

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

The motion prevailed and Senate Amendment "A" to House Amendment "A" was adopted in non-concurrence.

House Amendment "A" was adopted in concurrence, and the bill was given its first reading.

Thereupon, under suspension of the rules, the bill, as amended by House Amendment "A" as amended by Senate Amendment "A", was given its second reading and passed to be engrossed in non-concurrence. Sent down for concurrence.

On motion by Mr. Hildreth of Cumberland, the Senate voted to take from the table, Senate Report from the Committee of Conference on bill, An Act to Prevent Fraudulent Advertising (S. P. 345) (L. D. 662) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. HILDRETH: Mr. President, I move the majority report of the committee be accepted.

The motion prevailed and the majority report of the committee was accepted and the new draft (S. P. 567) was laid upon the table for printing under the joint rules.

On motion by Mr. Fellows of Kennebec, the Senate voted to take from the table, Resolve Providing Pensions for Soldiers and Sailors and Dependents and other Needy Persons (S. P. 545) (L. D. 1131) tabled by that Senator on April 10th pending assignment for second reading.

Mr. FELLOWS: Mr. President, I move this resolve be given its second reading.

Mr. SNOW of Piscataquis: Mr. President, I offer Senate Amendment "A" and move its adoption and I would like to speak very briefly on the amendment. We all make some mistakes and probably I make most of anyone here, but I feel that the Pension Committee made a mistake on one pension which was reported out "Ought to Pass" due, probably, to information which they did not receive.

There is a young gentleman's name I wish to have removed, who lives in the town of East Corinth. His father is a practicing physician and I feel that somewhere in the family there is considerable money. I know last year he was driving a special coupe which cost \$300 above

the average price of an ordinary car and at the present time he is driving a special Packard coupe and I feel the ordinary citizen who will have to pay this pension is not able to drive a special Packard coupe.

The Secretary read Senate Amendment "A":

"Senate Amendment 'A' to S. P. 545, L. D. 1131. Amend said resolve by striking therefrom the line which reads as follows: 'Alfred Skofield, East Corinth, \$12.00 per month'."

Mr. FRIEND of Somerset: Mr. President, I wish to say on the part of the Pension Committee, the information which was brought to the committee showed this person, Skofield, was very deserving of the pension, but through the efforts and knowledge of the Senator from Piscataquis, Senator Snow, and information presented to the Senate and given to me and the committee since, which was not given at the hearing, we find this person is certainly not deserving of the pension and I hope the amendment will be adopted.

Thereupon, Senate Amendment "A" was adopted, and the resolve was given its second reading and passed to be engrossed, as amended by Senate Amendment "A".

Sent down for concurrence.

From the House, out of order and under suspension of the rules:

The Committee of Conference on the disagreeing action of the two branches of the legislature, on bill An Act Imposing an Additional Gasoline Tax (H. P. 1475) (L. D. 615) have had the same under consideration and ask leave to report that the committee is unable to agree.

Comes from the House, the report rejected, and the House having asked for another Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Representatives:

ROLLINS of Greenville
DOWNS of Rome
BREWER of Presque Isle

In the Senate:

Mr. SNOW of Piscataquis: Mr. President, I move that we reject the report of the Committee and join the House in a new Committee of Conference.

Mr. HINMAN of Somerset: Mr. President, once before I have ob-

jected to a second committee of conference and if I am wrong in my reasoning I have no objection to that committee but it seems to me that when this legislature in fairness appoints a committee of conference and that committee of conference is not able to agree that it is rather unfair to expect that we are going to sit back and continually accept new committees of conference.

I assume that the idea is that eventually there may be a committee that will be of a mind to agree with the proposition and although I have no desire to interfere with good procedure, I think that this is a case of attempting to carry on that which is fairly on the way out and I hope that the motion of the Senator from Piscataquis (Senator Snow) will not prevail.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I want to second the motion of the Senator from Piscataquis, Senator Snow, that we agree with the House in another Committee of Conference. It is nothing but a courtesy that should be extended to the other branch of this legislature.

