

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, March 6, 1941.

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

Prayer by the Rev. Mr. Barr of Readfield.

Journal of the previous session read and approved.

Senate Reports**Report of Conference Committee**

From the Senate:

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on Joint Order Providing for a Cumulative Index (S. P. 465) reporting that the committee is unable to agree.

(Signed)

Miss LAUGHLIN of Cumberland
Messrs. HARVEY of York

CHAMBERLAIN of Penobscot

—Committee on part of Senate.

PAYSON of Portland

PRATT of Turner

FARWELL of Unity

—Committee on part of House.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

Bill "An Act relating to Taxation of Insurance Companies" (S. P. 382) (L. D. 620)

Bill was read twice and tomorrow assigned.

Senate Reports**Ought to Pass****Tabled**

From the Senate:

Report of the Committee on Motor Vehicles reporting "Ought to pass" on Bill "An Act Authorizing the Registration of Motor Vehicles Operated by Government Agencies" (S. P. 386) (L. D. 632)

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

In the House, on motion by Miss Bangs of Brunswick, tabled pending acceptance of Committee Report.

Ought to Pass with Committee Amendment Tabled

From the Senate:

Report of the Committee on Judiciary on Bill "An Act relating to Probation Officers from Cumberland County" (S. P. 192) (L. D. 289) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report read and accepted in concurrence, and the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 192, L. D. 289, Bill "An Act Relating to Probation Officers for Cumberland County."

Amend Section 1 by striking out in the eleventh line thereof the words "either of said courts" and inserting in place thereof the words 'said municipal court with the approval of the judge of the superior court resident in said county, or of the chief justice of the supreme judicial court.'

Further amend said Section 1 by inserting at the end thereof the words, 'Said probation officer shall give bond to the county in such sum and with such sureties as the county commissioners of said county shall approve.'

Amend Section 2 by inserting in the ninth line thereof after the words "Cumberland county" the following: 'or of the chief justice of the supreme judicial court.'

Further amend said Section 2 by striking out the words "recorder" and "municipal" in the seventh line of the second paragraph of said section and inserting in the place of the word "recorder" the word 'judge', and by striking out all of said paragraph after the word "court" where it first appears in the eighth line thereof.

On motion by Mr. Dow of Falmouth, the Bill, together with the amendments, was tabled pending adoption of Committee Amendment "A" in concurrence.

Ought to Pass with Committee Amendment

From the Senate:

Report of the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Foreign Insurance Companies" (S. P. 384) (L. D. 622) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report was read and accepted in concurrence and the Bill had its two several readings.

Committee Amendment "A" read by the Clerk and adopted in concurrence, and tomorrow was assigned for third reading of the Bill.

Non-Concurrent Matter

From the Senate:

Resolve Regulating Fishing in Mann's Mill Pond, Little Poverty Pond and Shy Beaver Pond (H. P. 426) (L. D. 175) which was passed to be engrossed in the House on February 13th.

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

In the House, Senate Amendment "A" read by the Clerk.

Thereupon, the House voted to recede from its former action whereby it passed this Resolve to be engrossed. Senate Amendment "A" was then read and adopted in concurrence, and the Resolve as amended was passed to be engrossed in concurrence.

The following Communication:

STATE OF MAINE
DEPARTMENT OF STATE
March 5, 1941.

To Harvey R. Pease, Clerk of the House of Representatives of the Ninetieth Legislature:

In compliance with Section 36 of Chapter 2 of the Revised Statutes, I hereby certify that in accordance with the Provisions of Section 74 of Chapter 8 of the Revised Statutes a special election was held in the City of Belfast on March 3, 1941 for the purpose of electing a representative to the Ninetieth Legislature to fill the vacancy caused by the resignation of Thomas Mac-

donald of said Belfast; that at said election Percy A. Bradford was elected representative to the Ninetieth Legislature, as appears by the records of the Governor and Council under date of March 5, 1941.

That on this fifth day of March, 1941 the said Percy A. Bradford personally appeared before the Governor and Council and took and subscribed the oaths of office as required by the Constitution to qualify him to enter upon the discharge of his official duties.

