

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

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ing as good as it ought to, and I think it is time that we indefinitely postponed it.

The SPEAKER: The question before the House is on the motion of the gentleman from Benton, Mr. Kent, that Legislative Document 894 be indefinitely postponed. All those in favor will say aye; those opposed no.

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

Thereupon the bill was passed to be engrossed as amended by House Amendments "A," "C," and "E," and sent up for concurrence.

On motion by Mr. Williams, of Clifton, the bill was ordered sent to the Senate forthwith.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker, I move that the House reconsider its action of yesterday whereby it finally passed "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).

My reason for making that motion is that during the debate yesterday reference was made to the action of the Legislature of 1937 in permitting a temporary diversion of highway funds. As a member of the Appropriations Committee at that time I would like to briefly set forth the reasons that were in back of the recommendation of the Governor, and the reasons why both branches of the Legislature, after the time had passed for the introduction of bills except by unanimous consent, permitted that bill to be introduced, and then enacted the bill as an emergency measure.

We have the right, under our present law, to borrow money by a temporary loan to take care of the deficit between July 1st of each year and December 1st of each year, providing for the payment of departmental expenses. During that time the state receives less than one-quarter of its revenue. Approximately one-half of the state revenue is received from your state taxes. Those do not become due and payable until December 1st of each year. However, your fiscal

year starts July 1st, and the biennium ending July 1, 1937, or the report of that biennium, showed that during the preceding year it was necessary to borrow by temporary loan \$300,000; yet during that time the State had in the bank an average of seven million dollars. That was money the larger part of which was earmarked for highway purposes. While I have no definite figures as to the exact amount of interest paid for the temporary loan on the three million dollars necessary to carry on from July 1, 1936 to December 1, 1936, from the information available, that figure amounted to approximately \$80,000.

The Legislature of 1937 was faced with the alternative of either permitting a temporary diversion of the highway fund or increasing your state mill tax one-eighth of a mill. That is the danger that lies ahead in this constitutional amendment is voted on by the people and approved by them.

We have heard a lot of talk during this session about the desire of this Legislature to decrease, if possible, the state mill tax. If this constitutional amendment is approved by the voters, the next Legislature, unless it can find the money elsewhere, might be faced with the problem of increasing the state mill tax. I do not recall of any instance in the debate yesterday when we were told that the federal government had withheld funds from the State of Maine because of a temporary diversion. I do not personally believe there is any such danger in view of the fact that our present laws permit us to borrow three million dollars by temporary loan during any fiscal year, should the federal government tell the Governor and Executive Council under the present law that they must replace those funds which have been temporarily diverted. They have a right under the present law to borrow up to three million dollars. They told me there were only two instances that were referred to relative to a temporary diversion. One was the measure passed in the emergency session of 1937, and that involved \$800,000,—well within the temporary borrowing power of the State of Maine as it exists at the present time. The other reference was made to the revenue received under the Motor Vehicle Title Act, yet the amount

there involved was insignificant compared to the temporary borrowing power of the State of Maine.

For that reason, I move that the House reconsider its action of yesterday whereby this Resolve was finally passed.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House reconsider its action of yesterday whereby S. P. 233, L. D. 339 was finally passed.

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

Mr. WARD: Mr. Speaker and Members of the House: The matter of this resolve was widely advertised before a public hearing and it has been fully debated in this House on two occasions. It was finally passed yesterday by a two-thirds vote, and I hope at this time that we will not delay this matter longer, and that the motion of the gentleman from Biddeford, Mr. Donahue, will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House reconsider its action of yesterday whereby L. D. 339 was finally passed.

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

Mr. BREWER: Mr. Speaker, I think, as the House will recall, the other day the judges of the Supreme Court rendered us a decision whereby they said we could not at this time refund or recall certain bonds, which to my mind would save this state considerable money and would have been a good business proposition. Now, that is the example of the constitutional amendment, and I think this same thing could apply here. I hope the motion of the gentleman from Biddeford, Mr. Donahue, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House reconsider its action whereby this resolve was finally passed. All those in favor will say aye; those opposed no.

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

On motion by the gentlewoman from Brunswick, Miss Bangs, the House voted to take from the table the fourth tabled and unassigned

matter, "An Act Relating to the Retirement System for State Police," (S. P. 474) (L. D. 852) which was tabled on April 6th by that gentlewoman, pending passage to be enacted.

Miss BANGS: Mr. Speaker, for the purpose of offering an amendment which has been reproduced, I now move that the rules be suspended in order that the House may reconsider its action whereby this bill was passed to be engrossed.

Thereupon the motion prevailed and under suspension of the rules the House voted to reconsider its action whereby the bill was passed to be engrossed.

Miss BANGS: Mr. Speaker, I now offer an amendment to this measure and in support of it I will say that the bill itself takes care of the past and the amendment looks to the future. I am happy to report that it meets with the approval of the sponsor of the bill and has been recommended and approved by the Judiciary Committee. Now, the people in the State who are informed on the pension system have also approved it. So I now offer House Amendment "A" to L. D. 852.

The SPEAKER: The gentlewoman from Brunswick, Miss Bangs, offers House Amendment "A" to L. D. 852 and moves its adoption. The Assistant Clerk will read the amendment.

The amendment was read by the Assistant Clerk as follows:

House Amendment "A" to S. P. 474, L. D. 852, Bill "An Act Relating to the Retirement System for State Police."

Amend said Bill by inserting after the enacting clause thereof the following: 'Sec. 1.'

Further amend said Bill by adding at the end of the 2nd paragraph thereof the following:

'Provided further, that this section shall apply only to persons who are members of the state police at the time of the effective date of this act.'

Further amend said Bill by adding at the end thereof the following:

'Sec. 2. P. L., 1933, C. 1, sec. 227-E, sub-sec. 2, amended. Sub-section 2 of section 227-E of chapter 1 of the public laws of 1933, as enacted by chapter 328 of the public laws of 1941, is hereby amended