hundred permanent and two thousand summer residents is adequate to amortize a three million dollar investment, in a period of forty to fifty years. This opinion is expressed in an economic survey in which the estimated toll revenue is based upon 1954-55 passenger and freight revenues submitted to the Maine Public Utilities Commission by the Casco Bay Lines, in Portland, Maine.

This we consider to be a very conservative estimate and does not represent the full present amount of goods, commodities and services now used by the people on Chebeague Island.

There are one hundred sixty-five thousand people living within a fifteen mile radius of Portland, Maine, and Chebeague is ideally located within this area. Present surveys now revealed, show that Portland needs close to six hundred acres for industrial expansion. A bridge to Chebeague will relieve this difficulty by opening up a desirable residential section of over two thousand acres.

We recognize that a three million dollar allocation from the Highway Fund would not be reasonable or just in consideration of the overall highway needs of the State of Maine. We, therefore, request that this project be financed by a bond issue, and feel that the estimated revenue from tolls will justify this investment.

Any legislative action which involves the amount specified in this Act must be based upon the welfare of the entire State of Maine. Because of this, it is our sincere belief that a bridge to Chebeague is in keeping with sound planning, and will not only halt the decline of a valuable and important community, but will permit the people to increase their standard of living and also contribute to the overall welfare of the state.

I sincerely trust that all members have carefully studied the report of the survey for the Chebeague Island bridge. This project without question is the most worthwhile improvement to be undertaken in this area for many years, and is far reaching in the economy of the State of Maine. Approval of this undertaking has come from civic, industrial and educational organizations in Portland, Yarmouth and Cumberland.

They have viewed this construction from the state as well as the local level. The feasibility and practicability of the project was arrived at only after a period of years of thorough investigation and study, and only after review of all councils and committees of experts who are in a position to pass judgment based upon facts.

What are the advantages of a bridge like this to the State of Maine? It will increase the tourists into the state so that we may share in the national increase of vacation business. Increase land values and increased building will add revenue to the Town of Cumberland and the State of Maine. The decline in the number of summer people who come to Chebeague Island has been a permanent loss to the State of Maine because we know that these people no longer come to Maine. This lack of desirable transportation to and from vacation areas, is a major cause for our inability to maintain our average vacation travel. The reputation that Chebeague has as a desirable vacation area is well established and with this improved form of transportation, it has been estimated that the population will increase to thirty-five hundred in five years. In fifteen years the total population will be over five thousand. It must be distinctly understood and appreci-

ated that the present population of twenty-three hundred people will pay off a three million dollar investment within a period of forty years. This will not in any way cause an increase in taxes.

Now I don't want to take too much of your time, ladies and gentlemen, but the Bridge Committee after careful study of a group of engineers, they finally selected Fay, Spofford and Thorndike, who was recommended to them very highly, and whose opinion, without a question, through the years has been invaluable to all people who are in on such a project. The Portland Regional Planning Commission does endorse this bridge.

For the benefit of those who do not know where Chebeague is located, by sea it's about eight miles from Portland and six-tenths of a mile from Littlejohns Island. And now at the present time a bridge built by the Central Maine Power Company to Cousins Island and this would continue on to Chebeague if we did have the bridge. The island is about four miles long and a mile and a quarter wide. It has about sixty-four hundred acres, and it could accommodate five thousand people very easily.

The bond issue, as I said before, is about three million dollars and this includes the rate of interest, and nothing would be paid up for the first thirteen years except to accumulate, and then it would be paid off in blocks of twenty, forty, sixty and a hundred, and a hundred and forty and so forth till this is amortized.

I cannot say enough about this because we have worked so hard and we are really exhausted about it. The people down home and everywhere are for it and we worked hard, and I hope that you will go along with me to accept the Minority Report "Ought to pass" and when the vote is taken, I desire a division.

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that the House accept the Minority "Ought to pass" Report. The Chair recognizes the gentleman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, I want to go along with the remarks of the gentleman from Cumberland, Mr. Call. When the bridge was built across to Cousins Island, it certainly opened it up to a lot of people to build. There was a lot of land that you couldn't give away, and now I don't believe you could buy an inch of it. I am sure this will be the same with Littlejohns. I have been in the real estate business for twenty years and I know how scarce shore property is, and I am sure this will be an asset to the towns as well as our State.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: I too would certainly like to go along with my colleague, the gentleman from Cumberland, Mr. Call, and remarks by the gentlewoman from Yarmouth, Mrs. Knapp, are certainly true. And I think that the development of this State certainly needs it and there is one opportunity for expansion regardless of what part of the State is developed first, it is all an asset to the State, and this one happens to be the first one of real expansion and I certainly hope the Report will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker, as a signer of the Minority Report I would like to go on record as supporting the motion of the gentleman from Cumberland, Mr. Call. And my way of thinking is where this involves a lot of money it is a referendum vote anyway and I for one have the utmost faith in what the people want. I think they should have a chance to vote on it.

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

Mr. TURNER: Mr. Speaker and Members of the House: I signed the "Ought not to pass" Report. I am not going to battle this Act, but it looked to me that an island less than four miles long and a mile and a quarter wide with a three hundred year-round people and a two thousand summer population, could not support a toll bridge, and it

didn't look like good business to me, but maybe it is alright.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and MEMBERS of the House: My town is the neighboring town to Yarmouth. We have something in common, Freeport has, with Yarmouth, and I am in favor of this bond issue, this bridge, being put to the people of the State of Maine.

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

Mr. FULLER: Mr. Speaker and Members of the House: As Chairman of the greater Portland area Planning Commission which comprises eleven towns and cities in the greater Portland area, I want to say that we gave this serious study and we have gone on record as favoring it.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I wish to go on record with my good, or should I say arch, enemy here, the gentleman from Cumberland, Mr. Call. I think for once he is right. I am reminded of the great time we had in getting the bridge across the Kennebec River at Bath and Woolwich, and the Senator from that area took the legislature on a trip down there to show them the great need of it. I trust that the gentleman from Cumberland, Mr. Call may take us down. I do think he has a good bill and I think that it will turn out just as well as it did for the Bath vicinity and Sagadahoc and the bill has been paid for long ago. And I remember one of the things that he used, he said that three million dollars is a lot of money, it would take care of the bridge and it would pay for itself and it did, and it paid for itself much quicker than we had anticipated.

