

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

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AUGUSTA, MAINE

Resolve Granting Authority to the Forest Commissioner to Cancel Deed Erroneously Recorded (H. P. 1338) (L. D. 878)

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

#### Constitutional Amendment

Resolve, Proposing an Amendment to the Constitution to Limit to Highway Purposes the Use of Revenues Derived from the Taxation of Vehicles Used on the Public Highways, and Fuels Used for Propulsion of Such Vehicles (S. P. 233) (L. D. 339)

The SPEAKER: This being a constitutional amendment, requires for its passage the affirmative vote of two-thirds of the membership of the House present.

The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Members of the House: We argued this bill the other day but there are several items which I think many people are not aware of which I want to bring to your attention at this time.

When you speak of highway funds, this bill means that and that alone. If any city or town, I understand, licenses taxicabs, that revenue will have to go into the highway fund. I doubt, under this bill, that you could even maintain your State Police. I doubt, under it, that you could even maintain your registration office. I noticed on the calendar the other day a Resolve in Favor of Katahdin National Park whereby money was given, and this money is to be expended over private lands.

Now, I say to the members of this House that if you vote for this constitutional amendment I sincerely believe that when you go home, and the people find out what it does actually mean, you are going to have a lot more explaining to do than if you vote against it, and, Mr. Speaker, I move the indefinite postponement of this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque

Isle, (Mr. Brewer) for the indefinite postponement of Legislative Document 339.

The Chair recognizes the gentleman from Rangeley, Mr. True.

Mr. TRUE: Mr. Speaker and Members of the House: I believe this to be one of the most important resolves that has been before this House during this session, and that it concerns all the people of the State.

Now, Maine, with sixty-two per cent of its towns without railway connections, and with a population of a little over 800,000, about the same as that of the City of Boston, Maine, having nearly twenty-three thousand miles of road, you can readily see that Maine needs and must have Federal Aid; in comparison, Massachusetts, with over four million people has only seven-thousand miles of road.

Now, we would all like to see Maine have super-highways over the length and breadth of our fair State, but the Federal government must come to our aid. They must furnish a great deal of the money.

I believe it is the desire and the intent of the Federal government to build super-highways all over the length and breadth of our whole United States; but believing that the Federal government frowns on states which may divert their gas tax monies to other channels, would not it be well for Maine to get in line with other states which have done so?

As you all know, fourteen other states have passed legislation to prevent diversion of the highway money. Now, those states cannot be foolish. They know what they are doing.

The opponents of this bill tell you that the sponsors of this bill have selfish motives. Now, you do not believe the Maine State Grange, the Rural Letter Carriers, the Maine Hotel Men's Association, and many automobile associations have any axe to grind in this matter. You know what they want are good roads. That is what we all want, and we want to be assured that there will not be any diversion of the monies paid in—in gas tax monies, and other sources where the money is supposed to come from.

They also tell you that we have got laws enough. Well, in a way that is true, but a small group of legislators can change a statute law as easily as the tide ebbs and flows, but a Constitutional law must be changed by the people. They tell you that we must not have any amendments to our Constitution, but when the wise men made the suggestion or wrote the Constitution of the United States, and of the several sovereign states, they made it flexible; they knew that times would change. Fifty years ago, we would not want any gas tax money in our Constitution, because we did not have any gas. As times change, we need new laws; that is why they made the Constitution flexible.

Since the Constitution of the State of Maine was written, we have added 61 amendment—that means one very three years. Across the hall, in this building sits the Honorable Senate. They passed this enactment with a large majority. Those people do not—

The SPEAKER: The gentleman must not refer to the action of the Senate.

Mr. TRUE: I am sorry, Mr. Speaker. I say to you, ladies and gentlemen, if we do not pass this enactment by a two-thirds vote, and give the people a right to vote on this amendment, we are defeating the very thing we have always fought for, and still are fighting for, a government of the people, by the people, and for the people. That is obviously the way it looks to me.

On the floor of this House you were told that there are fifty thousand of our boys in the armed forces. That is true. Every day and every night we pray that this horrible war will be over and that our boys will be home again with us. They, too, may like to vote on this amendment; and when they come home they will be driving automobiles, the birds will be singing, and we will all start living again.

