

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

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HOUSE

Tuesday, March 30, 1943

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

Prayer by the Rev. Mr. Haldane of Madison.

Journal of the previous session read and approved.

**Papers from the Senate
Senate Reports of Committees**

Inexpedient

Report of the Committee on Temperance on Bill "An Act relating to the Regulation of the Sale of Malt Liquors to Minors" (S. P. 62) (L. D. 156) reporting legislation is inexpedient as it is covered by other legislation.

Report of same Committee reporting same on Bill "An Act to Improve the Efficiency of the Administration of the Liquor Laws and to Safeguard State Revenues During the Present Emergency" (S. P. 61) (L. D. 155)

Report of same Committee reporting same on Bill "An Act relative to Ordering of Malt Liquors by Wholesalers" (S. P. 331) (L. D. 504)

Report of same Committee reporting same on Bill "An Act relating to Sale of Liquor to Minors" (S. P. 204) (L. D. 285)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Ways and Bridges reporting "Ought to pass" on Resolve proposing an Amendment to 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)

Report was signed by the following members:

Messrs. DORR of Oxford
HALL of Franklin
—of the Senate.
CROSS of Augusta
McINTIRE of Phippsburg
OSGOOD of Bradford
LACKEE of Addison
DEAN of So. Portland
AYER of Cornish
—of the House.

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

Report was signed by the following members:

Messrs. BROWN of Aroostook
—of the Senate.
MacLEOD of Bar Harbor
—of the House.

Came from the Senate, the Majority Report read and accepted and the Resolve passed to be engrossed.

In the House:

The SPEAKER: The gentleman from Bradford, Mr. Osgood, moves acceptance of the Majority Report "Ought to pass." Is this the pleasure of the House?

The motion prevailed, and the Majority Report "Ought to pass" was accepted, and the Resolve was given its first reading and assigned for second reading tomorrow morning.

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

Mr. MURCHIE: I do not know, Mr. Speaker, whether I should ask permission to address the House at this time or not. I have just arrived in my seat, and I was not here when the motion to accept the majority report was made.

I would like to move that we reconsider our action of a moment ago whereby we passed this Resolve. I am sure that this is a matter to which this House should give very serious consideration, and I would like to have an opportunity to be permitted to say a word in connection with it.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that the House reconsider its action whereby it assigned this Resolve for second reading tomorrow morning. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The question before the House is on the assignment of the Resolve for second reading.

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

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the House: I want to apologize in a way for seeming to be in a sort of a brown study here, but the thing was sort of sprung upon me. I honestly

think this is not a matter we ought to let go by this Legislature by unanimous consent. I have no quarrel with the present law. I do not want to use any gasoline money for any other purposes than highways. But are we setting ourselves up here as supermen and as a group who are going to say: "We will fix this Constitution up so that the next Legislature that is coming after us, and who do not know as much about it as we do, so that they cannot have a word to say in this matter." I tell you that is a very serious consideration, and it is a thing we ought not to let go. It is not right; it is not fair.

This is sponsored in a way by a group of men, the Maine Automobile Association and hundreds of others, contractors, road material men, truckers, oil and gasoline producers, shippers of all sorts, and just plain, ordinary citizens, to be sure. What they are after is an excessive apportionment of the money from the public till and an undue and improper influence in its expenditure. I tell you it is not right. It has got to have a two-thirds vote in here, and I do not believe the members of this Legislature are going to be foolish enough to permit a two-thirds vote on a question of this kind. Why do we not amend the Constitution and say that all revenue from liquor shall be turned over to the Inland Fisheries and Game Department? That would be no more foolish than this is.

Supposing the State of Maine later on should get in a jam, and this money is tied up so that the State can not use it? I do not want to use highway money, but I do not want you to go off half-cocked and pass a bill of this nature when it is absolutely ridiculous that such a thing should be done. It is a strange thing that those who are always asking for more and better roads do not realize that the total expenditures by the State of Maine from funds received from motor vehicle users, including those who operate the business of highway transportation—they seem to forget that the cities, towns and counties as well as the State itself contribute very substantially towards those funds each year. The towns and cities help out on these highways. I say to you that we should not allow any such thing as this to go along.