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

Mr. MAYNARD: Mr. Speaker, yesterday afternoon after the long hot session, on the way back to Portland I took a turn over toward

that bridge and went over the bridge at Cousins Island and looked around. I wish we could have all been there in that heat, we would have really enjoyed it. I think this is a tremendous plan in the offing. I would like to read a couple of lines from this little booklet that we all have. "Present surveys now revealed show that Portland needs close to six hundred acres for industrial expansion. A bridge to Chebeague will relieve this difficulty by opening up a desirable residential section of over two thousand acres." I would like to go along on record as favoring this plan.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker and Members of the House: Maybe I shouldn't be talking on this issue where I live so far away, but this is more of an important issue than you think it is because a very good friend of mine from Long Meadow, Massachusetts, sent me a telegram which is in the possession of the gentleman from Cumberland, Mr. Call, and said: "Be sure and vote for this bridge".

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Davis

Mr. DAVIS: Mr. Speaker, I would like to inquire through the Chair to the gentleman from Cumberland, Mr. Call, who owns the bridge now from the mainland to Cousins Island?

The SPEAKER: The gentleman from Westbrook, Mr. Davis, addresses a question through the Chair to the gentleman from Cumberland, Mr. Call, who may answer if he chooses.

Mr. CALL: Mr. Speaker, I think I am right, the State does.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that the House accept the Minority "Ought to pass" Report on Bill "An Act to Authorize the Construction of a Causeway, Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island," House Paper 19, Legislative Docu-

ment 24, and the gentleman has requested a division.

Will all those who favor the acceptance of the Minority "Ought to pass" Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-two having voted in the affirmative and sixteen having voted in the negative, the motion prevailed.

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

The SPEAKER: The Chair now lays before the House item number eight under unfinished business, Bill "An Act Increasing Certain Fees of Sheriffs and their Deputies", Senate Paper 226, Legislative Document 569, tabled on May 2 by the gentleman from Bangor, Mr. Quinn, pending passage to be engrossed. The Chair recognizes that gentleman.

Mr. QUINN: Mr. Speaker and Members of the House: This matter was tabled to await another matter having to do with the same subject matter that hasn't arrived yet, and in order to save time it might be well to have it tabled until that other matter comes in from the other body. So I move that it lay on the table.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Quinn, that with regard to Bill "An Act Increasing Certain Fees of Sheriffs and their Deputies," this matter be retabled pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

The SPEAKER: The Chair now lays before the House item number nine under unfinished business, Bill "An Act Revising Law Relating to Pharmacists", House Paper 951, Legislative Document 1352, tabled on May 2 by the gentleman from Millinocket, Mr. Emerson, pending passage to be engrossed.

Mr. Emerson of Millinocket offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P 951, L. D 1352, Bill, "An Act Revising Law Relating to Pharmacists."

Amend said Bill by striking out all of "Sec. 12" and inserting in place thereof the following:

'Sec. 12. R. S., c. 68, § 15, repealed. Section 15 of chapter 68 of the Revised Statutes is hereby repealed.'

House Amendment "A" was adopted, and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number ten under unfinished business, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Judiciary on Bill "An Act relating to Trial Terms of Superior Court in Aroostook County", House Paper 970, Legislative Document 1370, tabled on May 3 by the gentleman from Perham, Mr. Bragdon, pending the motion of the gentleman from Caribou, Mr. Brewer, to indefinitely postpone.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I want to go along with the motion of the gentleman from Caribou, Mr. Brewer, to indefinitely postpone. This is a county matter. I speak only for myself and not other members of the county delegation.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, that Bill "An Act relating to Trial Terms of Superior Court in Aroostook County", with respect to that bill, the Committee Report be indefinitely postponed. Is this the pleasure of the House?

The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, to give you the thinking of the Committee on this particular bill, I kind of hate to get into lawyers again, but the bar association of Aroostook County favors this bill.

The Court at Caribou, I think I can be corrected on these figures, that there were two or three trials at their last session and it has become so that very little work is being done or taken to the Caribou Court and it becomes a matter of expense and a matter of carrying records, and this was recommended by the Aroostook County Bar Association for this. I think the Chairman of our Committee has a letter to that effect in his possession or the possession of the Committee. I can understand the feelings of the gentleman from Caribou, Mr. Brewer about losing the court term in Caribou, but it is just that there is not enough work on the docket to make it plausible to keep the court there, so that all the terms will now be heard in Houlton, so I am therefore against the motion to indefinitely postpone the bill.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, with respect to item ten, Bill "An Act relating to Trial Terms of Superior Court in Aroostook County" that the Report be indefinitely postponed. Will those who favor the indefinite postponement of this Report please say aye, those opposed, no.

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

The SPEAKER: The Chair now lays before the House item number eleven under unfinished business, House Divided Report, Report "A" reporting a new draft "B", House Paper 1080, Legislative Document 1554, under new title; Report "B" reporting a new draft "A", House Paper 1081, Legislative Document 1555, under same title, and Report "C" reporting "Ought not to pass" of the Committee on Highways on Bill "An Act to Authorize Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island", House Paper 179, Legislative Document 242, tabled on May 3 by the gentleman from North Haven, Mr. Baird, pending acceptance of any Report, and the Chair recognizes that gentleman.

Mr. BAIRD: Mr. Speaker and Members of the House: I move that we accept Committee Report B, reporting new draft A, H. P. 1081, L.D. 1555 under the same title. The present ferries down there have proved inadequate now, and we've paid our own way so far. We've come to the point now where we must expand in order to keep on going. The only objection that I have heard to our survey is that it was done by us at a minimum cost. We consulted Fay, Spofford and Thorndike, the engineers mentioned before on the Chebeague Island bridge. We consulted Dwight Simpson, Naval Architect, who designed the ferries in Buzzards Bay and supervised their construction. We studied the operation of the ferries there and projected these costs and figures in our own picture. I am confident that they are conservative, and the great development potential of this area could more than pay for the money used. If we are lucky enough to obtain second-hand boats that will do the job, we may get out of it for substantially less than the money requested. This bill has a referendum clause on it, and I want to read from today's paper, Rockland Courier-Gazette: "As the House neared a vote on the two million, five hundred thousand dollar bond issue an incident took place in the bay which pointed out graphically the need for adequate ferries to serve the islands of North Haven and Vinalhaven.

"A crewman on the passenger and freight boat bound from Rockland to Vinalhaven fell overboard and was nearly lost Tuesday afternoon.

"In order for him to go forward on the vessel to carry out his deck work, he had to crawl over a car being carried cross ships forward of the pilot house. The narrow width of the deck was filled by the vehicle.