You would not deprive them of this privilege to vote. You will not let them down.

Mr. Speaker, I ask for a yea and nay vote.

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

Mr. BARNES: Mr. Speaker and Members of the House: I think it is significant that the motion to

indefinitely postpone this amendment comes from a member of this House who lives in Aroostook County, because I guess probably we have made more of a holler for good roads up in that county than they have anywhere else in the State. If this were a question of statute relative to diversion of highway funds, I would be one of the hardest fighters in this House against the change, but this bill asks for an amendment to the Constitution.

Now, every member of this House, including the new members, has been presented with a gift of the Revised Statutes of the State of Maine, a large volume approximately five inches thick, consisting of a thousand pages. The Constitution of Maine takes up perhaps twenty pages at the beginning of that volume, and the rest of its statute law. Now, I heard the Constitution likened to the structural steel part of a building, with the statutes referred to as the rest of the building. I would prefer to refer to the Constitution as the skeleton of a living body, and it seems to me, if we pass this amendment, it will be like adding an extra fibre to the Constitution. It is a matter of statute law; it is a matter that should not clutter up our Constitution because, if we pass this amendment, we say that highways are one of the most important things we have in this State. I say to you we have a great many other things in this state that are important; for instance, education and public health, to name two of the most important. We do not put those in the Constitution; we put those in the statute where they belong.

Now, it has been said that we have received letters from a great many organizations throughout the State of Maine. That is true, but I do not intend to go fully into that discussion. I believe there are interested groups, and I believe, if they had a full understanding of this problem, they might not be insisting so much upon it.

So far as my own constituents are concerned, I have been approached by two men, one of whom is manager for one of the large gasoline companies in my county, and the other, one of the owners and the manager of one of the largest automotive wholesale and retail concerns north of Bangor. I explained this to those gentlemen and they agreed that this was no place for this thing, in the Constitution of the

State of Maine. If you want to enact all of your laws into the Constitution, you will not have any more Revised Statutes. That volume that you have, which is five inches thick, and weighs six to eight pounds, will be all the Constitution. The Constitution is the framework of our government; the Statutes are the blood, muscles and sinews, and it is in that part that this matter belongs and not in the Constitution.

I hope the motion of the gentleman from Presque Isle (Mr. Brewer) for indefinite postponement of this bill, which I feel is a very unwise bill, will prevail.

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

Mr. DOW: Mr. Speaker and Members of the House: The gentleman from Rangeley (Mr. True) stated that fourteen states, I think he said, had legislation preventing diversion of the highway funds. I think that is good legislation, and we in Maine have such legislation at the present time, but if this constitutional amendment were adopted, legislation would have nothing to do with it. He says the constitutional law must be changed by the people. We have to remember that twelve votes could prevent that change. I think the gentleman was arguing for a democratic form of government rather than a representative. We have in Maine a representative government, and I hope we will continue to have it. I hope the motion for indefinite postponement will prevail.

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

Mr. BRALEY: Mr. Speaker and Fellow Members: I think without any doubt the people who elected us here of course gave us a majority vote. They had confidence in us, and I think we should turn around and show our confidence in them. That is all this bill is—to give the people a right to vote in the form of a referendum.

The State of Maine has \$214,000,000 tied up in highways and bridges throughout the State of Maine, and as the gentleman from Rangeley, Mr. True, has stated, there are over 1000 communities in this State that have no rail facilities, and that is approximately 62 1-2 percent of the communities in our State. We have to pay every year

over \$2,000,000, in fact, \$2,830,000, in bonds alone. Now this is 48 percent of the money taken in every year from highway sources, highway revenues, to pay off bonds.

Now we in the State of Maine depend upon our tourists for much of our livelihood. The farmers and the camps throughout the State depend on tourists coming into this State, and we want them to have good roads to travel over. We cannot expect this, I believe, if we divert our highway money to other sources.

It was only back in 1940, I believe, that the State passed the unpopular motor title law. However, it was struck off the statute books at the next legislative session; but that money that was taken in approximately \$140,000, did not go to the road fund, but it did go to the State general fund. We have an example right there where money was diverted to other sources rather than to the highway fund where it belongs. I think that we, as members of this Legislature, will do a fine thing if we, as members, elected by a popular vote, give the people that gave us the right to come here, a chance to vote on this.