I asked you if you thought you were supermen, and you said "No." What are you doing here—the ones who are sponsoring this bill are not the only group I mention, but they are a group of paid lobbyists who are hired by the group I am telling you about and who came in here and tried to tie this up indefinitely. I do not want to use highway money, as I have said before, but I think it is a crazy idea to tie this up.

I guess I have said everything that I could think of, Mr. Speaker. I do not know what the motion should be, but I am opposed to the passage of this bill.

The SPEAKER: Does the gentleman wish to move for indefinite postponement?

Mr. MURCHIE: I do, if you please, Mr. Speaker. I wish to move the indefinite postponement of this resolve.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that Legislative Document 339 be indefinitely postponed.

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

Mr. BREWER: Mr. Speaker and Members of the House: I, with Mr. Murchie, do feel that this is not a matter to clutter up our Constitution with. I will say to you that anything pertaining to our Constitution should be a matter of principle. I will say to you that spending money is not a matter of principle, but good common sense.

If you will look over the sponsors of this bill, you will find that they are a group of organizations who are only looking for their own selfish interests. Not only that, but the only reason that they are at this time agitating this thing is to justify their existence, and for no other reason.

If you will look back over the history of the State and the highway fund, you will find there has never been any serious diversion of the highway fund. Of course you have been told that a few years ago they spent money for Old Age Assistance, but if you will analyze that you will also find that that money was paid back, and it was only given to the towns and cities for road money if they would con-

tribute towards the old age pension. I say that is not diversion of highway funds. I think I am right in making this statement: that any money that has been borrowed from these highway funds has been repaid.

Now they say there is a need for this thing. These organizations have created the need. What do they do? If you pass this thing by a two-thirds vote, they go home and say to the people, "Representative Doe approves of this thing." Of course you admire him, gentlemen, and not having had a chance to take the cover off the barrel and look in, they naturally are willing to go along. In other words, if anybody comes to you and says, "Do you want highway funds diverted?" you will say, "No." But I cannot conceive of a time under these conditions—and they are extraordinary at this time—when we might not have to use highway funds. I do not think there was anybody two years ago who conceived of Pearl Harbor. We all realize, of course, that we may have a bombing on the eastern seaboard. There may come a time when you and I and our constituents back home might be tickled to death to have this highway money used for other purposes.

As the gentleman from Calais, Mr. Murchie, has said: Are you going to pose as supermen in that you are not willing to say what the people who follow you in this Legislature can do with this money? I hope that the people who follow me are brighter than I am, and I hate to tie their hands in this manner.

Another thing: You have not heard any of these arguments suggest that we relieve real estate of their taxes. In other words, real estate is not going to be relieved in any way if this is so tied up.

Maine has always looked with great jealousy upon this road money, realizing how vital the roads are. We have laws that say we shall not divert that money. Now they say to you: "If you want to borrow that money temporarily you can borrow it." But, if you can, why should you have to have a constitutional amendment?

Now, I say to you that when we step out and are willing to tie the hands of the people following us in

this Legislature I do not think it is smart legislation. I hope the motion of the gentleman from Calais, Mr. Murchie, to indefinitely postpone this Resolve will prevail.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. McLEOD: As you might think, Mr. Speaker and Members of this House, I am one of the two on the Minority Report on this bill. What the gentleman from Presque Isle, Mr. Brewer, and the gentleman from Calais, Mr. Murchie, have stated also goes for me.

I resent the implication in this bill that we as legislators and future legislators could not be trusted to administer the affairs of the State so that we have got to have a constitutional amendment to tie this up forever and a day.

Now we speak of a two-thirds majority to pass this constitutional amendment. It will also take a two-thirds majority to remove it if we ever wish to.

Now let us look at it in the reverse. If it takes two-thirds, one-third and one vote of a minority group can keep you from removing this constitutional amendment once you get it. I think there may be a day when we people may wish our legislators to divert this money for some other reason, and, if the people of the State of Maine want that, I do not believe they should have to go to the trouble of getting a two-thirds vote and then have a referendum, which would mean at least two years before they could take any action on this.