"As he crawled over the car's hood and bumper, he fell and slipped overboard. He couldn't swim and was rendered unconscious by his fall against the car's bumper.

"Another crewman jumped overboard and swam for the man, now one hundred feet astern and un-

conscious. He kept him afloat until the ship turned back and the crewman was revived after both were pulled aboard.

"Passing back and forth over cars is a necessity on the small boats now in use."

I have another editorial from a recent Maine paper: "The matter of Island ferries — meaning ferries between the mainland and Vinalhaven, Islesboro and North Haven — came before the Legislature's Highways Committee last week when a group of salt-sprayed residents pleaded for a service that would bring them comfort, welfare and prosperity.

"At present small ferries operate; but they are not large enough to transport automobiles safely, and testimony was given that cars frequently have to be left on the island for weeks because they have lost their turn; that summer residents are booking passage one to two years ahead, and even then with no certainty that their schedule can be met.

"The island residents, of course, are paying their proportional share of state taxes; but they are losing their share of the tourist business because of the transportation difficulty. It was pointed out that the state has built toll bridges to span rivers and do away with the small ferries. A recent case in point is the Rumford Point bridge, though it is not a toll bridge.

"The report from the State House was that 'there was no opposition' to the petitioners' bill. How could there be? Common sense and fair play seem to demand that the state float a bond issue to finance new ferries."

The SPEAKER: The question before the House is the motion of the gentleman from North Haven, Mr. Baird, that the House accept Committee Report B, reporting a new draft A, under the same title.

Is it the pleasure of the House that the House accept Committee Report B, reporting a new draft A under the same title? The Chair recognizes the gentleman from Hal-lowell, Mr. Vaughan.

Mr. VAUGHAN: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps my feelings on this situa-

tion can be best summed up in the words of a North Haven cottage owner: "I think the grandiose scheme" this is quoting, "of a ferry talked about last summer is ridiculous, but I do feel that we need a new boat for the sake of safety, if nothing else."

We have been told a survey has been made. I'm sure it was conscientiously carried out and completed, but I do not feel that it was made by people that were not unbiased. They want the State to back a two and a half million dollar bond issue in their favor.

The bill does not tell us, except in the vaguest terms, what the money will provide. The present ferry for North Haven cost in 1946 twenty-seven thousand dollars. By the way I speak of the North Haven end of it because that's the end of it that I do know. My wife happens to own a summer cottage over there. For eight months out of the year, it runs in the red for lack of business. For the past eleven years of operation the Town of North Haven Port Authority has run in the black to the amount of twenty-seven thousand nine hundred dollars. However, three years of the eleven years of operation show a loss of four thousand seven hundred and twenty-one dollars. We are being asked to supply five hundred thousand dollars to build, maintain, operate a ferry and wharf facilities that the operating revenue will pay off in twenty-five years.

I think these islands who represent three tenths of one per cent of not only the state's population but three tenths of one per cent of its valuation are asking too much of us by having us O. K the borrowing on the state's credit seven per cent of the existing bonded debt.

I have the islands' interest at heart despite my stand and I feel they do need better transportation. As a state representative, I do not represent just one group of people, I represent the state on matters that pertain to the whole state. I feel I must oppose this bill as it has been presented because I cannot see how it would ever pay back the debt.

Where is the proven need, not the wish? Where are the unbiased facts?

Must "all little pigs go to market; all have roast beef if any do and all say 'wee wee' and, I might add, all emit the same grunts about the necessity of eliminating from the gang those 'who stand up or stand out in any direction.'"

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Stilphen.

Mr. STILPHEN: Mr. Speaker and Members of the House: It is indeed an opportunity for me today to stand on my feet and go along with my good colleague, the gentleman from North Haven, Mr. Baird. I come from the City of Rockland which is at the other end of the route these ferries will take, and I assure you that the Development Commission in Rockland, The Knox County Development Association, the Rockland Chamber of Commerce, and all chambers of commerce and all interested people in that area are very much in favor of these ferries. We know that in the State of Maine we have one thing and that is our sea coast. It is one of the greatest assets that any state in the Union has, and we have it available to us. And our off shore islands are an asset included in that. And when we make the possibility available for people to go back and forth to those islands, whether it be by bridge, ferry or whatever means, I am sure that the development of those islands is going to be paramount. We have seen the offshore islands in Rockland go down economically for many years because of the lack of proper transportation facilities. We have heard from the summer folks on the islands, and we know that less and less of those people are going to those islands because of the fact that they do not have the transportation facilities. And I am sure that if the people of the State of Maine have an opportunity to vote on this referendum that they will approve it one hundred per cent. I therefore hope that the motion prevails.

The SPEAKER: The Chair recognizes the gentlewoman from Lovell, Mrs. Harriman.

Mrs. HARRIMAN: Mr. Speaker and Members of the House: An owner of a department store in

Norway called me over the weekend and wanted me to go on record as supporting this measure. He said that they used to have ferry service until during the war they had to give it up.

One of the redrafts made a recommendation that the State spend \$25,000 in investigating the plausibility of a ferry. He said this investigation had already been done by the island people and the shore residents. And he thought that \$25,000 in further investigation would be just plain thrown away. He also said that they made surveys that would prove to them that the ferry would pay for itself. I therefore support the motion of the gentleman from North Haven, Mr. Baird.

The SPEAKER: The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker, Members of the Legislature: In regard to L. D. 1555, An Act to Authorize Ferry Service for North Haven, Vinalhaven, Islesboro and Swans Island, perhaps I should make known to the legislature my thinking as a signer of the Report A.

The Committee gave this bill very serious consideration. I would like also to compliment the sponsors of the bill in presenting their Act in a dignified and businesslike manner, and Report A does not seek to detract, in any way, their desire for better ferry service to the islands.

The signers of Report A felt that the State should not be committed to a project calling for a bond issue of two million, five hundred thousand dollars without first having a thorough survey made by the State. Report B, as you know, the only difference in Report B from the original Act is that it designates the Port Authority instead of the Highway Department as the builders, to carry out the Act. We all know there are many other islands on the coast of Maine, and we felt that this might set up a precedent for any further demands on, that we might have in the legislature for ferry service to other islands.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker and Members of the House: As a signer of Report "B" I would like to sup-

port the motion of my friend, the gentleman from North Haven, Mr. Baird. And my reason is that a survey has already been taken recently. If the other report were accepted which provided for \$25,000 for a survey I think it might well be wasted, and at the same time, even if the next legislature were to go along with it, it would still be four years before it would get before the people. I think that the people of the State of Maine on referendum should have the chance to vote on this Bill. I think if they decide that they want to take the risk for this town on the sound or unsound venture they should have a chance to do so, and I hope Report "B" is accepted.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: As a signer of the "Ought to pass" Report I would like to express my thinking on the matter. I believe that we should vote yes on this proposition, first, because it is sound, and second, because it is a resolve that must be referred to referendum, and requires a positive vote here before it can be referred. To vote no would be to close the door prematurely I think.