In reply to what the Senator from Somerset, Senator Hinman has said, I think that when he says that there might be found a committee which would do this or that or the other, that it is wholly within the province of the Senate as to whether that be accepted.

Mr. SNOW: Mr. President, I ask for a division.

The PRESIDENT: The Chair understands that the question before the Senate is on the motion of the Senator from Piscataquis, Senator Snow, that the Conference Committee report be rejected. Is that correct, Senator Snow?

Mr. SNOW: It is, Mr. President.

The PRESIDENT: The question then is on the rejection of the Committee of Conference report. Is the Senate ready for the question?

A division of the Senate was had.

Twelve having voted in the affirmative and thirteen opposed the motion did not prevail.

The PRESIDENT: The question now before the Senate is on the acceptance of the disagreeing report of the Committee of Conference. The Chair awaits a motion.

Mr. HINMAN: Mr. President, I

move that the report of the Committee of Conference be accepted.

Mr. FINDLEN of Aroostook: Mr. President and members of the Senate, this is a matter of very great importance to the small towns. It is proposed under the original bill that we set up a one-half cent gasoline tax for snow removal and maintenance. Now, this will relieve small towns of this ever-increasing burden of snow removal and maintenance. We find that this problem of snow removal is so great that eventually it will bankrupt all the small towns, almost. They need extra money for snow removal and unless they get it, it will be a tremendous burden.

I think it is only fair that the people who use the roads help with the snow removal. The smaller towns are absolutely unable to provide equipment and to pay for this snow removal by themselves. I believe the gas tax money should do it. This bill is hooked up with the so-called Holman bill which provides for that sort of thing. If we defeat this measure it will be the last chace we will have to relieve small towns of their burden of taxation.

I think we should consider this very seriously before we send it down to defeat. We can relieve real estate in small towns of this burden by means of setting up this one-half cent tax for a period of two years.

I certainly hope that the motion of the Senator from Somerset, Senator Hinman, will not prevail.

Mr. HINMAN: Mr. President, I am not arguing the merits or demerits of this bill. I submit to you that this has all gone on record in no uncertain terms, I think something like twenty-seven to four or five as opposed to this measure.

I am not arguing on the bill. I am arguing on the fact that I do not believe that it is good legislation to look for a loop-hole through which we may bring back and force upon the legislature something that at least one branch of the legislature has declared in no uncertain terms that they do not want.

Mr. BISHOP of Sagadahoc: Mr. President, because I did not understand the question just voted upon I did not vote either way. Last week I spoke in opposition to a further tax on gasoline and I felt justified in so doing. But in anticipation, ap-

parently, of a coming tax the gasoline companies have advanced their prices and where we were paying for gas at the rate of seven for a dollar it jumped to six for a dollar and last week I paid six for \$1.15 so apparently we are paying not a half cent increase but three or four cents, in some cases increase, and the gasoline companies apparently have a monopoly of the business and the price control and I think that in as much as we are definitely faced with the tremendous burden on real estate and that this includes removal of snow and summer and winter maintenance, that we are now justified in receding from our last week's decision and imposing that half-cent gasoline tax. I don't know whether it is possible to reconsider a vote that was just taken but in as much as I did not vote I would now like to vote.

Mr. DOW of Oxford: Mr. President and members of the Senate, somewhat similar to the Senator from Sagadahoc, Senator Bishop, I did not vote upon that last measure but the reason for it was that I am one of the fellows that is being fired, and that is all right with me. I didn't want want to vote to keep myself in office on the Committee of Conference, neither did I want to fire myself. That would be for the rest of the Body to do.

We held at least one meeting of that Committee of Conference and I don't know whether we had another meeting or not but we had at least one meeting of that committee. And after we had our disagreement which seemed to result in a deadlock, I was given some information which I think the Senate should be in possession of, if it is correct, and if it is not correct I think it should be explained.