I was going to say, and I will say, that I will stand upon that rostrum, if I am re-elected, and this bill goes through—that the people will vote for this at least two to one; and if they don't, I will stand upon that rostrum the night we have our caucus and eat my shirt. (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Members of the House: The question involved here is not so much a question of what the bill contains as whether you are going to be dictated to by a paid lobby, or whether you are not.

Along the line of the suggestion of the motion of the gentleman from Rangeley (Mr. True) that the vote be taken by the yeas and nays, I want to tell you what that means.

You all appreciate the fact that I am not a bit hesitant in having the people of the State of Maine know how I stand on this issue. How can I describe a yea and nay vote? I say it is the maximum of pressure politics designed to stampe and intimidate the Legisla-

ture, and force them into unconsidered action through a threat of reprisal at the polls. I hope when the question of the yea and nay vote comes along you will oppose that in the beginning. This is purely a matter of a hired lobby trying to put something over on the State of Maine. If the thing could continue for two or three days more, I will venture that the telephone and telegraph companies in the State could declare a special dividend; and I am sure that the members who feel real pressure is being put upon them will vote "No," because the idea is cockeyed from the word "go."

I hope, and I am sure, that the group that stood with us a few days ago will at least stand pat, so we shall not allow any ill-conceived, yes, wicked, legislation to take place in the State of Maine. If you should pass this bill and the ballot should be rigged up when the time comes to vote, the question would be: Do you desire to amend the Constitution and so forth, and you are to answer "Yes" or No," and a lot of voters do not understand a great deal about a referendum on a bill and they will vote "Yes."

I will agree with the gentleman from Augusta, Mr. Braley, that it will probably go through if you get it on the ballot. The point is: We do not want to be responsible for any such unsound situation in the State of Maine.

I have tried so far to escape duplication of the things I said a few days ago. I guess I will repeat just for a second that item having to do with this so-called diversion of \$800,000. Again I tell you, that was a pressure time; it was a time when the effort to take care of our aged people had been killed in the State of Maine, and it was quite necessary that the money be borrowed from some source for that purpose. At the time it was only borrowed, and it met with the approval of the authorities under that famous Hayden-Cartwright Act in Washington. At the time of that diversion, however, if the authorities under the Hayden-Cartwright Act in Washington had not agreed to it, it could not have been put over. They agreed it was perfectly proper that the money should be used from highway purposes.

As I have said before, this is all now set up under statute, and I see

no reason for considering anything else. I hope you will go along in the attempt to beat this foolish idea.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, for indefinite postponement.

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

Mr. LACKEE: As this was one of the most important bills referred to the Ways and Bridges Committee at this session, I assume that the members of this House are entitled to some explanation relative to the facts on which I based my information in signing the majority report.

This bill received a fair hearing, properly advertised and well attended. The opponents were few, but the proponents were many, and they were supported in the recommendation by, as has been said, eighteen or nineteen organizations throughout the State. I do not attempt to convince you that each and every member of those organizations is in favor of this act, but I do believe the majority of those members must have been in favor, or those organizations would not have been represented. It does not necessarily require the consent of each and every member of any organization or society in order that they may pass resolutions of recommendations. It does not necessarily require the consent of each and every member of this body in order that we may pass orders and resolutions and resolves; but it does in most cases take a majority, and we live in a democracy where majority rules.

The second fact that I would like to call to your attention is the issue here involved. In that respect, I would like to clarify my position relative thereto. The issue, in my opinion, is not a question of whether or not the members of the Legislature are in favor of this amendment, but it is a question of whether or not the people of the State of Maine shall be allowed to express their desire by voting upon this amendment, and I believe they should receive that privilege. Why should they not? It will be the same people who elected our Governor; it will be the same people who in the past have acted upon other

amendments; it will be the same people who elected you and me to represent them in this Legislature upon matters and decisions over which they have no control, but when the opportunity presents itself I believe they should have the privilege of expressing their desires themselves.

The third fact that I would call to your attention is a fact I have noticed within the last ten days. You have all received many communications relative to this subject. They have come by telephone, telegram and letters; but there have been a few received from people who are closely connected with the federal funds in Washington. And what is the significance of this? My answer is this: That sometime, some day in the near future, the Federal government will require that each and every state that receives its due and proportional part of the Federal funds must safeguard those funds by a constitutional amendment.