I realize that no issue of this magnitude is all black nor all white. But this one which affects the lives and the future of every person on those islands, deserves to be referred to the highest tribunal, which is the electorate of the State of Maine.

I spent considerable time last summer on the Isle of Islesboro discussing this very subject with the officials there. To them the ferry is their highway, it is the only connecting link with the outside world. And I can assure you that the need is genuine and deserves your support.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Bean.

Mr. BEAN: Mr. Speaker and Members of the House: As the representative of one of the towns involved in this ferry service, the Town of Islesboro, I want to go on record in support of my good friend,

the gentleman from North Haven, Mr. Baird, in favor of this measure.

For several years now the Town of Islesboro has operated a ferry and operated it at a profit, but the boat is too small, it has got to a point where they must have replacement, and they are willing that the other islands that lie just beyond them have the same opportunity as they have, and having visited those islands several times I am confident that this wouldn't cost the State of Maine a penny, but would eventually pay for itself, perhaps sooner than most of us think, and afford an opportunity for the people living on those islands to develop and enjoy some prosperity, which we all know they need.

The SPEAKER: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I am a member of the Knox County delegation as you all know, and I just want to go on record as strongly favoring the motion made by the gentleman from North Haven, Mr. Baird, that this motion is passed, and that all of my friends in Knox County are urging me to vote for this motion.

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

Mr. HENDSBEE: Mr. Speaker and Members of the House: I think there is one point that hasn't been brought out. And it has been proven I think, without any question that these boats are too small, too inadequate, and overloaded. And floating over water, disaster is always prevalent. If something should happen and ten or a dozen people lost their lives there we would come in here screaming for larger boats over night. Now, with that thought in mind, and others, knowing that the thing is most worthy, I would like to go along in support of the motion of the gentleman from North Haven, Mr. Baird.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from North Haven, Mr. Baird, that the House accept Committee Report "B", reporting New Draft "A" under the same title on Bill "An Act

to Authorize Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island", House Paper 1081, Legislative Document 1555. The Chair understands the gentleman from North Haven, Mr. Baird, requests a division.

Will those who favor the motion to accept Committee Report "B" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and seventeen having voted in the affirmative and three having voted in the negative, the motion prevailed and New Draft "A" was given its first and second readings and assigned for third reading the next legislative day.

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to escort to the rostrum the gentleman from Portland, Mr. Childs, to serve as Speaker pro tem.

(Off record remarks)

The SPEAKER pro tem: Under Orders of the Day the Chair lays before the House item number twelve under unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Injury to Monuments and Places of Burial", House Paper 920, Legislative Document 1310, tabled on May 3 by the gentleman from Bangor, Mr. Quinn, pending acceptance of the Report, and the Chair recognizes that gentleman.

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I was asked to sponsor this L. D. 1310 by an acquaintance of long standing who had a very unhappy and unpleasant experience. He felt that something should be done about it so that somebody else would not suffer the same experience that he had.

It seems that he has been brought up in a town adjacent to where I live, and recently has been living in the western part of the state. Last summer he had occasion to go to his old home area for a visit, and while there he discovered that the cemetery, an ancient cemetery, in his home town where his ancestors

had all been buried had a very unusual thing happen to it. It seems one of the local civic groups in that area had a little money in the treasury, and the cemetery, in their way of thinking, needed some care. The grass needed to be cut, the bushes cut, the trees trimmed, et cetera. They thought it was a good idea to spend that money for that purpose. They hired a man from an adjoining town who had a crew to go in there and improve the cemetery. Apparently, there was some kind of misunderstanding because the man and his crew went in, and without authority of any of the lot owners, removed the monuments on their lots into a corner of the field and deposited them in a pile, breaking many of them. And then started to bulldoze the graveyard. Before he got very far in the bulldozing, some of the people in the community who were interested in the cemetery saw what was going on and they stopped it. But not before many of the grave locations had been so destroyed that they could not be relocated. It is one of the very old cemeteries that had no plan. Now, we have on the statute books of our state a law making it a misdemeanor for anyone to willfully destroy any burial monuments on the graves in cemeteries, and we ask that that be amended by not only providing that it would be an offense if it is done willfully, but also that it be an offense if it is done without authorization. In other words, if there is anything to be done in these cemeteries toward improving the cemeteries, if it was to affect the lots and the monuments on them that a definite plan should be had, and the authority of the folks owning the lots in the cemetery and the monuments on the graves should be had before anything was done. So that a recurrence of this thing couldn't happen in some other cemetery.

Therefore, the Act by this L. D was amended by adding the words "or without authority." This Act went before the Judiciary Committee and at the time it was suggested that an amendment might be added to it to include the word "intentionally." Because this Act not only refers to monuments, but it also refers to other structures like fences

and so forth, and the question arose what if somebody should come along the highway in an automobile and suddenly it went out of control and destroyed or injured the fence. Would he have committed an offense under this? And, of course, he would have without an amendment.

I talked with the Chairman of the Committee and other members of the Committee and they suggest that they would be satisfied if the word "intentionally" was inserted after the words "without authority" so that it would read "whoever willfully or without authority intentionally destroys or injures any tomb, gravestone, monument or other object placed," and so forth. Now, with that amendment the members of the Committee tell me that they are willing to go along with the L. D., the Committee having previously reported "Ought not to pass". In order that I might put the amendment on it to conform with the request of the Committee, I would now move that the bill be substituted for the report.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bangor, Mr. Quinn, that the Bill be substituted for the Report.

The Chair recognizes the gentleman from Greenville, Mr. Harris.

Mr. HARRIS: Mr. Speaker, may I address a question of the gentleman from Bangor, Mr. Quinn, through the Chair?

The SPEAKER pro tem: The gentleman may proceed.

Mr. HARRIS: As benign president of the Greenville Cemetery Corporation for several years, what effect would this legislation have on graves where no heirs or anyone connected could be found? In other words, what would the Cemetery Corporation be able to do in any town for improvements and so forth on graves that some other person might consider harmful but the Corporation would not? And no heirs can be found. We have several cases like that in our cemetery at the present time.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Quinn, has heard the question and he may answer if he so desires.