Now we have heard quite a lot about flight strips along the highways to be used in time of war. I would not be surprised if in five or six years we may want flight strips along our highways for the convenience of people who are coming into our State, to be used afterwards. If we should wish to take some of this highway money at that time for that purpose, I believe it would be perfectly all right. That is my reason for signing the minority report for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker, since March 12th, I have received letters from half a dozen organizations asking my support in behalf of this

measure which we have under consideration I approached this question with an open mind. I was neither for or against it when I first heard of it. I have tried to answer my correspondence this winter, and I have answered all but one of the letters received.

Now, it will not be necessary for me to read the letters, because other members of the House have received copies. I would like to read a portion of my answers. I do so because it would be a rather mixed-up matter if I tried to remember all at once what I said. When I quote from myself I like to do it with accuracy. So, begging your indulgence, I will read a portion of my correspondence. Under date of March 12 I received a letter from the Camp Owners' Association Inc., and I answered as follows:

"Your letter has been received and will be carefully considered. I trust that post war planning may have a beneficial effect upon the camp industry.

"I am glad to hear from you and should like to talk personally with you."

Under date of March 19th I received a letter from the Secretary of the Maine State Grange. On March 20th I answered as follows:

"Dear Secretary Howes:

"Your communication regarding Senate Paper 233 has been received and will have my careful attention. I am glad to know your personal view and the general attitude of the Grange. I realize, however, that the resolution and the fact that the amendment is being supported by officials of the Grange could easily be the reflection of the sentiment of only a portion of the membership of the organization."

I will say right here that in the past there was a time when we tried to have a sales tax passed, but the Grange opposed it, and it was represented that the Grange as a whole, perhaps, did not feel that way; but the question came up that the Grange as a whole was opposed to it, when, as a matter of fact, thousands of Grangers over the State of Maine were in favor of it, but those who had the position of leadership were able to have a resolution passed favorably. Now, that did not reflect the views of the individual member. I just mean that sometimes resolutions do not reflect the opinion of the entire organiza-

tion. Now, to go on with my letter:

"Farmers need relief from the burden of real estate taxes. It seems to me that the Grange has fallen far short of its opportunity to help lessen this burden. The State Master is doing a wonderful piece of work as Speaker and I believe that the order might be a great factor in influencing beneficial legislation.

"Our roads do need attention and I am confident that they will be kept up in spite of adverse conditions.

"I should be glad to talk with you personally."

I received on March 24th a letter from The Commercial Motor Vehicle Association of Maine. On March 25th, I answered as follows: "Gentlemen:

Your letter of the 24th has been received. I am giving careful consideration to the matter of Senate Paper 233, Legislative Document 339.

"We all favor good roads and are in sympathy with the desire that they be continued. We do not share, however, your apprehension that the system is in danger of being upset. It seems to me that the statutes on the subject afford protection.

"Have you any reason to believe that future legislatures will be likely to pass measures to undo the work that has been put into the building up of our highways? Would it be becoming for us to show an attitude of distrust toward our successors? Do you fear that those to whom future legislation is entrusted will not have the interests of the State of Maine at heart? I should be sorry to think that the people of our state are not going to continue to send to the legislature those who can be trusted to act intelligently and effectively with problems that are to be presented.

"It is my belief that if the people at home are kept informed concerning conditions, they will be capable of dealing adequately with situations that call for action."

This is the only letter to which I received a second reply. I would like to read a portion of it, because I think it is a very fine letter, and then read my reply thereto. It comes from the Secretary of the Commercial Motor Vehicle Association of Maine.

"Referring to the third paragraph of your letter, I wish to state that

I have every confidence in our state representatives,—”

And he also mentions certain members to which we cannot refer at this time. Then, continuing;

“I hope that I will never entertain the thought that future representatives might be remiss in their duties.”

There are some portions that I do not need to read just now. Then he states:

“It is not always true that the people fully endorse the act of its representative; as in other walks of life it is difficult to obtain a 100 per cent concurrence. When a question is left with the people or voters to decide, the result is of their own making and they have no one to blame.”

The next letter is a letter under date of March 24th from the Maine State Grocers Association. I replied on March 25th as follows:

“Gentlemen:

Yours of March 24 has been received.

“Legislative Document 339, Senate Paper 233 is before our body for consideration.

“Do not the laws of the state amply protect highway money? Why do we need a constitutional amendment? I am confident that our highway systems are secure and that they will continue to be safeguarded. It would not seem to be wise for one Legislature to tie the hands of another.

