

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

Wednesday, March 12, 1941.

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

Prayer by the Rev. Mr. White of Gray.

Journal of the previous session read and approved.

Senate Reports Ought Not to Pass

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Leandre Morin of Bowdoin Center (S. P. 217)

Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass in New Draft

From the Senate:

Report of the Committee on Federal Relations on Bill "An Act permitting the Department of Health and Welfare to Cooperate with the U. S. D. A. (S. P. 470) (L. D. 964) which was recommitted, reporting same in a second new draft (S. P. 485) (L. D. 1002) under same title and that it "Ought to pass."

Came from the Senate, the Report read and accepted and the second new draft passed to be engrossed.

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

Ought to Pass with Committee Amendment

From the Senate:

Report of the Committee on Salaries and Fees on Bill "An Act relating to the Police in Lewiston" (S. P. 438) (L. D. 933) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

The following Bill, which was transmitted from the Revisor of Statutes under Joint Order, was received, and upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Public Utilities

Bill "An Act Amending the Charter of the Kittery Electric Light Company" (H. P. 1658) (Presented by Mr. Seeger of Kittery)

(650 copies ordered printed)
Sent up for concurrence.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that the Committee on State Prison, consisting of the following members:

Messrs. Buker of Bath
Welch of Chapman
Harvey of Sangerville
Small of East Machias
Jones of Rockland
Labbe of Fort Kent
Clapp of Brooklin

be excused from attendance some day next week in order that they may call upon the prisoners at Thomaston.

House Reports of Committees Leave to Withdraw

Mr. Conant from the Committee on Federal Relations on Bill "An Act Amending the Law relating to Unemployment Compensation to Further Define Employment" (H. P. 1255) (L. D. 554) reported leave to withdraw.

Mr. Fenlason from the Committee on Inland Fisheries and Game reported same on Resolve Regulating Fishing in Hayden Brook (H. P. 1135) (L. D. 384)

Mr. Southard from the Committee on Legal Affairs reported same on Bill "An Act to provide for the Appointment of a Board of Commissioners of Police for the city of Gardiner" (H. P. 1177) (L. D. 359)

Reports were read and accepted and sent up for concurrence.

Ought Not To Be Adopted Report Tabled

Mr. Mercier from the Committee on Federal Relations reported "Ought not to be adopted" on Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled (H. P. 1641)

(On motion by Mr. McGlauffin of Portland, tabled pending acceptance of Committee Report)

Ought Not To Pass

Mr. Crockett from the Committee on Agriculture reported "Ought not to pass" on bill "An Act relating to By-Laws Regulating Sale of Milk" (H. P. 1149) (L. D. 449)

Mr. McNamara from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of the Hotel Dieu Hospital of Van Buren (H. P. 1081)

Reports were read and accepted and sent up for concurrence.

Mr. Poulin from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Provide Legislative Scholarship" (H. P. 1569) (L. D. 912)

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to pass" report of the Committee?

The Chair recognizes the gentleman from Weston, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: Before the House turns thumbs down on this measure, I would like to comment, and I think you may change your minds.

The committee listened very attentively to this bill, and I do not believe that any one of them questioned the merits of the bill, but when the question came before the Appropriations Committee, it seemed that they feel that it is their job to economize in every way that they can, which is right and proper, for the taxpayers of the State of Maine.

This bill is very similar to one that was presented here two years ago, although I believe that this is a much better one. It provides a legislative scholarship for each and every legislative district, and also one for each State Senator. Now, this is not something new; it is something that several other states have, and they claim the only fault

that they can find with it, and the only criticism that they have, is that there are not enough of these scholarships to go around. We all realize that in the State of Maine our educational standard is way down the scale in comparison with other states, and it is a mighty sad condition.

Now, this is a measure that would require some expense, I will admit, that is, for one year it would be approximately \$46,000. At the end of a four year period the figures are \$184,000. Now you say that is a lot of money to raise for this one thing, but we find that they will put \$50,000 out on some back road and never bat an eye. They invest that money in that road and trucks and wagons and automobiles will soon crush that road to pieces.