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

Mr. QUINN: I don't feel that the Act would interfere with any lawful act that the Cemetery Corporation might want to do to improve the cemetery. If you will note, this refers to destroying and injuring, and you certainly wouldn't do that.

The SPEAKER pro tem: Does that answer the gentleman's question?

The question before the House is the motion of the gentleman from Bangor, Mr. Quinn, that the Bill be substituted for the Report. Is this the pleasure of the House?

The motion prevailed and the Bill was given its first and second readings.

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

Mr. QUINN: Mr. Speaker and Members of the House: I now move to amend the Bill by House Amendment "A" which is covered in filing 357.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Quinn, presents House Amendment "A". The Clerk will read the Amendment.

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

HOUSE AMENDMENT "A" to H. P. 920, L. D. 1310, Bill, 'An Act Relating to Injury to Monuments and Places of Burial.'

Amend said Bill by inserting after the underlined word "authority" in the 4th line thereof, the underlined word 'intentionally'

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

The SPEAKER pro tem: Under Orders of the Day the Chair now lays before the House item number thirteen under unfinished business, House Divided Report, Majority "Ought to pass" in New Draft, House Paper 1069, Legislative Document 1529, New Title "An Act relating to Coercive Practices in Trade or Commerce" and Minority Report 'Ought not to pass' of the Committee on Business Legislation on Bill "An Act relating to Coercive Practices in Retail Sale and Distribution of Gasoline", House

Paper 935, Legislative Document 1328, tabled on May 3 by the gentleman from Bingham, Mr. Shaw, pending the motion of the gentleman from Auburn, Mr. Wade, to indefinitely postpone.

The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, Ladies and Gentlemen of the House: Last week I made a few remarks on this Bill, and I would like to refresh your memories just a little at this time.

The new draft which came out of a "Majority" report of the Business Legislation Committee did not specify gasoline alone. They felt that it had merits enough so that it should include all business in trade and commerce. This is a bill that affects not only small businesses but large businesses as well.

A coercive practice is one that interferes, constrains or compels any business to lower their prices or in any way interfere with their normal way of business. Last year approximately one third of the small businesses in the State of Maine which were mostly gasoline station operators and small retail stores, went out of business. This was one of the reasons.

In the hearing on this Bill there was absolutely no opposition, and I feel that this is certainly something that we should all take note of. It has been stated that this Bill is in the criminal section of our statutes, and rightly so, it should be if it is driving our small businesses out of business.

Ladies and Gentlemen, I hope the motion of the gentleman from Auburn, Mr. Wade, does not prevail.

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

Mr. WADE: Mr. Speaker and Members of the House: I signed the Minority Report on this Bill 'An Act relating to Coercive Practices in Trade or Commerce' primarily because I don't believe that we should so lightly amend the criminal law. This is a new section in chapter 130, 'Crimes Against the Person.' Also it is one of these new draft situations, that I feel, as usual didn't get an adequate hearing. Finally, although this Bill is very

broadly written to include everybody, I don't see any evidence of any general interest in the enactment of any such type of legislation. I hope my motion does prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that when a bill has a public hearing such as that one did, I happened to sit in and hear most of it, also when the committee report came out in favor of passage of this Bill, and then we have told to us here that it did not receive favorable hearing, and questions evidently the majority report, it seems to me we have got more to consider here than just have somebody tell us that. And I think that the gentleman from Bethel, Mr. Saunders, has covered the situation very well, and I certainly will support him in his stand and hope the motion of the gentleman from Auburn, Mr. Wade, does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker and Ladies and Gentlemen of the House: I would like to submit the fact that the gentleman from Livermore Falls, Mr. Kinch, signed the "Ought not to pass" Report on the hearing. Since that time he has had time to talk to his constituents who have suffered from both coercive practice and discrimination which is also covered under item fourteen, and wishes to go on record as favoring the "Ought to pass" Report. You will recall the week before last a discussion by our Majority Floor Leader regarding action by the Committee on Transportation investigating the retail gasoline variation in prices. These two particular items have to deal with that, and I certainly hope the motion of the gentleman from Auburn, Mr. Wade, does not prevail. Those operating now openly and aboveboard will not be hurt by either of these bills. It is just the fellow operating under the table that is going to be clipped.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Auburn, Mr. Wade, that this Bill and accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, I ask for a division.

The SPEAKER pro tem: The gentleman from Bethel, Mr. Saunders, has requested a division.

The Chair recognizes the gentleman from Lovell, Mrs. Harriman.

Mrs. HARRIMAN: May I ask a question of a gentleman of the law or the author of the bill through the Chair?

The SPEAKER pro tem: The gentleman may proceed.

Mrs. HARRIMAN: I am interested in this bill, I have read it over but I don't understand law very well. And is there any stipulation that will prohibit a merchant from both retailing and wholesaling petroleum products, not gasoline, I am thinking of bottled gas. Is there anything in this bill that would prohibit a dealer from on the one hand retailing it for the heating of a garage or school or something like that, and on the other hand selling it for consumption in the kitchen?

The SPEAKER pro tem: The House has heard the question, any individual or member of the House who so desires may answer.

The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker, I think the gentleman from Lovell, Mrs. Harriman, has in mind another bill that prohibited a wholesale distributor from engaging in retail business. That is not covered under this bill.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Auburn, Mr. Wade, that Bill "An Act relating to Coercive Practices in Trade or Commerce", House Paper 1069, Legislative Document 1529, and its accompanying papers be indefinitely postponed. The gentleman from Bethel, Mr. Saunders, has requested a division.

All those in favor of this Bill being indefinitely postponed will kindly rise and remain standing until the

monitors have made and returned the count.

A division of the House was had.

Twenty-two having voted in the affirmative and seventy-four having voted in the negative the motion did not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, may I ask a point of parliamentary law, is it only customary or is it required that one vote either way on these measures?

The SPEAKER pro tem: The rules read that every member shall vote on all questions.

The Chair understands that the gentleman from Bethel, Mr. Saunders, moves that the Majority 'Ought to pass' in New Draft Report be accepted. Is this the pleasure of the House?

The motion prevailed and the New Draft was given its first and second readings and assigned for third reading tomorrow.