“Have you any particular reason to give why the proposed amendment should be adopted, other than that it has the support of your organization?

“Thank you for your communication. I assure you the subject matter is being carefully considered.”

I have only one other that I should like to read to you, if I can find it here.

It was a reply to three questions proposed by the Maine Good Roads Association under date of March 24th.

I will read it to you. Under date of March 25th I replied as follows:

“Yours of March 24th is at hand. In reply I will ask three questions covering your three points.

“1st—Is it wise for the present Legislature to prevent future Legislatures from exercising their wills

to act in accordance with what may seem to them to be for the best interests of the State of Maine?”

“2nd—Shall Maine surrender any more of her rights in the hope of receiving additional Federal aid?”

I want to say right here that I think it is a fine thing for the Federal government to aid the states in what they are going to do, but I think that if we are going to sacrifice our independence for the sake of receiving aid I think we had better be careful. We are going a long way from the opinion of the founders of our republic, those who believed the individual had his rights and the State had their rights. I think that we should hesitate before we go too far in surrendering those rights. Continuing with my reply:

“3rd—Do the organizations and service clubs sponsoring Legislative Document 339—Senate Paper 233 have a recorded vote equal to half or more of the voters of the state?”

“I thank you for your letter and assure you that I am giving careful study to the bill.”

Now, Fellow Members of the House, I hope that we shall be very careful before we put anything into the Constitution which we may wish that we had left out; and I believe that if we are ever in doubt as to whether to vote for a measure, I think in the State of Maine it is pretty safe to leave it as it is until we have reason to vote otherwise.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, for indefinite postponement of Legislative Document 339.

The Chair recognizes the gentleman from Durham, Mr. Day.

Mr. DAY: Mr. Speaker and Members of the House: It is very evident from the previous speakers that there is a demand for this Resolve. My attitude on this thing is that while I may have all confidence in future legislatures I also have confidence in the people of the State of Maine, and I believe they have the right to have the privilege of voting on this amendment if they want it, and it is very evident that a large percentage of the people do want it. I do not know whether it is 51 per cent or 66 7-10 per cent, but, anyway, I do not see any harm in us giving them the right to express them-

selves on this amendment. We do not have the final word. The people back home have the final word. They will have to vote on this thing before it becomes part of our Constitution. For that reason, I am going along with this, and I hope that the motion of the gentleman from Calais, Mr. Murchie, does not prevail.

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

Mr. **CROSS**: Mr. Speaker, this measure before the House at this time I think is one on which we would agree with two of the speakers who have spoken before. I personally agree with the gentleman from Calais, Mr. Murchie, and the gentleman from Presque Isle, Mr. Brewer, in some of their remarks, and one of their remarks is that the group that is pushing this Constitutional amendment is perhaps pushing it for selfish reasons. I do not think that any member of the House who received those letters would be unduly influenced by them. It is naturally a matter of bread and butter with those people. But I think the thing goes much deeper than that. The State of Maine is a state of large territory and small population. The sources of taxation for roads are limited, and the sources of taxation for general funds are quite diverse. Now, apparently we have reached a saturation point on the gas tax. The people of the State of Maine have told us they think it has reached a peak. I think they pointed out in no uncertain terms on that initiated law which is now on the statute books, that they wanted no diversion of road funds.

Now this thing here, regardless of the fact it is sponsored by these minority groups, is nevertheless the will, I would say, of nine-tenths of the people of the State of Maine.

I would like to go back to this diversion that was spoken of for old age purposes. Now I have every confidence in the ability of the men and women in this House here today; I have every confidence in the ability of those who will come afterwards, but I have yet to find a member that was a member of the House which voted the so-called old age diversion who was able to tell just what that bill was made up of. They knew that they diverted highway funds; then it said that the towns would pay it back; but, some-

how, when the thing was all over the highway funds were short \$800,000, and nobody could explain just why it was supposed to be paid back by the towns. However, the road funds have always been short to that extent. We did not have that money for the maintenance of roads, and the people knew it. I do not think any member who has ever been out in any group discussing roads since that time will ever be allowed to forget that \$800,000. They saw it reflected in the maintenance of their roads, the dirt roads, the state roads, and the state aid roads. The money just wasn't there for maintenance and the roads showed it. Consequently, I think that the public demand for this thing, even though you do not get letters from the individual on this thing, is nevertheless there.