Then they have got to come back here and appropriate more money, every few years, to rebuild that road. When the State of Maine invests money in the youth of the State, I claim it is the very best investment we can possibly make. It is an investment that will last more than four or five years. It will last a great many years. Now, the main argument that was raised before the committee was the fact—to go back before that I explained to the committee how a great many of our young people, when they reach the age of twenty-one, are leaving the State and taking up a permanent residence in some other state. Why? Because there was nothing to keep them here. There are no opportunities here for them. I suggested that we allow a certain amount of these scholarships for those students who are worthy and unable to attend college through finances of their own, or through their parents being unable to help them. The fact was brought out that a still higher percentage of those that are educated in our colleges leave the State of Maine, after they have graduated from college. Now, this bill does not apply just to academic training, that is, in the sciences and arts. It does not necessarily prepare these students to go on to some higher college, some higher institution of learning, but also, by using these scholarships, they can begin training in vocational schools to fit them for some trade, to fit them for some real job in life, where today they are denied that privilege.

In answer to that argument that was brought out, I can only say, "Keep them ignorant—and keep them home." I would move, Mr. Speaker, that we substitute the bill for the report.

The SPEAKER: The gentleman from Weston, Mr. Bubar, moves that the bill be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Waterville, Mr. Poulin.

Mr. POULIN: Mr. Speaker, I feel that it is my duty, in that I reported this bill out from the Committee on Appropriations and Financial Affairs,—to say a few words in defense of the action taken by the committee.

Some of the points that were brought out at the hearing, I do not question are of prime merit, and if the aims accomplished, and the aims intended by this bill could be accomplished, I am sure that it would be a wonderful thing. But I think that we are stepping out of a phase of governmental affairs, even though it has been adopted by some of the other states. It was the feeling of the members of that committee that this amount of money was really out of the question, where there are so many things that the State is certain to have to raise money for elsewhere, things that we already have and for which we cannot find the necessary funds. Mr. Bubar said that it was a very good investment. I probably would not question that. But his argument that the young people of today are leaving the State certainly would not hold. If they are leaving the State today for better opportunities without a college education, certainly they would leave it even more, if they had a college education.

It was the opinion of the committee, aside from any merit the bill might have, that the State could not put that amount of money in a venture of this sort, and I hope you will not pass it.

The SPEAKER: The question before the House is on the motion of the gentleman from Weston Mr. Bubar, that the bill be substituted for the "Ought not to pass" report of the committee. As many as are in favor of the motion for the substitution of the bill for the "Ought not to pass" report of the committee will say aye; those opposed, no.

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

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

Report Tabled

Mr. Patterson from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Scott Robert of Camden (H. P. 1291)

(On motion by Mr. Dwinial of Camden, tabled pending acceptance of Committee Report)

Mr. Davis from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relative to Swan Island Game Preserve in Sagadahoc County" (H. P. 618) (L. D. 254)

Mr. Fenlason from same Committee reported same on Resolve Regulating Fishing in Portage Lake (H. P. 1134) (L. D. 383)

Same gentleman from same Committee reported same on Bill "An Act relating to Trapping" (H. P. 1368) (L. D. 714)

Same gentleman from same Committee reported same on Bill "An Act relating to the Trapping for Beaver" (H. P. 802) (L. D. 315)

Same gentleman from same Committee reported same on Bill "An Act relative to Visiting Traps" (H. P. 1366) (L. D. 712)

Same gentleman from same Committee reported same on Bill "An Act Domesticating Rabbits" (H. P. 1514) (L. D. 856)

Mr. Hanold from same Committee reported same on Bill "An Act relative to Trapping" (H. P. 1131) (L. D. 380)

Mr. Starrett from same Committee reported same on Resolve Regulating Fishing in Aroostook County Waters (H. P. 821) (L. D. 293)