It became my duty to make a decision and to sign a report. If the people of this State are allowed to, it will become their duty to form an opinion and make a decision, and upon that decision I am ready and willing to rest.

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

Mr. LEAVITT: Mr. Speaker, I do not agree with my friend, the gentleman from Addison, Mr. Lackee, that we should allow the people of the State of Maine to decide this question; without our first approving it ourselves. When this Legislature votes by a two-thirds vote to let the people of the State of Maine vote on it, they are telling the people of the State of Maine that we ourselves approve this legislation; we think it is fine legislation; and we want the people of the State of Maine to know whether we think it is a fine piece of legislation, and we wish them to give us their endorsement to our action.

Now, this Legislature should stand on its own feet and vote the way it feels is the best for the State of Maine, and then if we defend it here we have simply told the State of Maine that we think it is good legislation and we want them to

o. k. our decision. I personally feel it is poor legislation and I shall vote against it.

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

Mr. MAXWELL: Mr. Speaker, it seems there is some misconception as to just what this resolve means, and, to correct that misapprehension, I think it might be wise to read some parts of the resolve. I have reference to the remarks made by the gentleman from Presque Isle, Mr. Brewer in which he stated that the money would not be used for certain purposes, such as enforcing traffic laws. The law expressly states this in that respect: "All revenue derived from fees, excise and license taxes relating to registration operation and use of vehicles on public highways \*\*\* shall be expended solely for cost of administration, \*\*\*\* —and winds up by saying "under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, \*\*\*\*

And there is another misapprehension in regard to the taxes on automobiles which are collected by the cities and towns. The last sentence, of the last phrase, more properly speaking, says this: "provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax." This means that the taxes imposed by the city and the state, and county taxes that are collected when you register your automobile, stay right where they are paid.

Now another matter that has been called to your attention is to the effect that the Constitution is merely a framework. I heartily agree with that statement, but I believe you will find it has been the policy of the State of Maine, the people of the State, to place certain safeguards in that Constitution for their own protection against certain legislation, I do not believe, and I never have believed to this day, that the prohibitory law that we had for so many years belonged in the Constitution, but the people in their wisdom saw fit to put it in there. Now their policy seems to have been for several years, beginning, I believe, with 1912, to place in the Con-

stitution certain safeguards and requirements regarding the construction and maintenance and carrying on of highways and bridges. I checked up on the number of amendments in the Constitution which relate to just that one subject, and, much to my amazement, there were nine amendments. The first one, in 1912, was the two million dollar bond issue, which is Article XXXV. The next one came a few years later, in regard to bond issue for public wharves and adequate port facilities. That is Article XLI. The next one was Article XLIII which relates to bond issue for state highways and intrastate, interstate and international bridges. Article XLI—I am wrong there—that has to do with the fund for soldiers' bonus. Article XLVIII has to do with bond issue for the construction of a bridge between Bath and Woolwich. Article XLIX has to do with additional bond issue for the construction of state highways and interstate, intrastate and international bridges. Article LI provides for the financing of the bridge across the Penobscot River. Article LII is another issue of highway and bridge bonds. Article LIII has to do with building a bridge across the Penobscot River, to be known as Waldo-Hancock Bridge.

So I merely mention this to point out it has been the policy of the State to place in the Constitution these various articles to safeguard and protect and promote the maintenance of highways.

There is one more thing I wish to add and that is this: that the gasoline tax of four cents on a gallon in this State, I believe, and the licenses or registration of automobiles and operators licenses, are earmarked for certain purposes, and that is for highways. The people have guarded that very jealously. That will be borne out by the fact that there have been attempts in recent Legislatures to add more gasoline taxes, and each time it went to the people it was overwhelmingly rejected because of the fact those additional taxes, as I recall it, were to be used for some other purposes than on the highway.

Therefore, I think it is evident that we should give them opportunity to pass upon this resolve, and speak again if they wish as to whether they would like to have this

money collected from those various sources to be used for one purpose only—and that is on the highway.

Therefore, I hope that the motion that the gentleman from Presque Isle, Mr. Brewer, has made, to indefinitely postpone this resolve, will not prevail.