It was believed that the Holman bill, with which I am in sympathy, could be financed from the money that would come in under increased revenue from the tax on gasoline and the use fuel tax, or if not wholly, at least almost. I thought that was a good solution and that the increased revenue from the gas tax and the use fuel tax and other things was going to give us as much money as was necessary to carry out the Holman bill. And why increase the present gas tax? If my information is wrong I will be corrected but I understood that the increase would take care of the Hol-

man bill if the legislature saw fit to allocate it under that particular bill. I would like to have that explained. Why impose another half-cent if the additional revenue is going to take care of it?

Mr. FRIEND of Somerset: Mr. President, in answer to the question of the Senator from Oxford, Senator Dow, I would say that there is a difference of opinion on the part of the Ways and Bridges, I believe, which allocates gas registration license money, as to whether that fund can spare any money for the Holman bill.

I will say that personally, in my opinion, it will stand it, that the items included in the general highway bill will stand very readily the cutting of about \$400,000. Already a bill has been passed by this legislature which has reduced the towns' cost of maintaining third class roads from 3% down to 2%, saving the towns about \$100,000 and that is included in the Holman bill although it has already been covered by another bill which has been presented in the legislature.

If the Holman bill passes as is, it would save the towns and cities property taxes of about \$932,000. Now, it is my opinion that in addition to the \$100,000 that has already been saved to the towns on maintenance of third class roads, that another \$400,000 could be taken out of the general highway fund which would make it possible for the state to take over the maintenance charges of state highways and state aid highways. And the maintenance cost to the towns for maintenance of bridges here under the Bride Act, saving the towns an additional \$400,000 a year and making the total saving under the Holman bill of \$500,000 a year out of the \$932,000 that this bill calls for.

I think that is the absolute maximum that the general highway fund could spare although I do believe that there is a difference of opinion as to that. I don't think there is anyone who thinks the fund will stand more than the \$500,000 but I believe there was some thought that it will not stand that much.

I will say that if this gas tax does not go through I think the Holman bill would be reported out, possibly, from committee in a divided report calling for, say, \$400,000 to take care of part of the Holman bill.

Mr. BROWN of Aroostook: Mr. President, as a member of the Committee on Ways and Bridges I want to bear out and elaborate a little mite on what the Senator from Somerset, Senator Friend, has said.

There is a considerable division in the committee as to just how we can report out the Holman bill and in just what form. As the Senator has explained, it may be possible by cutting other items which we have already set up as a part of our program, to get enough money to about finance one-half of the bill, but cutting those other items means a cutting of maintenance and a cutting of the amount of money which we can spend for tar on the roads.

So unless you provide this extra money you are just taking away from the maintenance and the tar which we had set up. We have a very fine program and we need it, after the lack of maintenance and the lack of tar which we have had in the last two years owing to the use of some of the road money and diverting it for relief purposes. So if we are to tar the roads which are ready for tar it is a saving proposition to the state and if we are to carry on the maintenance as needed we cannot take out any money for the Holman bill. But believing that that is one of the measures, and probably the only measure, by which we can relieve the property tax, I for one am very anxious to see that entire Holman bill go through and that enough money is provided for it and therefore I am in favor of another half cent tax because if we pass it without that tax we are simply robbing the maintenance and tar money to take the place of it.

I think that if this half-cent tax should go through then you would have a unanimous report of the committee "Ought to Pass." The only question of the committee is how to finance it and if we don't have the tax it can only be to the extent of half that amount and then that is taken away from maintenance and tar and one or two other small items. I think that is right.

Mr. HINMAN: Mr. President, I want to make myself plain in that I am not opposing the Holman Bill and I am not opposing relief to the towns or any municipality that may

benefit. I am simply taking the stand that we have a Ways and Bridges Committee that was competent, we have a Highway Department that we assume is reasonably competent and I think that this matter should be taken care of out of the highway funds, if it is to be taken care of and that if there is to be any increase in the gas tax it should go into the general gas tax and that we shouldn't have to allocate it to a special purpose in order to have this matter handled.