Mr. Southard from the Committee on Legal Affairs reported same on Bill "An Act relating to Horse Racing for Trotters and Pacers" (H. P. 1608) (L. D. 951)

Same gentleman from same Committee reported same on Bill "An Act relating to Roller Skating on the Lord's Day" (H. P. 1530) (L. D. 869)

Same gentleman from same Committee reported same on Bill "An Act relating to Pari Mutuel Pools" (H. P. 828) (L. D. 342)

Mr. Dutton from the Committee on State Lands and Forest Preser-

vation reported same on Bill "An Act Approving the Purchase of Lamoine Coal Depot" (H. P. 446) (L. D. 185)

Mr. Preble from same Committee reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Land to the town of New Sweden (H. P. 1209) (L. D. 427)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Preble from the Committee on State Lands and Forest Preservation reported "Ought not to pass" on Resolve Authorizing the Forest Commissioner to Convey Certain Land to Maine Peat Moss Inc., of Portland (H. P. 1212) (L. D. 430)

(On motion by Mr. Hinckley of South Portland, tabled pending acceptance of Committee Report)

Mr. Jordan from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Imposing an Excise Tax Upon the Privilege of Owning Land in this State for the Benefit of Old Age Assistance" (H. P. 1481) (L. D. 612)

Mr. Morrison from same Committee reported same on Bill "An Act relating to Poll Taxes for Males and Females" (H. P. 1482) (L. D. 617)

Mr. Richardson from same Committee reported same on Bill "An Act relating to Exemptions from Taxation" (H. P. 866) (L. D. 298)

Mr. Warren from same Committee reported same on Bill "An Act amending the Poll Tax Law" (H. P. 867) (L. D. 299)

Mr. Bubar from the Committee on Temperance reported same on Bill "An Act relating to Hotel Liquor Licenses" (H. P. 1488) (L. D. 599)

Reports were read and accepted and sent up for concurrence.

Mr. Conant from the Committee on Temperance reported "Ought not to pass" on Bill "An Act to Authorize the Liquor Commission to Grant Part-Time Liquor Licenses to Summer Hotels and Clubs" (H. P. 1215) (L. D. 433)

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I hate at this time to take up any of our valuable time, but I feel that in duty to myself and to the proponents of this measure, that I

would like to explain this bill and give you a real and not a distorted view of it. The bill reads, "An Act to Authorize the Liquor Commission to Grant Part-Time Liquor Licenses to Summer Hotels in Dry Towns," and this bill has been called a vicious, Constitution-rendering bill riding over the desires of the citizens of this State. Perhaps that is right, but the real object of this bill is to grant justice and tolerance to one of our largest sources of income in summer, the summer hotel business. The opponents of this bill will tell you that the proponents are perhaps husky, dark-haired men, with very black moustaches, and aprons, and that they are wife-beaters, perhaps, who spend their vacations taking Keeley cures. (Laughter) But the real proponents of this bill are business men, who are trying to help a certain industry—the summer hotel business.

Our neighboring state of New Hampshire has this identical bill. I have not any doubt but what all the states that are in the liquor business have this identical bill. It does not affect local option, as the opponents would like to have you think. It merely entitles the summer hotels to cater to the desires of their clients, and their clients are not natives of the town. It is just as logical that these hotels should be allowed to serve liquor to customers who want it as for you, or I, or anyone else who happens to live in a dry town, to serve liquor. Of course, the adoption of this report is just going to carry on the same old system of boot-legging. The guests of a hotel will buy liquor in the wet towns, and carry it back to the hotel and drink it there. The hotel gets no benefit and the State will get no benefits from licenses.

It is not my object to overturn the report of this committee. The history of substituting the bill for the report has been well demonstrated a little earlier in today's session. I wish, however, the House would bear in mind that this bill has merit. I am not a hypocrite about it. I don't pretend that I am a teetotaler, but I realize that liquor is here and here to stay, and that the State of Maine is in the liquor business.