(Seal) IN WITNESS WHEREOF I have caused the Seal of the State to be hereto affixed this fifth day of March in the year of our Lord one thousand nine hundred and forty-one and of the Independence of the United States the one hundred and sixty-fifth.

(Signed) **FREDERICK ROBIE**
Secretary of State.

The communication was read and ordered placed on file.

The **SPEAKER**: The Chair notes the presence in the hall of the House of the gentleman from Belfast, Mr. Bradford, and on behalf of the House welcomes him to membership in the House, and requests the gentleman from Unity, Mr. Farwell, to conduct him to his seat, No. 33.

Thereupon, the gentleman from Unity, Mr. Farwell, conducted the gentleman from Belfast, Mr. Bradford, to Seat No. 33, amid the applause of the House.

Communication from the Commissioner of Health and Welfare, in compliance with Joint Order (H. P. 1503) transmitting a list of all persons receiving pensions from the State (H. P. 1647)

The Communication was ordered placed on file and sent up for concurrence.

Orders

On motion by Mr. Holman of Dixfield, it was

ORDERED, that Rev. A. Z. Arnold of Rumford, be invited to act as Chaplain of the House on Thursday, March 13th.

On motion by Mr. McGlaulin of Portland, it was

ORDERED, that Mr. Phair of Caswell Plantation, be excused from attendance on Friday because of

town business; and that Mr. Sylvia of Danforth, be excused for the remainder of the week because of death in the family.

House Reports of Committees Leave to Withdraw

Mr. Shesong from the Committee on Legal Affairs on Bill "An Act relating to Sunday Hunting" (H. P. 114) (L. D. 62) reported leave to withdraw.

Mr. Estabrook from the Committee on Pensions reported same on Resolve providing for a State Pension for Joseph R. Rioux of Lisbon (H. P. 1279)

Mr. Williams from the Committee on Salaries and Fees reported same on Bill "An Act relating to Compensation of the Register of Probate of York County" (H. P. 1202) (L. D. 420)

Mr. Dean from the Committee on Ways and Bridges reported same on Resolve in favor of the town of Bremen (H. P. 982)

Same gentleman from same Committee reported same on Resolve in favor of the town of Fairfield (H. P. 744)

Same gentleman from same Committee reported same on Resolve in favor of the town of Solon (H. P. 373)

Mr. Hall from same Committee reported same on Resolve in favor of the town of Damariscotta (H. P. 979)

Same gentleman from same Committee reported same on Resolve in favor of the town of Damariscotta (H. P. 977)

Same gentleman from same Committee reported same on Resolve in favor of the town of Edgecomb (H. P. 980)

Same gentleman from same Committee reported same on Resolve in favor of the town of Damariscotta (H. P. 973)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Francis S. Dow of Livermore (H. P. 919)

Mr. Mills from the Committee on Judiciary reported same on Bill "An Act relating to Fees of the Clerks of the Judicial Courts" (H. P. 1400) (L. D. 778)

Mr. Donahue from the Committee on Legal Affairs reported same on

Bill "An Act relating to Barbering" (H. P. 1531) (L. D. 870)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Dwinall from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Repealing the Law relating to the Board of Barber Examiners" (H. P. 1188) (L. D. 483)

(On motion by Mr. Sleeper of Rockland, tabled pending acceptance of Committee Report)

Miss Clough from the Committee on Public Health reported "Ought not to pass" on Bill "An Act relating to the Sale of Ice from the Androscoggin River" (H. P. 1620) (L. D. 965)

Mr. Brown from the Committee on Public Utilities reported same on Bill "An Act relating to the Operation of Busses" (H. P. 1282) (L. D. 548)

Reports were read and accepted and sent up for concurrence.

Refer to Committee on Pensions

Mr. Eddy from the Committee on Claims on Resolve in favor of Julia D. Winship of Augusta (H. P. 928) reported that same be referred to the Committee on Pensions.

Report was read and accepted and the Resolve referred to the Committee on Pensions and sent up for concurrence.