Mr. FINDLEN: Mr. President, when this gas tax money is allocated to towns it is very evident that small towns are unable to get their share, their legitimate share of this money, and that is the reason for this special tax for the maintenance and snow removal, the reason being that the distribution of this money is based on certain things, namely, valuation, population, the amount of roads and the number of cars. Now the smaller towns have neither the valuation nor the population nor the number of cars but they do have the roads. These roads we are building from year to year, we are taking some money, each one of us, for our several projects, those projects have to be built under the specifications of the Highway Department and after that piece of road is built, or those numerous pieces already are built, they are not tarred because there is no money for that purpose. They are not maintained.

Now, it just seems to me to be common sense that if we are going to build roads we should maintain them by tarring them. There is no other way to do it so far as I know, and this problem of snow removal, as I said before, is bankrupting these smaller towns. I don't know by what parliamentary procedure we might arrive at a different conference committee but I feel that when this matter came up in the Senate before, in the rush of affairs, it didn't get proper consideration, due to our own fault, and now I just hope that in some way or another we may try once more with a different conference committee.

Mr. CHAMBERLAIN: Mr. President, let us have the report of the Committee on Conference again.

The Secretary read the report of the Committee of Conference.

Mr. CHAMBERLAIN: Mr. President, as I understand it, the Senate has rejected the report of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Hinman that the "Unable to Agree" report of the Committee of Conference be accepted. Previously a motion had been made to reject the report of the Conference Committee and that motion failed of passage. In the natural course, the next motion would be to accept the report of the Committee of Conference and that is the motion now pending before the Senate.

Mr. CHAMBERLAIN: Mr. President, on that motion I would like to speak. It seems to me that we should take such action instead of beating around the bush as to whether we should have a gasoline tax or not. Let that come later. It seems to me that we should confine ourselves, not to whether we should have a gasoline tax or not but to what we should do with this matter that is before us.

Mr. HILDRETH: Mr. President, I rise to a point of parliamentary information. Having voted not to reject the committee report and the motion now being whether we should accept the committee report, if that motion were likewise lost, then would it be possible to make a motion that another committee of conference be appointed?

The PRESIDENT: The Senate may be at ease.

Mr. HILDRETH: Mr. President, I now understand that if this motion before the Senate, which is to accept the report of the Conference Committee, is defeated, then anyone who voted with the majority on the previous vote, by which we failed to reject the report of the Committee of Conference, may vote to reconsider and the question may be thrown open thereby.

The PRESIDENT: That is correct.

Mr. CHAMBERLAIN: Mr. President, that being true, I trust that the Senate will fail to vote in favor of the motion of the Senator from Somerset, Senator Hinman.

The PRESIDENT: The question before the Senate is on the acceptance of the Committee Report.

Mr. HINMAN: Mr. President, I ask for a division.

A division of the Senate was had. Nine having voted in the affirmative and eighteen opposed, the motion to accept the committee report did not prevail.

Mr. MORSE of Waldo: Mr. President, I move that the Senate reconsider its action whereby it failed to reject the report of the Conference Committee. I understand that there is quite a prospect of this money being tied in with the Holman bill, so-called, and that is the purpose of my motion.

Mr. FINDLEN: Mr. President, I hope that the motion of the Senator from Waldo, Senator Morse, prevails.

Mr. CHAMBERLAIN: Mr. President, let us have a division on the vote.

The PRESIDENT: The question before the Senate is the reconsideration of the action of the Senate earlier in today's session whereby the Senate failed to reject the disagreeing report of the Committee of Conference. A division has been called for. Is the Senate ready for the question.

A division of the Senate was had.

Twenty-two having voted in the affirmative and nine opposed, the motion to reconsider prevailed.

Mr. FINDLEN: Mr. President, I now move that we join with the House in another Committee of Conference.

A viva voce vote being had, the motion to join prevailed.

The PRESIDENT: The Senate members of the Committee of Conference will be announced later.

Senate Committee Reports (Out of Order)

Mr. Elliot from the Committee on Public Health submitted its Final Report.

Mr. Sanborn from the Committee on Legal Affairs on Bill "An Act to Provide a Police Commission for the City of Biddeford," (S. P. 197) (L. D. 288) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted.

Sent down for concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, bill "An Act Creating a Tax on Cigarettes" (H. P. 1925) (L. D. 1164) tabled by that