If the State of Maine were not in the liquor business, the Budget Report that is coming in tomorrow, I

think, would be a sorry looking report. The State is getting from three and one half to four million dollars of income from that business. You can look at it any way you want to. Things are as they are now, rather than in prohibition times. But this Legislature should bear in mind that the group that wanted this bill should have consideration—the summer hotels. They have millions of dollars worth of property in this State; and they pay out thousands of dollars in taxes; and hire thousands of people, and they do create a tremendous industry here. They are not very articulate; they are a small minority, but they do not come up here and shake their fists in the Committee's face, and tell you what to do; they do not demand this and that, as the opponents of this measure have done. That is the real object of this Christian Civic League pamphlet on your table, and that is the real reason I am speaking, to explain my side.

It has been said that I was going to make a bitter personal attack upon the Christian Civic League Legislative Agent in the State House. I cannot do that because I admire him for the skill and ability which he uses in his job. I am, however, heartily opposed to the method by which they attack any other group when it tries to put over something. The Maine Hotel Association, embracing as it does the summer hotels, I feel that any tolerant man should feel the same,—that they are just as much entitled to courtesy and consideration as any other group. They do not tell the churches how to run their business, on Sunday, and, as long as these hotels comply with the law, I do not see why the churches should tell them how to run their business. I think that these things should come to light and that everyone should talk them over. We are not intolerant, we are not bigoted, and we are not narrow minded. We do have a problem, Mr. Speaker and Members of the House. If this State is going to handle liquor, it should handle it right, and try to do justice to all concerned in it. Do not drive the business underground; do not drive people to bootlegging; do not drive people to breaking the law.

I think that the first bill introduced in the next Legislature should be a bill to create a committee on

alcoholic control to handle bills of this nature. I do not blame the members of the Temperance Committee for taking the stand that they have taken. The very name of that committee almost compels them to take the stand that they have. A measure of this kind is not a temperance matter but has to do with alcoholic control and the conduct of the State's alcohol business. I am just trying to tell you people that this is not a vicious measure. It is purely a business measure. Of course, you can say liquor business, and snarl when you say it, but the State is in the liquor business, and each one of you are trustees in that coporation, and the three and a half or four million dollars that business brings into the State, and which we pay out in all kinds of ways—pensions and salaries—and I do not think that any of these salaries or pensions are ever turned back because they are tainted with liquor money.

Again I wish to say that I bear no malice to the committee; I do not blame them. If I sat on the committee, I would be biased in this bill, I admit.

I am an honorary member of the Maine Hotel Men's Association. You cannot blame them for favoring it, and you cannot blame the opponents of this bill for opposing it. I do feel, however, that an industry as large as this is one which is entitled to consideration, and I hope that the next Legislature will have a committee that will take these measures and handle them as they should be handled, strictly from the legal and technical point of view.

There was one of the opponents of this measure—and I want to get these things in the record—who got up and said "Mr. Sleeper, do you say that every summer guest who comes to this State is a boozer?" It is things like that that make me rile and bother me, because I try to be tolerant. I do not like to see a bill like that, which is just a plain, ordinary, common sense desire to clarify a certain detail in the liquor business, vilified, crucified and damned and shouted at the way this bill was.

However, representing as I do the majority of the people in my section, and the bill representing just a small minority of the State, I am not going to try to put over our will on the House, as the House has more important and valuable things

to consider. Please remember that the real object of the Legislature, as a Past Chief Justice said, is that every law we pass here is just a law to clarify, or amend, or make better, the laws that have been passed by previous Houses and Senates. So just remember that the laws that we pass are only to make things better for the greatest number, and we are just trying to iron out little technical troubles in the previous statutes and laws.

I now hope that you will understand this measure, and if any of you do come back in the next Legislature,—perhaps I won't, after these cards are sent out against me, as they have been against others—that you will try to take these things in the light that they really are presented in.

I now move you, Mr. Speaker, in order to save time, and in order to give us a chance to devote our minds and brains to things of a more important nature, I now move that this committee report be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the committee report "Ought not to pass" be accepted. Is this the pleasure of the House?