Ought to Pass in New Draft

Mr. Starrett from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Damariscotta Lake (H. P. 240) (L. D. 79) reported same in a new draft (H. P. 1644) under same title and that it "Ought to pass"

Mr. Hinckley from the Committee on Judiciary on Bill "An Act relating to Actions for Alienation of Affections and for Breach of Promise to Marry" (H. P. 640) (L. D. 276) reported same in a new draft (H. P. 1645) under title of "An Act relating to Action of Breach of Promise to Marry, and Amending the Law relating to Action by Married Woman for Alienation of Affections of Husband" and that it "Ought to pass"

Mr. Libby from the Committee on Public Utilities on Bill "An Act to Amend and Extend the Charter of the Bangor Gas Light Company" (H. P. 1200) (L. D. 365) reported same in a new draft (H. P. 1646)

under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass

Mr. Welch from the Committee on Claims reported "Ought to pass" on Resolve in favor of Howard Douglas of Upton (H. P. 931)

Report was read and accepted and the Resolve was ordered printed under the Joint Rules.

Mr. Hinckley from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Legal Documents" (H. P. 1405) (L. D. 783)

Mr. Southard from the Committee on Legal Affairs reported same on Bill "An Act relating to Fees of Constables Enforcing the Dog License Law" (H. P. 1236) (L. D. 498)

Mr. LaFleur from the Committee on Public Utilities reported same on Bill "An Act Conferring Jurisdiction of the Public Utilities Commission over Vessels or Boats Propelled by Other Motive Power than Steam" (H. P. 1283) (L. D. 549)

Reports were read and accepted.

Ought to Pass with Committee Amendment

Mr. McGlaflin from the Committee on Judiciary on Bill "An Act to Exempt from Taxation the Property of the Society for the Preservation of New England Antiquities" (H. P. 1160) (L. D. 457) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. Lane from the Committee on Military Affairs reported same on Bill "An Act Creating the Maine Nautical School" (H. P. 433) (L. D. 181)

Mr. Bowers from the Committee on Public Health reported same on Bill "An Act to Authorize the city of Bangor to Remove the Remains in a Burying Ground in Hampden" (H. P. 1190) (L. D. 485)

Reports were read and accepted.

First Reading of Printed Bills and Resolve

Bill "An Act relating to Probation Officers" (H. P. 1205) (L. D. 423)

Bill "An Act to Determine Quality of Farm Products" (H. P. 1251) (L. D. 534)

Bill "An Act relating to the Salary of the Indian Representative" (H. P. 1553) (L. D. 844)

Bill "An Act Changing the Name of Bangor Gas Light Company to Bangor Gas Company" (H. P. 1643) (L. D. 993)

Resolve in favor of George W. Pettingill of Livermore Falls (H. P. 1642) (L. D. 992)

Bills were read twice, Resolve read once, and tomorrow assigned.

Passed to be Engrossed Bill Tabled

Bill "An Act relative to Standish Game Preserve" (S. P. 241) (L. D. 393)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. LaFleur of Portland, tabled pending third reading)

Bill "An Act relating to Probation Officers and their Duties" (S. P. 350) (L. D. 666)

Bill "An Act relating to Dates for Inspection of Motor Vehicles" (H. P. 651) (L. D. 232)

Bill "An Act Amending the Law relating to Unemployment Compensation with Respect to Keeping Separate Accounts" (H. P. 1256) (L. D. 555)

Bill "An Act relating to Trapping by Indians" (H. P. 1264) (L. D. 536)

Bill "An Act relating to Appeals in Civil Cases to the Superior Court" (H. P. 1410) (L. D. 788)

Bill "An Act Regulating the Fishing for White Perch" (H. P. 1637) (L. D. 985)

Bill "An Act relative to the Taking of Smelts in York County" (H. P. 1638) (L. D. 986)

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

Bill Tabled

Bill "An Act relative to Use of Poisons" (H. P. 1639) (L. D. 987)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. McKeen of Paris, tabled pending third reading)

Passed to be Engrossed (Continued)