The SPEAKER pro tem: Under Orders of the Day the Chair now lays before the House item number fourteen under unfinished business House Divided Report, Report 'A' reporting a New Draft, House Paper 1070, Legislative Document 1530, and Report "B" reporting "Ought not to pass" of the Committee on Business Legislation on Bill "An Act to Eliminate Discrimination Between Purchasers", House Paper 932, Legislative Document 1325, tabled on May 3 by the gentleman from St. Albans, Mr. Hughes, pending the motion of the gentleman from South Portland, Mr. Earles, to accept Report "A".

The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker, Ladies and Gentleman of the House: It seems that I have had the experience in two or three of my bills of hitting the late afternoon. In view of that and the warmth and if it wasn't for the fact that attorneys received a vote of confidence this morning, I might be disinclined to even get up. But in view of the fact of that vote of confidence, I have the temerity to indicate my sponsor-

ship of this bill which is to eliminate discrimination between purchasers. Now for the actual matter in substance what this relates to is the relationship of the supplier of any commodity to the purchaser, and the purchaser is the retailer who in turn sells to the consumer, and it relates to this specifically, that like quantity, like grade sold in the same area to the same class of retailers for the same price is considered no violation. But what this Act seeks to do is to penalize the supplier who makes a differential price to one person to one retailer in an area, in a class, selling the same commodity with the idea of controlling the price in what particular area. What it does is create an inequality of competition between the retailers. Such an action is inherently against any individual sense of fair play. That is the intent, that is the purpose of the Act, to eliminate those instances, those occurrences whereby a supplier of a commodity, whether it be to a person dispensing gasoline or drug products or grocery products or any other products, can use one retailer of such commodity to dominate the other retailers in the same area selling the same class or specie of merchandise. In other words, to avoid having such a supplier have ultimately and for a sustained period of time those retailers under his either individual or corporate thumb. And we have had that specific example of that occurring in the gasoline industry. That is the most obvious one, that is the most publicized one. I make no pretence of having worked in a gasoline station or a drug store or a grocery store. There are those here who have had that experience of each of one of the enumerated facilities, and I think perhaps if they feel it necessary they can give pointed and graphic experiences of this practice that has been in existence for some time that has plagued the entire country and in our own respective instance the State of Maine.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from South Portland, Mr. Earles, that Report "A" "Ought to pass" in New Draft be accepted.

The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker pro tem and Ladies and Gentleman, I am not sure what the Bill does. That is why I am standing here. Some of the language garbled, it seems to me, to some extent here. It states "to make it unlawful for any person engaged in commerce to discriminate between purchasers where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly or injure, destroy or prevent competition." I don't know exactly what that is supposed to mean. Now, any businessman contemplating a price decrease would be able to—whether or not he would be able to determine what is substantially to lessen competition—would even under this attempt to do it. And with the possibility of being hauled into court under the penalties provided here in this Bill.

There seems to be the incorporation, trying to incorporate the Federal Act, the Robinson-Patman Act into Maine law, which has been done in other states, but I wonder if it is absolutely necessary in this state. I believe the Bill, the gentleman from South Portland, Mr. Earles, has stated it was originally for the purpose of the retail gasoline dealers, and they have incorporated everyone now into the Bill. There is one bit of language that is missing that forms a corner stone of our competitive economy, the words "in good faith." It has been recognized under every Federal act dealing with price discrimination that a seller acting in good faith has a right to lower his price to meet a lawful lower price offered by a competitor. You can picture the situation of a state-wide dealer having to lower his prices all over the State of Maine to help the fellow those areas along the border. New Hampshire somewhere, because that is where real competition comes for those small businessmen in the State of Maine, particularly around those areas along the border. New Hampshire is an excellent position lying between Maine and Massachusetts to cut their prices on a lot of things. And for a price cut to help the Kittery man would have to

take effect under this Bill all over the State of Maine.

I simply question the language of the Bill, I wonder if even it is a workable bill to enforce these various offenses. And would it not in effect require business to hire a full time antitrust attorney to keep track of whatever they do or attempt to do with regard to prices. It seems to me you are clamping down on honest and true competition.

The SPEAKER pro tem: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I don't know as I am qualified to speak on this, but I think the bill that we just passed was a bad bill, I feel this one is worse. I hope we give this one different treatment than we did the preceding one.

The SPEAKER pro tem: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I move that this bill and its accompanying papers be indefinitely postponed. And to make a long story short I don't believe we can live with this piece of legislation and free enterprise, they don't live under the same roof. I believe that all commodities should be sold on the basis of free enterprise and on a competitive market.

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

Mr. TEVANIAN: Mr. Speaker, at the expense of irking the gentleman from Kittery, Mrs. Burnham, I wish to point out the second section of this act, I believe we have some language that has already been declared unconstitutional by our courts. I believe if you will look at your Legislative Document number nineteen, you will find substantially the same language being repealed by this same legislature as being unconstitutional, and that is to the prima facie sections of the second part of this Bill. Thank you.

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

The question before the House is the motion of the gentleman from Enfield, Mr. Dudley, that with regard to Bill "An Act to Eliminate Discrimination Between Purchas-

ers", House Paper 932, Legislative Document 1325, that both reports be indefinitely postponed.

All those in favor of the indefinite postponement of these reports will say aye; those opposed, no.

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

The SPEAKER pro tem: Under Orders of the Day the Chair now lays before the House item number fifteen, Bill "An Act to Revise Certain Motor Vehicle Laws", House Paper 403, Legislative Document 533, tabled on May 7 by the gentleman from Bangor, Mr. Totman, pending the motion of the gentleman from Dexter, Mr. Roberts, to reconsider adoption of Committee Amendment "A" under suspension of the rules.

The Chair recognizes the gentleman from Dexter, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker and Members of the House: I now withdraw my motion and offer House Amendment "A" to Committee Amendment "A" and move its adoption.

The SPEAKER pro tem: The gentleman from Dexter, Mr. Roberts, moves that the House reconsider its action whereby it adopted Committee Amendment "A", under suspension of the rules. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: The gentleman from Dexter, Mr. Roberts, now presents House Amendment "A" to Committee Amendment "A", and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P 403, L. D 533, Bill, "An Act to Revise Certain Motor Vehicle Laws."

Amend said Amendment by inserting before the last paragraph thereof, the following:

"Sec. 5-B. R. S., c. 22, § 43, amended. Section 43 of Chapter 22 of the Revised Statutes is hereby amend-

ed by adding at the end thereof, a new paragraph, as follows:

'The provisions of this section shall not apply to unregistered farm tractors.'"