They cannot understand why the initiated law does not take care of the situation. They feel they voted on it, and the average person does not know of much difference between an initiated law and a constitutional amendment. They know they voted on it and they cannot understand why they should vote on it again. If it is necessary, I would be willing to gamble any money—and I am not much of a gambling man—that the vote would be at least eight to two in favor of this amendment if it is put to the people.

Now, this thing is going to beat around the halls of the Legislature until we finally do send it to the people. It is not a thing that is going to stop just because we turn it down this year, if we do; it is going to come back year after year sponsored by somebody, because the feeling is there that the State of Maine must have that road money.

There is only one other thing I would bring up, and that is the question of whether this belongs in the Constitution or not.

Now the founding fathers of this state specified in the Constitution that there would be methods available to amend it. The machinery was set up to amend it. They did not state just what would go in the Constitution; they merely set up the machinery and left it to us to say whether in our judgment this thing should be in the Constitution or not. I do not think we should clutter it up with promiscuous amendments. I think we have got too many in it now. But I do

not know of any amendment that is of greater merit than this one here today. I hope the motion of the gentleman from Calais, Mr. Murchie, will not prevail.

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

Mr. MURCHIE: Mr. Speaker, I have no desire to speak a second time, but the gentleman from Augusta (Mr. Cross) touched a point I feel I ought to arise again upon in defense of the previous administration. He brought out the point about the \$800,000. Maybe one or two members here will remember those hectic days in the past six or eight years when we were struggling to set up and straighten out our old age assistance, which has been a real problem and a real effort for previous legislatures. And, in defense of the previous administration, which did use that \$800,000 of highway funds, it was done in an effort to meet a situation that had been shot to pieces because the people would not stand behind a one per cent sales tax for old age assistance. There is not anything needed in the way of argument in defense of that other administration, but I just mention this point.

The gentleman from Augusta, Mr. Cross, said something about the saturation point. You know as well as I do that the saturation point in the sale of gasoline and the amount of money to be received from licenses has not been reached. We are coming back in this nation after the war and we are going to build things up, and we are going to have more than the nine million dollars that has been set up in that department before. I think it is a ridiculous idea to think of such a thing as passing an amendment of this kind at this time.

One more thing, and I promise you I will stop. I suppose every lady and gentleman here knows that by statute today every cent of revenue from the sale of automobile licenses is earmarked for use on highways, and nobody has any desire to use it for anything else. That is the statutory provision, and it is sufficient. We do not want to be selfish enough to say we are going to do anything else.

The SPEAKER: The Chair recognizes the gentleman from Phippsburg, Mr. McIntire.

Mr. McINTIRE: Mr. Speaker and Members of the House: I wonder whether the opponents of this bill were all at the hearing? As I remember, there was one opponent, and we did not know whether he was an opponent or for it — Dr. Plummer. This is a constitutional amendment. All it does is to give the people an enabling act and to allow the citizens of the State of Maine to vote on this bill.

It has been remarked here that it was not the sentiment of the Grange that we should have this constitutional amendment. Let us find out. Let us let the people vote on it and find out whether it is the sentiment or not. If they do not want it, they will surely vote against it. We should let them vote on it; it is their Constitution. I say: Let the people have a chance to vote on it and find out.

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

Mr. BREWER: Mr. Speaker, they say "Let the people vote on it." I think that is a fine thing to do, but I think everybody here realizes that they will not know the ins and outs of this particular problem. These organizations will approach these people through advertising or what not and as I say, create a demand. They will say to them: "Are you in favor of the diversion of highway funds?" Every one of them will say, "No."

I have gone to the trouble of explaining it to various people in my locality and to various organizations, and, after I had made my explanation, asked them if they wanted to go on record on this thing, and they said "No." When they see the whole picture they do not want to go on record as favoring it. As I say, these organizations will merely go out and create a demand, and, by misinformation, ninety-nine out of a hundred will vote for the thing because in that case they will not see the true picture.

Mr. Speaker, when the question is put I ask for a division of the House.