The SPEAKER: At this time the Chair recognizes the presence at the rear of the hall of the distinguished President of the Senate, Honorable Horace A. Hildreth, and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon, the Hon. Horace A. Hildreth, President of the Senate, was escorted to the rostrum by the Sergeant-at-Arms, amid the applause of the House, the members rising.

The SPEAKER: The question before the house is on the motion of the gentleman from Presque Isle, Mr. Brewer, for indefinite postponement.

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

Mr. WARD: Mr. Speaker and Members of the House: My brother from Houlton, Mr. Barnes, suggests that if it is proper to place this matter in the Constitution, that it is also proper to place into the Constitution our laws relating to education and to public health; and I would be in perfect agreement with the gentleman from Houlton, Mr. Barnes, if our educational program or if our public health program were dependent upon Federal funds, and if we were to run the risk of losing those funds in the event that certain public health or educational funds were diverted.

Now, it has been suggested to this House that in the event this resolution is submitted to the people, some rigged up question will appear upon the ballot. The question which will appear upon the ballot is set forth in the resolution itself. It reads: "Shall the Constitution be amended as proposed by a resolve of the Legislature limiting to highway purposes the use of revenues derived from the taxation of vehicles used on the public highways and fuel used for propulsion of such vehicles?"

When I first heard this matter discussed, I decided that I would refresh my own memory as to what has actually taken place today.



I find that this initiated act of 1936, after being adopted by a popular vote of 3½ to 1, was made a law on October 24, 1936. On January 7, less than three months later, an incoming Governor, delivering his inaugural message to the Legislature, very frankly pointed out that up until that date nothing had been done to put this law into effect, and, continuing on the subject, he said, —and I am going to quote from the record—“However, I believe it is better to amend the law, if deemed advisable, rather than to continue to ignore it.”

He then went on to urge the immediate passage of legislation, and urged that the emergency clause be used, and he concluded on this subject by saying: “To do this in the face of the recent popular vote requires independent action upon your part.”

Now, to carry out the Governor's wishes, back in 1937 a bill was introduced, by unanimous consent out of order and under suspension of the rules, without being printed, without a hearing, and without reference to any committee. It was given its several readings and passed to be engrossed. It became a law on February 11th, and the Governor immediately signed it, and it became Chapter 1 of the Public Laws of 1937.

Now, if you have occasion to look up the initiated act and the amendment, the irony of it is that you find the amendment in the front of the book, and you find the act itself way over in the back.

It occurs to me that if a Governor, an incoming Governor, in the face of such a popular vote would enact legislation with such dispatch as to immediately take out half the bite that was in the initiated act, it could be done again; and I submit that if a Legislature were to enact a law repealing the other half of that act, a lot of water could go over Boulder Dam, and a lot of highway funds could be diverted, before the people of this State could get their machinery going to put that law back on the books.

Now, since the act itself was enacted, there have been at least two occasions where there have been laws enacted in contravention or in circumvention of the act. Mr. Murchie has made reference to an Act entitled “An Act providing for Joint Participation between the

State and its Municipalities.” That was an act where \$1,600,000 was taken from the highway funds and distributed among various cities and towns of this State; and there is no question but what the law was enacted for a worthy purpose, and no doubt it was an emergency.

That same 89th Legislature also enacted another law, the so-called “Title Law,” which had to do with the registration of your motor vehicle. It provided that you had to prove title to your car before you could register it. The law was subsequently repealed. However, the Act itself specifically provided that “all funds derived from the operation of this Act shall be first applied to cover the administration cost of the act, and the balance thereof shall be paid into the general funds of the State.” I am told approximately \$114,000 was paid into the general funds of the state under the operation of that act, and that time could be termed an emergency.

Now, let us look at the amendment of 1937. It provides that funds may be used for other appropriations, but only those for which anticipated income has been received, for which financial provision has been made by the Legislature, and is forthcoming.

Anticipated income—what is it? A farmer in the fall of the year takes two carloads of potatoes and puts them into the potato house, anticipating that around January 1st he is going to sell those for \$2.50 or \$3.00 a barrel. On the strength of that fact he goes to the bank and borrows \$2,000. If he sells his potatoes in January for the price he expected to receive, he pays the note. On the other hand, if he sells those potatoes for \$1.00 or \$1.25 a barrel he has insufficient funds, and his note, at least, is going to be partially in default.