House Amendment "A" to Committee Amendment "A" was adopted.

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

Mr. TEVANIAN: Mr. Speaker, I have discussed this matter with the House Chairman on Transportation and other members of that committee and I believe that we would like to table this until tomorrow pending another amendment.

The SPEAKER pro tem: The question before the House now is the motion of the gentleman from Portland, Mr. Tevanian, that this matter lay upon the table specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank the gentleman from Portland, Mr. Childs, for his excellent help as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Portland, Mr. Childs, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

The SPEAKER: For what purpose does the gentleman arise?

Mr. STORM: I would like unanimous consent under suspension of the rules and out of order to take up an item.

The SPEAKER: The gentleman from Sherman, Mr. Storm, is perfectly within his rights in making such a motion, but the Chair would like to point out to him that we do have quite a long list of specially assigned matters that people have been waiting most of the afternoon for, and unless the gentleman insists on exercising his rights, the Chair would request him very humbly to defer until we have finished the assigned matters.

The SPEAKER: At this time the Chair would like to announce the appointment of the following conference committee to confer with the Senate on the disagreeing action of the two branches on Legislative Document 35, Senate Paper 33, Bill "An Act Concerning Liability of Parents for Damage by Children." The members appointed to this Committee to represent the House are the gentlemen from Bangor, Mr. Browne; the gentleman from York, Mr. Hancock; and the gentleman from Portland, Mr. Tevanian.

The SPEAKER: The House is proceeding under Orders of the Day on tabled and today assigned matters.

Under Orders of the Day the Chair lays before the House item number one under today assigned matters, House Divided Report, Majority 'Ought not to pass' and Minority 'Ought to pass' of the Committee on Education on Bill "An Act Creating a Salary Grant for Teachers", House Paper 964, Legislative Document 1436, tabled on April 30 by the gentleman from Madawaska, Mr. Rowe, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. ROWE: Mr. Speaker and Members of the House: On April 30 and May 2 the House was very kind to me in allowing me to table these two items, item number one because it is a service bill and the tax bill has not yet been reported out of committee, and I requested they both be assigned for the same day so they could be debated one along with the other. The severance bill there, I have three amendments and one amendment is not ready. The Department of Agriculture has contacted an agency in the University of Maine to obtain a production figure. It is essential that I obtain that production figure in order to provide for amendment three to the severance tax. I still maintain that it is essential to the proper relationship between the tax, which would be quite foolish if there is no service bill to accompany it, they should be debated together. At the same time I don't want to put this on the table unassigned because I know there are many people who are anx-

ious to get at this bill, and would want to know the exact day that it is coming up. And I would like to have item one and item three tabled and specially assigned for Tuesday, and if my amendment number three is not prepared by that time I will not table any further after that date. So if it is in order, I will move that L. D. 1436 be tabled and specially assigned for Tuesday of next week.

The SPEAKER: The Chair understands that the gentleman from Madawaska, Mr. Rowe, moves that Bill "An Act Creating a Salary Grant for Teachers", House Paper 964, Legislative Document 1436, be tabled and specially assigned for Tuesday of next week pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number two, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Taxation on Bill "An Act Establishing a Highway Use Tax", House Paper 843, Legislative Document 1197, tabled on May 2 by the gentleman from Auburn, Mr. Turner, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. TURNER: Mr. Speaker and Members of the House: This use tax bill has a lot of merit, but I don't suppose it is going to pass. But it is a revenue measure which might be a handy thing to have around. Earlier this morning we tabled a revenue measure, and I would like to table this one. We are going to have a lot of highway problems and maybe there is something here we can make use of a little later in the session like the title, so I now ask that the Bill and accompanying papers lay upon the table unassigned pending acceptance of either report.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Turner, with respect to Bill "An Act Establishing a Highway Use Tax", House Paper 843, Legislative Document 1197, that both reports be tabled unassigned pending acceptance of either report. Is this the pleasure of the House?

The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks, and the Chair would advise the gentlewoman that the tabling motion is not debatable.

Mrs. HENDRICKS: I request a division.

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, has requested a division.

Will those who favor the motion to table both reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-one having voted in the affirmative and ten having voted in the negative, the motion prevailed and the Bill was so tabled.

The SPEAKER: Under Orders of the Day the Chair lays before the House item number three, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Taxation on Bill "An Act to Provide Additional Revenue by Severance Taxes on Severer of Timber or Producer of Timber Products", House Paper 975, Legislative Document 1377, tabled on May 2 by the gentleman from Madawaska, Mr. Rowe, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. ROWE: Mr. Speaker, I request that item number three be tabled and specially assigned for next Tuesday.

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

Mr. TOTMAN: I would like permission to approach the rostrum with a motion that will assist the gentleman from Madawaska, Mr. Rowe.

(Conference at rostrum.)

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, I request that item three be made a special order of business for Tuesday of next week.

The SPEAKER: The question before the House is the request of the gentleman from Madawaska, Mr. Rowe, that item number three, Bill "An Act to Provide Additional Revenue by Severance Taxes on Severer of Timber or Producer of

Timber Products", House Paper 975, Legislative Document 1377, be made a special order of business for Tuesday of next week. Does the Chair hear objection? The Chair hears none and is so ordered.

The SPEAKER: The Chair now lays before the House item number four, House Report, "Ought not to pass" of the Committee on Taxation on Bill "An Act Providing for a Sales Tax Across the Board", House Paper 1017, Legislative Document 1447, tabled on May 2 by the gentleman from New Sharon, Mr. Caswell, pending acceptance of the Report. The Chair recognizes that gentleman.

Mr. CASWELL: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum.)

The SPEAKER: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker and Members of the House: I realize that I might shorten this session very easily by a matter of hours, an hour or more, by simply asking for the indefinite postponement of this bill, but for one reason I would probably be glad to move indefinite postponement. But I have that one reason. I am convinced that there isn't available existing revenue and that some means of increasing the revenue must be sought. I have been convinced of that ever since seeing or reading or hearing the budget message. I am still further convinced of it from the fact that the Appropriations Committee has to some extent increased the regular budget, the balanced budget. We passed the Jacobs Bill and the highway situation is still in abeyance. Now there are various ways of increasing revenue. One would be patchwork method which we have employed at various times. Other ways would be one of these two sales tax methods.