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

Mr. RANKIN: Mr. Speaker and Members of the House: Perhaps this is the most important matter that has been before us in this ses-

sion, not merely because it has to do with an amendment to our Constitution but because it is an amendment with a big and absolutely original purpose.

I thank the gentleman from Augusta, Mr. Cross, for one distinction he made, and that is the distinction between a constitutional amendment and statutory law. That tells the whole story. Is there one member of this House who believes this is a constitutional law rather than a statutory law? I have the Constitution of the State of Maine here. I have looked it over carefully. There is nothing in there in any respect like this measure, nothing that looks in that direction at all, absolutely nothing. It seems to me that if the people of this state adopt an amendment of this kind, that if we favor it here we are not really amending the Constitution, we are monkeying with the Constitution. The Constitution of the United States is the fundamental law of the land. It does not tell you how you shall spend money, but what your rights are.

Again I direct myself to the Constitution of our State. It deals entirely with principles and rights and fundamental things. The Constitution is always a matter of fundamental law.

I venture these expressions because they are all familiar to us even though we may not be lawyers.

Now, it has been said by the gentleman from Augusta, Mr. Cross—I could not hear exactly, but I think he said something about some machinery set up by which this amendment can be put across. Well, we have machinery already. It is in Article 10 of the Constitution of this State. There is no question about that.

Now, here is another matter, when we are proposing to amend the Constitution of this State. The Constitution says "two-thirds of the members of both Houses when they deem a necessity arises." Is there one member of this House that believes there is a necessity? You may be for it; you may think it has some merit, but is there anyone who believes it is a necessity that we do this? I do not believe there is a necessity. It seems to me that almost touches upon the oath which we took at the opening of this Legislature. We took an oath to the

effect that we would support and defend the Constitution of the United States and of this State.

Now, anyone who votes for this measure simply because he believes it is good and because some of his people want it and because certain organizations want it—that is not necessity, and it seems to me he is going contrary, if not to the letter at least to the spirit, of the Constitution of our State.

Now, with regard to these organizations, I will say that there were a lot of them. By some inadvertence some organizations were omitted. I didn't hear anything about the Parent-Teachers Association or the Boy Scouts. But I wonder if those organizations have taken official and bona fide action to this effect? I belong to one of these organizations, and I never heard of it in any way. A gentleman the other day said he belonged to three of them and never heard about it from any of the three.

You know it has been pointed out that there are certain states that have amendments of this kind in their Constitution. They are practically all western states. I have no prejudice against the western states—I lived there the most of my life until I came to Maine fifteen years ago—but I think those western states have made a mistake. There is one state, I am told, in the west that added this kind of an amendment to its Constitution. In principle it is just like this, ridiculous as it is. There is one state that has amended its Constitution to the effect that hotels must provide sheets nine feet long for their guests. That is just the same as this is in principle, absolutely. This is not the sort of a thing that should go in the Constitution.

The gentleman from Augusta, Mr. Cross, I think gave an argument against himself when he talked about embarrassment to the members of the Legislature who voted for this \$800,000 diversion in the past. The automobile business is a new thing. These laws that relate to automobiles and gasoline are new. I think the very fact they were embarrassed and perhaps made a mistake will prevent their doing so in the future. I have confidence in this Legislature that it will not divert funds; and I have confidence in future legislatures, that they will not divert them. But after this war

there might arise an economic crisis more severe than anything we can even imagine, when it might be conceivable that it would be necessary to do something with the funds we may have on hand. But I am opposed to this chiefly because it is not a constitutional measure; it is a statutory measure, and to make it part of the Constitution, as I said before, will mean monkeying with the Constitution. It seems perfectly absurd, and certainly no necessity exists for it.

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

Mr. SLEEPER: Mr. Speaker, I want to first have it distinctly understood that I speak only as a personal representative and not as your floor leader. I have great respect for the signers of the "Ought to pass" report—Cross, McIntire, Osgood, Lackee, Dean and Ayer. Everyone of them are sound, sensible men, and for that reason, I sat still when the "Ought to pass" report was accepted. I felt that if these men felt it ought to pass, it should pass, although deep down in my heart I felt that it should not pass. I did not feel I should argue against these men, for all of whom I have the greatest respect.