I call your attention to the Budget Report which was submitted to this Legislature. On Page 8, we have liquor revenue, \$4,840,500, that report being made up in November or December. In the latter part of January a late revision added \$259,500 to the liquor revenue. Now about April 1st, we are told that there is additional liquor revenue of about \$500,000. That is anticipated income under this amendment. I say to you that if we have a given source of

revenue which can skyrocket three quarters of a million dollars in four months' time, that same given source of revenue can hit a toboggan in the same length of time. If that happens, the State of Maine finds itself in the same position as the gentleman who had to sell his potatoes for a dollar a barrel, and finds itself in default with the general highway funds; and the State of Maine in that situation is very apt to lose all of its Federal Aid road money.

I hope the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: When the time comes, if it comes, that the Federal government says to the State of Maine "We are allocating certain monies for road purposes but in order to receive them you must change your Constitution." I hope the answer will be "The communication received and placed on file." (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, for indefinite postponement.

The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, I will say, as time goes on, that more people will be interested in airports than they are in roads. I believe that is the coming thing.

When we take this vote, I ask for a division of the House.

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

Mr. WILLIAMS: May I have the privilege of facing the House?

The SPEAKER: The gentleman may face the House.

Mr. WILLIAMS: Mr. Speaker and Members of this Legislature: The question before the House today appears to be whether or not we trust the citizens of the State of Maine, the same citizens who elected us to represent them here. I believe, frankly, that the people of Maine wish a chance to vote upon this amendment.

I suppose, in taking that stand, I would be classed with those peo-

ple whom the gentleman here has mentioned—that I have been touched or reached by that enormous lobby, which wishes to put this amendment through.

I think we all recognize that there is an organized group which wishes to put this amendment before the people of Maine to vote on. It seems to me that at this particular time, an organized group represents the wishes of the people of the State of Maine, and I have some reasons for feeling that way on this question.

A week ago Saturday, I attended rather a large Grange meeting in my own County of Penobscot. At that meeting, a resolution, which I suppose had been forwarded to that group by one of these groups which is so interested in having this amendment passed, was read in that meeting. Then some good member of that Grange noted I was in the hall, and asked if I would not like to tell them what I thought was right on that question.

I answered them something like this: that I did not feel it was my province to try and tell them which way was right, as apparently I would be the one to whom the resolution would be directed to vote on as they wished me to; but I stated that I would be glad to explain to that group both sides of the argument, as I have heard them.

I explained to that group that for the last two years, at least, no highway funds have been diverted for any purpose, and that it appeared to many people to be unnecessary legislation at this time. I explained to them that one of the finest gentlemen I know, who opposes this—not in this branch but in another—had explained to me the night before how the Constitution was like the framework of a great building. I like that idea, and I explained it to them; and then, on the other side, I explained to them there was a group which felt that this legislation was necessary, and which apparently did not trust the law-makers and the Governor, that at some time funds would not be diverted.

Upon closing my remarks, I think the opinion was very evenly distributed on both sides—a little stronger, I will admit, on the side that the amendment should not be adopted. Because I felt there

was more feeling the other way, I sat down. Then a gentleman stood up and said, "I move we go on record as unanimously adopting this resolution." And everyone raised his hands in the vote.

Later, at the noon hour, I questioned some of these men. I said: "Why are you so interested in that Constitutional amendment?" And the reasons they gave me were very much like the reasons the gentleman from Millinocket, Mr. Ward, has so very ably put before you this morning. For that reason, I have to disagree with some of my good friends and say that I believe the people of Maine want this amendment to be placed before them for them to vote on.

It seems to be the consensus of opinion that people will favor this amendment, if they have a right to vote on it.

Now, I am not going to pretend to eat any shirts or do any of those tricks, whether the people vote on this amendment favorably or not; but I do believe, however, from what I found out, that the citizens of Maine wish to have an opportunity to vote on this Constitutional amendment, and if they wish that opportunity, I believe we should forget some little petty reasons, and give them that opportunity. But I still believe the Constitution of the State of Maine was made for the citizens of that State, and that we, as citizens, do not exist for the Constitution.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker and Members of the House: I believe this question has been very ably debated. The hour is getting late. I believe that every lady and gentleman here in the House has made his mind up on which way he is going to vote regardless of the lobby or anyone else. I move the previous question.