I feel that the so-called sales tax across the board has certain merit, and are worthy at least of some consideration, rather than the sales tax—increasing the present sales tax with exemptions. Now the intent of this bill is to tax such items

sold at retail as are not already paying a special tax or those items which will pay retail such as lose their identity in the process of manufacture. If you read the bill which is very brief, you will discover that is exactly what its purpose is to do. In other words, it adds to the non-exempt group food items and other similar products. Now the main objection that has always put forth against taxing food is the proposition that it affects the low income group adversely, that the poor man can't afford to pay tax on the necessities of life such as food. Now it is generally admitted that the—well possibly in any group, more particularly in the low income group, that about one third of gross income is expended for food. Let us take for instance just because it makes easier arithmetic, let us assume low income persons with an income of three thousand dollars, an annual income of three thousand dollars. Assume that he pays a thousand dollars a year for food, practically one-third of his income. One-third of three thousand is a thousand dollars. He pays two per cent if he now, under this new proposal—he would pay twenty dollars tax on food, but it is also true that even in this group that he buys some food for which he does pay a tax. We all of us who are here realize that we—our daily bread costs us while we are down here a considerable amount for meals that we purchase. I think it is true that the laborer perhaps, who sometimes during the season he must take his family out for Sunday or occasionally buy a meal in a restaurant, and I think it might not be too unfair to state that he might of that thousand dollars, he might spend two hundred dollars or thereabouts, a fifth of his money for food on which he does pay tax, which would amount to under the two per cent across the board would amount to four dollars.

The white-collar worker who certainly is often reckoned as among the low income groups, if he works downtown in a store or office or anything, he must buy his lunches. He undoubtedly spends at least that much during the year for food that

he does pay tax on. There is four or five dollars which he is now paying. If we consider the possibility of a three per cent tax with the present exemptions, consider that the low income man might very well spend a thousand dollars of his income, another third of his income for non-exempt items, and one per cent of one thousand dollars is ten dollars, which brings down considerably the amount, the difference between his receiving that he arrives at by not paying the tax on food.

Another item in the — to be considered, is another portion of this bill which allows the — you will have to be patient with me, it is hot and I am tired and my brain doesn't work too fast. The two per cent across the board tax will, it is agreed by the Taxation Department, produce a considerable surplus, and you will note in reading the bill that the bill proposes to return to the town a certain portion of that surplus, and that figure as given me by the Taxation Department of some between two and three million, — I will take that up a little later when I read the Taxation Department's Report — nearly three million return to the towns will give some tax relief to the municipalities, and in that respect, the low income man may still further reduce the amount of his expense by —because in all cases your low income man he either owns his home or he pays rent, and he pays some tax, municipal tax, and so of the twenty dollars which this might cost him at the outside if he paid a tax on food, he is getting back five we will say for food that he now pays a tax on, ten for the — due to the increase in the proposed three per cent sales tax on non-exempt items and some amount due to lowering of municipal tax in the locality in which he lives.

Now as to certain definite advantages from this so-called tax across the board. We know perfectly well that dealers have always, since the sales tax with exemptions, have always objected to it. I have no doubt that there are some evasions due to that fact. It would give some relief to the Taxation Department in collections no doubt. The provision

for returning surplus to the towns may give some little relief to such towns as are confronted by exceptionally high taxes, and as to those figures, I will quote directly from the figures given me from the Taxation Department. You asked us to estimate for you the difference between revenue which might be expected from a two per cent sales tax exempting only sales of gasoline, cigarettes and liquor, and the three per cent similar to the present sales tax, but exempting sales of domestic fuel and water which isn't as yet included in the bill. I won't read the whole of this, but in short the excess of revenue which would be anticipated on the basis of above estimates from a two per cent tax such as you suggest over a three per cent tax exempting water and fuel, would be two, six. Two million, six sixty-two plus. This would produce between two dollars and ninety cents and three dollars per capita. We have a population of slightly less than a million. That amount would be on the basis of population which seems to be fair, would be the amount returned to the towns.

Now that, ladies and gentlemen, is the case. I believe it at least merits some consideration.

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

Mr. CYR: Mr. Speaker, with all deference and respect to the gentleman from New Sharon, Mr. Caswell, as a member of the Taxation Committee I might say that we listened very carefully in public hearing and in executive session, and it was unanimously decided that the Report "Ought not to pass". Therefore, I recommend that the bill and accompanying documents be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Augusta, Mr. Cyr, that with respect to Bill "An Act Providing for a Sales Tax Across the Board", House Paper 1017, Legislative Document 1447, the Committee Report be indefinitely postponed. Is the House ready for the question?

Will those in favor of the motion

to indefinitely postpone the Report please say aye, those opposed, no.

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

The gentleman from Bangor, Mr. Totman, was granted unanimous consent to address the House.

Mr. TOTMAN: Mr. Speaker and Members of the House: I think it should be explained to you that if a motion is put in the next few moments to adjourn, it is not because we do not feel the House wants to work or because some of us are tired of working, but I would point out there is a tremendous amount of detail and staff work that has to be done for the following day. And it is somewhat of a matter of courtesy and assistance to the staff of the Clerk's office if we adjourn in reasonably good season.

However, before I make the motion, two members of the House have approached me and asked that in order to expedite business they be allowed to take two items off the unassigned calendar in order to get them into the pipeline and sent over to the other branch. It is presumed that there will be no debate on these subjects because they are not items that we believe will cause debate. Therefore, with that knowledge in mind, I will withhold my motion to adjourn until those two specific items have been moved to be taken from the table, and the gentleman from Old Orchard Beach, Mr. Plante, and the gentleman from Sherman, Mr. Storm, will make the motions.

On motion of the gentleman from Old Orchard Beach, Mr. Plante, the House voted to take from the table the twenty-ninth tabled and unassigned matter, Resolve Authorizing Study of Proposed Road from Millinocket to Grindstone, House Paper 768, Legislative Document 1101, tabled on April 16 by that gentleman pending first reading.

On further motion of the same gentleman, the Resolve was given its first reading and assigned for second reading tomorrow.

On motion of the gentleman from Sherman, Mr. Storm, the House voted to take from the table the thirty-seventh tabled and unassigned matter, House Report "Ought to pass" of the Committee on Transportation on Bill "An Act relating to Registration of Farm Trucks, House Paper 404, Legislative Document 534, tabled on April 18 by that gentleman pending acceptance of Committee Report.

On further motion of the same gentleman, the "Ought to pass"

Committee Report was accepted and the Bill read twice.

On further motion of the same gentleman, under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

On motion of the gentleman from Bangor, Mr. Totman,

Adjourned until nine-thirty o'clock tomorrow morning.