Resolve in favor of Bion M. Rhoades of Topsfield (S. P. 472) (L. D. 974)

Resolve in favor of Knox Memorial Association Inc., for Support and Maintenance of "Montpelier" (H. P. 614) (L. D. 251)

Resolve Closing Smith Pond to Fishing (H. P. 626) (L. D. 262)

Resolve Regulating Fishing in Androscoggin County Waters (H. P. 1142) (L. D. 442)

Resolve in favor of Tri City Fish and Game Association (H. P. 1143) (L. D. 443)

Resolve Regulating Fishing for Smelts in Waters of Androscoggin Watershed (H. P. 1640) (L. D. 988)

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

Amended Bills

Bill "An Act relating to Time of Filing Notice by Towns of Support Supplied Paupers" (H. P. 429) (L. D. 178)

Bill "An Act Limiting the Amount of Inventory of the State Liquor Commission" (H. P. 611) (L. D. 284)

Bill "An Act Amending the Law relating to Unemployment Compensation to Permit Filing of Copies of Documents" (H. P. 1254) (L. D. 553)

Bill "An Act Providing for an Assistant County Attorney for Penobscot County" (H. P. 1395) (L. D. 773)

Bill "An Act relating to Enforcement Support Decrees" (H. P. 1404) (L. D. 782)

Resolve Regulating Fishing in Wilson Pond (H. P. 634) (L. D. 270)

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

Passed to be Enacted Emergency Measure

An Act Amending the Unemployment Compensation Law so as to Reduce Waiting Period for Unemployment Benefits and to Preserve Benefits for Persons in the Military Service (H. P. 1260) (L. D. 559)

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

This being an emergency measure, 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.

Passed to Be Enacted

An Act relating to Clerk Hire in Somerset County (S. P. 399) (L. D. 819)

An Act relating to Sunday Moving Pictures (H. P. 5) (L. D. 4)

An Act Relating to the Raymond Fish Hatchery (H. P. 795) (L. D. 308)

Tabled

An Act relating to the Time of Opening and Closing of Polls (H. P. 1152) (L. D. 452)

(On motion by Mr. Hinckley of South Portland, tabled pending passage to be enacted)

An Act relating to Hunting While Intoxicated or Under the Influence of Drugs (H. P. 1500) (L. D. 815)

Finally Passed

Resolve Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Belgrade (S. P. 98) (L. D. 126)

Resolve Regulating Fishing in Saco and Mousam Rivers (S. P. 238) (L. D. 396)

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

Orders of the Day

On motion by Mr. Dow of Falmouth, the House voted to take from the table Report of the Committee on Judiciary on Bill "An Act relating to Probation Officers from Cumberland County" (S. P. 192) (L. D. 289) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith, which came from the Senate, Report read and accepted and the Bill

passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A", tabled by that gentlemen earlier in today's session pending adoption of Committee Amendment "A".

On further motion by Mr. Dow, Committee Amendment "A" was adopted in concurrence.

Senate Amendment "A" was then read by the Clerk and adopted in concurrence and the bill was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the sixteenth tabled and unassigned matter, House Amendment "A" to Committee Amendment "A" to House Paper 826, Legislative Document 340, Bill "An Act Clarifying the Law Relating to Notices of Appointments and Elections," which was tabled under the Rules, for Reproduction.

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

House Amendment "A" to Committee Amendment "A", to H. P. 826, L. D. 340, Bill "An Act Clarifying the Law Relating to Notices of Appointments and Elections."

Amend said amendment by striking out in the 1st line of the 2nd paragraph thereof the words "7th line" and inserting in place thereof the words "7th and 8th lines."

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

On motion by Mr. Payson of Portland, the House voted to take from the table the eleventh tabled and unassigned matter, House Order Relative to Clearing Table on Thursday of each week, tabled by that gentleman on March 5th, pending passage; and on further motion by the same gentleman the Order received passage.

On motion by Mr. Grua of Livermore Falls, the House voted to take from the table the tenth tabled and unassigned matter, Report "A" "Ought to pass" and Report "B" "Ought not to pass" of the Committee on Judiciary on Bill "An Act Making Illegal Contracts to Remit

or Abate Taxes" (H. P. 1413) (L. D. 790), both reports tabled by that gentleman on March 4th, pending acceptance of either report.