The SPEAKER: The gentleman from Bradford, Mr. Osgood, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

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

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

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

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, for indefinite postponement. The gentleman from Rangeley, Mr. True, asks for the yeas and nays. Under the Constitution, in order for the yeas and nays to be called requires the consent of one-fifth of the members present. All those in favor of the yeas and nays being called will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Thirty members arose.

The SPEAKER: Thirty members having arisen, and thirty being one-fifth of the members present, the yeas and nays are ordered.

The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, for indefinite postponement.

The Clerk will call the roll.

YEA—Anderson, N. Sweden; Anderson, Oxbow Pl.; Bangs, Barnes, Benn, Brewer, Buzzell, Clough, Coombs; Davis, Buxton; Doughty, Dow, Dunn, Edwards, Ela, Flagg, Hamilton, Hawes; Jordan, Saco; Lagasse, Leavitt, Leidy, Littlefield, MacKinnon, MacLeod, Murchie, Nadeau, Pascucci, Payson, Pearson, Pelletier, Rankin, Roberts, Rollins, Savage, Seeger, Sleeper; Smith, Newport; Teel, Thompson, Warren, Webber, Welch; Williams, Auburn.

NAY—Ayer, Baker, Bartlett, Bernier, Blake, Boutin, Bowker, Boyd, Boyker, Braley; Brown, Brunswick; Brown, Eastport; Brown, Unity; Bubar, Burton, Byers, Clapp, Cleaves, Cobb; Conant, Etna; Conant, Rockland; Cousins, Crosby, Cross; Davis, Montville; Day, Dean, Deering, Denny, Donahue, Dorsey, Downs, Dutton, Emerson, Estabrook, Fargue, Forhan, Gillies, Goldsmith, Greene, Grenier, Grua, Harvey, Haskell, Hemphill, House, Hutchins, Jacobs; Jones, Earle T.; Jones, G. Wayland; Jones, William A.; Jordan, South Portland; Kent, Knight, Lackee, Leathers, Libby, Marsans, Martin, Maxwell, McFadden, McFee, McIntire, McKeen, McKusick, McLellan, Milliken, Morse; Morrison,

Rumford; Osgood, Pierce, Pottle, Poulin, Renour, Robinson; Sanborn, Baldwin; Sanborn, Wales; Sawyer, Sayward, Sirois, Small; Smith, Thomaston; Snow, Southard, Staples, Stephenson, Stillings, Tozier, True, Tuttle, Usher, Vickery, Ward; Williams, Clifton; Wright.

ABSENT—Buker, Gowell, Keller, Longstaff; Morrison, W. Harbor; Perkins, Prince, Roy, Sichel, Willey.

Yea—44.

Nay—95.

Absent—10.

Mr. HARVEY of Sangerville: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. HARVEY: To change my vote.

The SPEAKER: The Clerk will call the name of the member from Sangerville, Mr. Harvey.

Mr. HARVEY: Mr. Speaker, I voted "Yes." I wish to change my vote to "No."

The SPEAKER: There were ten absentees. Forty-four having voted in the affirmative and 95 in the negative, the motion fails of passage.

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

This being a constitutional amendment it requires for its passage the affirmative vote of two-thirds of the House. All those in favor will rise and stand until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Ninety-four having voted in the affirmative and 38 in the negative, the resolve is finally passed. It will be signed by the Speaker and sent to the Senate.

#### **Passed to be Enacted Emergency Measure**

An Act to Provide for Reissuance of State Highway Bonds (S. P. 329) (L. D. 505)

The SPEAKER: This Bill, having had its three several readings in the House, and having been passed to be engrossed, having had its two several readings in the Senate and

having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it pass to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this Bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty-nine having voted in the affirmative, and none in the negative, 129 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act relating to Compensation of Fire Wardens (H. P. 829) (L. D. 396)

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

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this Bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty-six having voted in the affirmative, and none in the negative, 126 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act Providing for the Maintenance of the Road Leading to Baxter State Park (H. P. 1320) (L. D. 857)