However, I was very glad when the gentleman from Calais, Mr. Murchie, got up and had the courage to move to reconsider, and said we ought not to pass and should not pass this Constitutional amendment. It is not constitutional from an ethical point of view. The gentleman from Bridgton, Mr. Rankin, brought out very aptly the matter that it was not for the Constitution to say that all money we got from gasoline and automobile registration must go on the road. It is just as logical to say that we should protect the Old Age Pension people by saying that all money that comes from the sale of liquor should go for Old Age pensions. Why wouldn't it be just as well to protect those people? They are just as much entitled to protection as the roads are. It would be rather shameful to put in our Constitution that all of this money from the sale of liquor must go to Old Age pensions.

I was a member of the House in 1937, when this so-called "road steal" took place; when we were

supposed to have stolen \$800,000 from the highway funds to grant Old Age pensions. I want to tell you that things were pretty desperate in 1937. Our Governor and Legislature were all elected on a platform of granting Old Age pensions, and we did not have a single penny to grant these pensions to these people who wanted them, and demanded them—and public opinion was behind them. So then we borrowed the money from the Highway Department, but we did not steal one cent. Every cent that we took was put on the roads. What we did was to say that in return the towns and cities should pay one-quarter of the Old Age pensions—if they kept a record of every dollar that they spent, that we would reimburse them from our Highway funds to that extent.—So that this so-called \$800,000 was not stolen from the Highway. Every penny was put on the roads, but it was put on them in a back-handed way, I will admit. That is the only way that we could do it. The time might come when we would have to do it again, but I doubt it.

It is very, very true that we do not have any right to say to the legislatures in 1945, or 1947, or 1949, how they will run their business. We have no right to do that. Our form of government is the purest form of democracy. We are all elected by the people, every one of us—and liable to them—and legislators in 1945, 1947 and 1949 are going to be just the same. There is no fear of this thing. Certainly they will not divert highway funds. It is almost absurd to say that it should be put in the Constitution. I belong to several of those bodies—the Maine State Grange, the Maine Automobile Association, the Maine Hotel Association; and I do not remember of voting that we should take this action and writing you telling you what you should do. No doubt those letters are the result of a zealous Executive Secretary, and he did it and did it well. But they had no effect on me; I do not imagine they had any effect on any other people. So do not imagine that I am trying to tell you people because I know better than you do.

I am just telling you that I am glad that the gentleman from Calais, Mr. Murchie, had the cour-

age to get up and move reconsideration of this action.

I am just trying to tell you that I do not think that we want to pass this bill amending our Constitution and telling future legislatures what to do.

I certainly hope that the motion of the gentleman from Calais, Mr. Murchie, will prevail and that this bill will be indefinitely postponed.

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

Mr. DOW: Mr. Speaker and Members of the House: The arguments, I think, have pretty well covered the situation. I just want to mention a few points with which I agree. First, I agree that the Constitution should be a framework on which laws are built, not a collection of miscellaneous laws. Second, I agree that the apparent demand from the people for this legislation is not the people's demand but an artificially created demand.

One point has been mentioned, that the people should control the spending of the people's money. I believe that the people now control it, but I do not think they would have so much control if this amendment should be included in the Constitution. It has already been pointed out that if this constitutional amendment were passed and an emergency should arise where we would badly need immediate funds, fifty-one members of this body or twelve members of another body could prevent the removal of that amendment, or, if they did agree, it would take two years. I believe the arguments are very much in favor of the gentleman from Calais, Mr. Murchie.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, for indefinite postponement.

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

Mr. OSGOOD: Mr. Speaker and Members of the House: As a member signing the majority report, I feel I should at least get up here in defense of our action.

I want to say to you that we gave every proponent and opponent a full, fair hearing at our public hearing. We even went further than that—and our Chairman will agree with me—we gave the opposi-

tion, one gentleman, a chance to come into an executive hearing and voice his opposition, although he was not at the public hearing. This bill did have a full and fair hearing, and, other than the one member who appeared against it, it was unanimously supported by the different organizations who have talked this measure over at great length. The agricultural associations, I know, have had different meetings previous to this ever being introduced and they supported it. I also know my constituents favor it one hundred per cent. I would feel it was my duty to get up here and support this measure. I feel they should have a chance to say whether they wish to have this as a constitutional amendment or not.