Mr. GRUA: Mr. Speaker, I now move the acceptance of Report "A" "Ought to pass", and in support of my motion, I want to give briefly my reasons for supporting this measure.

We feel that any contract to remit taxes is illegal under the decisions of the courts of this State and under the Constitution, but we feel that very frequently extreme pressure is brought to bear upon the selectmen of towns and the inhabitants of towns to grant a remission of taxes or an abatement of taxes by some contract in advance in order to bring in some industry or to bring in some new public service, and frequently we feel that inhabitants of towns and selectmen of towns are prevailed upon, even against their better judgment, to enter into such contracts.

We feel that in a great many instances the kind of industries that come into towns as a result of such contracts are more or less fly-by-night industries, coming in and thriving for a little while, possibly obtaining considerable contributions from the people of that town, and then, when they have used up that money, they go to some other town and repeat the process.

The purpose and the only purpose I can see in this bill is to present in definite, concrete form a public statute to which the selectmen and the inhabitants of the town can point and say to such concerns: "We are prohibited by law from doing that sort of thing."

I realize that there is considerable argument in favor of doing it in some instances where otherwise they feel they might not get the utility or get the business to come into the town, but since there is a need of it in the opinion of most attorneys, and in view of the fact there is considerable discussion about the propriety of it, it seemed to us better to have a definite, positive law so that all the world, or at least all the people of the State of Maine, may know that this is contrary to the law and is forbidden to the towns.

We do not intend and it is not my purpose, and I do not believe this statute goes so far as to deprive the towns of a single iota of their present contractual rights. I think

the only purpose of this act is to codify existing law in this particular. I therefore hope the measure may have a passage.

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

Mr. McGLAULIN: Mr. Speaker, may I have the privilege of facing the House?

The SPEAKER: The gentleman may have that privilege.

Mr. McGLAULIN: Mr. Speaker, before starting to discuss this measure, I want to say to the Speaker and to the House that I think it is a matter of great importance to have controversial matters debated in this House, because it is not only for the benefit of the members who are here present but also for the benefit of the people of the State of Maine from Kittery to Fort Kent to know how you vote and why. I therefore hope that not only on this bill but on others that will come up later that members will not be too quick in moving to shut off debate. I think these matters should be debated.

Coming now to the question at issue: I think this matter is of vastly more importance than appears on the face of it. The gentleman from Livermore Falls, Mr. Grua, has stated that he thinks this does not deprive the towns of any rights that they have had. What then, may I ask you, is the object of this statute if it does not change the existing law?

They also say that this is to clarify the law so that the towns may know what rights they have. I want to tell you that as a lawyer I see a law court case in the second line here. You do not know after you get that law what it means and you cannot find out until you go to the law court.

Now the first point I want to make to this House is that the towns and cities now possess certain valuable contractual rights which this bill undertakes to take away.

Two years ago they introduced a bill in this House that, while worded a little differently, is essentially the same bill. We defeated that bill then as I trust we will defeat this one today.

As an illustration of what I mean by the towns having certain contractual rights, I refer to the water company case against Water-

ville in 93rd Maine. This was the situation: Waterville was a town and it needed a standpipe for water. It contracted with the water company to erect a standpipe to furnish water for the protection of the homes of the town. The original contract that was made to rebate taxes was illegal, but they finally worked it out this way: They would tax the water company's property as they did the property of everybody else, but the town agreed that whatever amount the taxes accrued above the assessment of \$25,000 should be repaid by the town to the water company. Now that was declared to be legal. That therefore was a valuable right to this town.

Now the opposition, represented by the gentleman from Livermore Falls, Mr. Grua, tries to make you think that you could do that same thing under this act. I want to say that my interpretation of the act is that you cannot contract or remit because it shuts you out from doing that act.

I want to point out to this Legislature that the towns now possess certain valuable contractual rights and this bill is an attempt to take away those rights. And why? The argument gets down to this and you cannot get it any other way: The reason they do not want the towns to have this right is because they do not trust the judgment of the people of that town to handle their own affairs.

Most of you men and some of you women in this Legislature have served some time or other as town officers. You have used your judgment on town affairs. Now this bill asks you to declare that while you are up here in Augusta in this Legislature you are so much wiser than when you are at home that you have got to pass a law to prevent yourselves from using your own judgment on town affairs when you get home.

I want to call your attention further to the fact that there are other men in your towns who are just as able as the representatives that are now here. I want to point out further that this Legislature does enact laws involving principles that regulate human conduct, but this Legislature is not supposed to enact laws that hamper the exercise of judgment on the part of the officers of towns. To me, this bill

is a slap in the face for every town and city in this State, because it says: "You do not know what you should do, but this Legislature in its wisdom can tell you and limit your judgment."

We should not pass laws limiting men's judgment on town affairs. I believe if you and other men like you are able to pass judgment in this Legislature you are able to pass that same judgment when you are in your home town; that you have just as much or just as little wisdom when you are in Augusta as you do when you are in Presque Isle or in the other towns that you might come from. In other words, the members of the Legislature are asked to declare that they are Dr. Jekyll in one case and Mr. Hyde in another.

The motion before this House is to accept the finding of the committee or a part of the committee that this bill ought to pass. When that motion is put to a vote you should vote "No", and, after you have defeated that measure, as I am convinced you will, some one should make the motion that it ought not to pass, and then you should vote "Yes".

Before closing, I just want to mention one other thing that is called to my attention. They said in argument in the committee that there are some towns that induced manufacturers to come from another town, and the implication was that they used some unfair methods by trying to abate taxes. I am not sure there is anything illegal about that, but, for the sake of argument, let us suppose there is, and somebody in some town somewhere has done something that they should not have done. Now, Mr. Speaker, if you hurt your finger what would you do? Would you try to remedy the hurt on the finger or would you cut off the finger? The point is that because some one town has done something wrong which you can pass a law to remedy, you are asked to shut out more than six hundred towns and cities in this State from the rights that they now possess. I am against any such proposition.

THE SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

MR. MILLS: Mr. Speaker, I represent being branded as the enemy of the towns and cities of this State and having the attitude taken that

we here in the Legislature have got to protect them and tell them exactly what to do in every particular. I want to submit that Judge McGlauffin in his own speech rather assumes that position for the Legislature in directing them just when to vote this way and that way.

I want to say that the object of this bill is to do nothing to make any changes in the present law, and considerable study has been made in order to effect that.

It is always a popular thing in this Legislature to arouse the towns and tell them just how this particular measure or that particular measure is something that is going to be to their detriment, because so many of us do come from small towns. I do not think you want to be influenced by that type of argument.

Two years ago there was a bill in this Legislature which was much more drastic than this bill, a bill which would change the present law and which would change the decision in the water company case in 93 Maine which the gentleman from Portland, Mr. McGlauffin, has spoken of. I submit that the speech of the gentleman this morning is practically the same as the one he gave two years ago and which appears in the record, and refers to that bill that was in the Legislature two years ago which was a very drastic measure.

Who was behind that drastic measure two years ago? It was the Maine Municipal Association, composed of some two hundred and fifty towns and cities in this State. I submit that those town officials who are members of that association know what is good for them and are not trying to foist on their membership something that is not for their best interests.

That bill two years ago would have changed the water company decision in that it would have said that contracts that were approved and made legal by that decision would in the future be illegal, in that it says in the 1939 bill: "It shall be unlawful for any town or taxing entity to agree or contract for any valuable consideration to it made or rendered, or to be made or rendered, to remit or abate in whole or in part any taxes to be assessed against any person or legal entity, or to pay for such consideration a sum of money equal to, or in any way, in whole or in part,

measured by, the amount of said taxes."

Now that is exactly what the decision was in 93 Maine, that when the consideration was fair that such contracts were legal. It did not say in 93 Maine that there was any abatement of taxes or any remission of taxes; it said the town undertook to pay that part itself in part consideration for the services received.