You say there is no diversion. There is diversion and you know there is. There is diversion going on at the present time from highway money. The money we pay for the support of our State Police has in the past come entirely out of highway funds, one hundred per cent. It is a sizeable figure: \$310,000 two years ago, \$320,000 for the first year of the biennium, \$335,000 for the next. It is being tried in our committee, with the cooperation of others, to get a just division of those costs, but it is being fought and there is a great deal of opposition from some sources that all money for the State Police should come from Highway funds.

Last night we had a member of the Budget Committee who was before us. Mr. Mossman admitted in fact that probably in the past there had been a small amount diverted from highway funds to the tune of \$100,000, in small ways indirectly. That is being corrected, I will admit. But at the same time, in support of that, I might say that one of the sources of direct diversion would be license plates we have been buying from the State Prison and paying for them on a basis that gave the State Prison a \$25,000 profit. That has been corrected, it is true, but that was a diversion as well as the support of the State Police is a diversion, because not all of the State Police fund or the support of it belongs to highway moneys. Now, this only asks for the right to allow the people of the State of Maine to say whether or not they shall make this constitutional amendment. We here

are only giving the people the right to vote, and I for one hope that the motion of the gentleman from Calais, Mr. Murchie, to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, you have heard the arguments for the motion of the gentleman from Calais, Mr. Murchie, so I do not intend to repeat them, but I have felt so strongly on this matter for several years—a couple, at least—that I feel I should go on record as being strongly in favor of the motion of the gentleman from Calais, Mr. Murchie.

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

Mr. BRALEY: Mr. Speaker and Members of the House: I think it is interesting to note, after serving on the Committee on Motor Vehicles myself, that the State of Maine does a four million dollar business in its Motor Vehicle Division of the Secretary of State's Department. Of this money, there are 250,000 automobiles registered in the State of Maine and 500,000 licenses issued as operators' licenses in the State of Maine. I feel sure that these 500,000 people who own operators' licenses do not wish that this money should be diverted to other sources.

The gentleman from Bradford, Mr. Osgood, has stated that the State Police have received this money. That has been diverted to the State Police Department.

Our Floor Leader also mentioned that back in 1937 when the money was diverted that it was because of the desperate demand. I think it is unwise for any Governor or any member to promise something that they could not fulfill, and have no way of knowing how to get the money.

Therefore, I am supporting the Majority Report "Ought to pass."

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie for indefinite postponement of Legislative Document 339.

The gentleman from Presque Isle, Mr. Brewer, asks for a division.

All those in favor of the motion of the gentleman from Calais, Mr.

Murchie, for indefinite postponement of Legislative Document 339, Resolve proposing an Amendment to 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 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.

Sixty-one having voted in the affirmative and 65 in the negative, the motion failed of passage.

Thereupon the Resolve was assigned for second reading tomorrow morning.

Ought to Pass in New Draft

Report of the Committee on Banks and Banking on Bill "An Act relating to Refunding of Washington County Bonds" (S. P. 415) (L. D. 725), reporting same in a new draft (S. P. 469) (L. D. 850) under same title and that it "Ought to pass"

Report of the Committee on Judiciary on Bill "An Act relating to Conscious Suffering Preceding Death" (S. P. 355) (L. D. 647) reporting same in a new draft (S. P. 473) (L. D. 854) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to the Retirement System for State Police" (S. P. 189) (L. D. 277) reporting same in a new draft (S. P. 474) (L. D. 852) under same title and that it "Ought to pass"

Report of the Committee on Salaries and Fees on Bill "An Act relating to the Salaries of the Members of the State Highway Commission" (S. P. 370) (L. D. 634) reporting same in a new draft (S. P. 470) (L. D. 849) under same title and that it "Ought to pass"

Report of the Committee on Ways and Bridges on Bill "An Act relating to Notices of Changes of Locations of Certain Highways" (S. P. 152) (L. D. 152) reporting same in a new draft (S. P. 472) (L. D. 853) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Expenses of Maintaining County Roads" (S. P. 400) (L. D. 673) reporting same in a new draft (S. P. 471) (L. D. 851) under same title and that it "Ought to pass"