The thing that is aimed at in this bill is this: In many instances over the State small industries will come into towns and establish themselves, perhaps be making money, and will want to make some more by getting out of their taxes for a number of years; or perhaps they will take an option on some land in an adjoining town and go through all the motions of moving to that other town, and then they will go to the selectmen or the town officials and tell them at town meeting: "Now we are going to move to this other town, but if you fellows want to play ball with us and assess us on fifty thousand dollars for the next ten years instead of three hundred and fifty thousand, we will stay here."

It is just putting the gun to the head of the small towns and the farmers have to absorb the difference in taxes.

That is what this bill would do. It would codify the present law. Those contracts are illegal now. It is to take it from 93 Maine and put it into the statutes of the State where the law will be readily available to the selectmen and others and so it can be seen without getting the advice of a lawyer. I will submit that this bill will be detrimental to the legal profession, because the town officers can find the law without getting a lawyer to look it up for them; but I think one of the purposes for which we are here is to codify the law so that town officials will be able to find out the law without paying some of us lawyers' fees. I hope the motion of the gentleman from Livermore Falls, Mr. Grua, will prevail.

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

Mr. PATTERSON: Mr. Speaker and Members of the House: I wish to second the speech which the gentleman from Portland, Mr. McLaughlin has made. I can give you

substantial evidence that he is correct, in my opinion.

In 1916 the factories of Freeport went out, and some of us in Freeport chipped in and bought those factories and had people come in there to run those factories. I myself put a hundred dollars into those factories, and if it had not been for our taking over those factories we would have no industry in the town today. There is no question but there are other towns in the State of Maine in the same situation. If it had not been for that we would have had to have raised thousands of dollars to support our people.

There is no question that we who bought that factory should pay those taxes, because we bought it to keep our people from going onto the town of Freeport. We also lug along quite a lot of people from Pownal, Brunswick and Yarmouth. If we had not done that, we would have paid thousands of dollars in all this time, and if that law is passed as called for by the gentleman from Livermore Falls, Mr. Grua, and the gentleman from Farmington, Mr. Mills, the town would not be able to do this.

There are three municipal officers in our town and we differ a lot of the time; they have their opinions and the rest of us have ours, and we presumably are just as fair and square in our opinion as they are in theirs, and nobody in our town, and, presumably in any of these other towns, questions but what we are helping the town and also the State by running these factories, although perhaps we do not pay taxes. Mr. Holley puts our taxes up enough so that it offsets those taxes. I stand back of everything that has been said by the gentleman from Portland, Mr. McGlauffin, and I think that would be the case in almost every town in the State if you could put it to popular vote. I thank you.

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

Mr. HINCKLEY: Mr. Speaker and Members of the House: I just want to say a few words on this bill. My remarks will not be extensive at all, because this matter has been covered very fully by the gentleman from Livermore Falls, Mr. Grua, and the gentleman from Farmington, Mr. Mills. I must be

fair with my own judgment on this matter, and it is only my judgment that I am working on at the present time. I do not intend to appeal to passion or prejudice; I do not want to flatter the members of this House, the selectmen of towns or the inhabitants of those towns. That has no place in this argument. It is simply a question of whether or not you want to pass this bill and whether you think it is a proper bill.

Now let me say first that when a town raises money by taxation they require a certain amount of money. If some people are exempted from taxation, other individuals or corporations of that town must pay a certain amount more than they otherwise would to make up that deficiency. That is my first point.

My second point has already been covered. The law of the State of Maine at the present time absolutely forbids contracts of this kind, and I do not believe you will find a lawyer in either the Senate or the House that will say that is not true. They may argue all the morning and all the afternoon, but they won't change the law one iota in this respect. That is the law of the State of Maine at the present time.

This bill says: "It shall be unlawful for any town or taxing entity to agree or contract to remit or abate in whole or in part any taxes to be assessed against any person or legal entity."

That means contract to abate or remit taxes to be assessed in the future. That is absolutely illegal at the present time. It has nothing to do with any other contracts except contracts to remit or abate taxes to be assessed.

Now if you are fair with your own judgment, if you are fair with the law as it exists at the present time, there can be no valid, lawful or legal objection to placing in the statute books the bill that is before us. That is the only question. Do you want it in the statute books so that everyone may see it, or do you simply want it left to the decisions of the State as they now exist?

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker and Members of the House: I would hesitate to enter at all into this controversy if I did not have in my

own town a concrete example of the conditions which this measure affects.

Ten years ago in the town of Bingham not a single wheel of industry was turning; taxes were high; we had a pauper bill of between nine and ten thousand dollars in a little town which was appropriating less than \$40,000 for its entire budget. My taxes—excuse the personal reference—on a seventy-five room hotel were \$1268. Taxes in the town of Bingham were beyond all possibility of being able to be carried. Nearly half of the business places on the main street of Bingham were sold for taxes. I hesitated to make any suggestions in the town meeting, but at that time I did move that it should be the attitude of the town of Bingham that any industry which would come into our town and locate should receive consideration in the rebating of taxes for a period of ten years.

We will admit that was illegal. We will admit, if you please, that the arguments of the proponents of this measure are all logical; but the trouble with a great many logical arguments is when you put them into actual practice they fail to work out.

On the basis of that vote which was passed in our town meeting ten years ago, four industries located in Bingham, four woodworking mills, and they have done a good business and all those wheels are turning today. People are cutting lumber to supply those mills; trucks are hauling lumber from forty or fifty or sixty mills into the town and the town is on a prosperous basis. Our tax rate has dropped from over sixty mills down to forty-two. The tax upon my hotel, which was \$1268, today is only approximately \$400, and I will submit that it is a fair valuation as compared with the other property in the town. Nearly every business enterprise in the town of Bingham is able to pay their taxes today; the pauper charges have dropped from between nine and ten thousand dollars down to a trifle over four thousand dollars this present year. I am speaking somewhat from personal experience because for thirty-one years I have been an official of the town of Bingham, and for seven years I have been a member of the Board of Selectmen. I can say that it is my honest opinion that no reduction in taxes on these

enterprises has worked any hardship on the people of Bingham.

About a quarter of a century ago I was a member of this House and I introduced in this House a measure which carried the same provisions as this measure which is before you today. It was promptly voted down, and I thank the Lord that it was. If you do the same thing today, I think in twenty-five years from now, if any of you gentlemen should come back here, you will feel you have done the right and proper thing in turning down a measure of this sort.

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

Mr. McINTIRE: Mr. Speaker, I agree with the gentleman from Bingham, Mr. Dutton, that this is sound judgment. You all have heard of the Bath Iron Works. The Bath Iron Works was re-established in the City of Bath by an abatement of taxes. The gentleman from South Portland, Mr. Hinckley, would not have the nice shipyard that is going up there today if we had not rebated the taxes of the Bath Iron Works back in depression days, to keep it going. Today they are not doing it because business is on a sound basis. Being a selectman and assessor, I believe we should have the right to get industry into our towns by abatement of taxes. I realize taxes have got to be spread out over the rest of the people who do pay those taxes, but, at the same time, I believe we should have the privilege of rebating any taxes.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: While I am not a lawyer, I believe that this bill takes away the rights of the city and town officials. I think any member of the House who really represents his townspeople will vote that this bill ought not to pass, and I trust that the motion before the House will not prevail. When the vote is taken, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Livermore Falls, Mr. Grua, that Report "A" "Ought to Pass" be accepted. Is the House ready for the question? All those in favor of the acceptance of Report A "Ought to Pass" 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.

Twelve having voted in the affirmative and 113 in the negative the motion to accept Report "A" "Ought to Pass" did not prevail.

On motion by Mr. McGlaflin of Portland, Report "B" "Ought not to pass" was accepted and sent up for concurrence.

The SPEAKER: If there are no further matters to come before the House under Orders of the Day, the Clerk will read the notices.

On motion by Mr. Bradford of Belfast,

Adjourned until ten o'clock tomorrow morning.