The motion prevailed, and the "Ought not to pass" report of the committee was accepted, and sent up for concurrence.

Mr. Mills from the Committee on Temperance reported "Ought not to pass" on Bill "An Act relating to the Sale of Malt Liquors near Schools" (H. P. 1487) (L. D. 598)

Mr. Southard from the Committee on Legal Affairs reported same on Bill "An Act relating to Bicycles" (H. P. 1535) (L. D. 874) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

On motion by Miss Clough of Bangor, House Rule 25 was suspended for the remainder of this morning's session, in order to permit smoking.

First Reading of Printed Bills and Resolves

Bill "An Act relative to Taxation of Street Railroad Corporations" (H. P. 1238) (L. D. 499)

Bill "An Act relative to Guides Licenses" (H. P. 1359) (L. D. 705)

Bill "An Act relative to Game Preserve in Caswell Plantation" (H. P. 1381) (L. D. 810)

Bill "An Act relating to State Aid for Libraries" (H. P. 1652) (L. D. 1004)

Resolve relating to the Maine Commission on Interstate Cooperation (H. P. 1114) (L. D. 1005)

Resolve in favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of Soldiers of the Revolutionary War (H. P. 1115) (L. D. 1006)

Resolve in favor of Fort McClary (H. P. 1116) (L. D. 1007)

Resolve in favor of Mrs. Albertha Williams of Bath (H. P. 1653) (L. D. 1008)

Resolve in favor of Mrs. Estella M. Littlefield of Hampden (H. P. 1654) (L. D. 1009)

Resolve in favor of Inez T. Fogg of Readfield (H. P. 1655) (L. D. 1010)

Resolve in favor of Florence Dennison of Whiting (H. P. 1656) (L. D. 1011)

Resolve in favor of a Fish Screen in Cathance Lake (H. P. 1657) (L. D. 1012)

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

Passed to be Engrossed

Bill "An Act relating to Technical Errors in Pleading and Procedure before the Law Court" (S. P. 363) (L. D. 676)

Bill "An Act to Enable the town of Upton to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits" (S. P. 477) (L. D. 990)

Bill "An Act to Enable the Plantation of Magalloway to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits" (S. P. 478) (L. D. 989)

Bill "An Act to Enable the Plantation of Lincoln to Acquire the Capital Stock of Company producing and Distributing Electricity within its Territorial Limits" (S. P. 479) (L. D. 991)

Bill "An Act Authorizing Bank Officers to Execute Certain Instruments" (H. P. 1121) (L. D. 372)

Bill "An Act to Amend the Charter of the city of Presque Isle (H. P. 1166) (L. D. 462)

Bill "An Act relating to the Inheritance Tax Law" (H. P. 1285) (L. D. 551)

Bill "An Act relating to Employment and Salary of Deputy Clerk of Lewiston" (H. P. 1649) (L. D. 1000)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Agnes Lapointe Plourd of Frenchville (H. P. 477) (L. D. 211)

Resolve Opening East Grand Lake in Weston to Ice Fishing (H. P. 622) (L. D. 258)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Myrtle Madden Hutchinson of Old Town (H. P. 685) (L. D. 240)

Resolve Regulating Fishing in Clayton and Fish Lakes of the Fish River Chain of Lakes (H. P. 803) (L. D. 316)

Resolve Regulating Fishing in Squa Pan Lake (H. P. 1137) (L. D. 386)

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.

Resolve Freeing the Carlton Bridge of Tolls (H. P. 1650) (L. D. 999)

Was reported by the Committee on Bills in the Third Reading.

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

Mr. SHESONG: Mr. Speaker, I move that H. P. 1650, L. D. 999, lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Shesong, moves that Resolve Freeing the Carlton Bridge of Tolls (H. P. 1650) (L. D. 999) lie on the table pending its second reading.

Mr. SLEEPER of Rockland: Mr. Speaker — —

The SPEAKER: For what purpose does the gentleman rise? The motion to table is not debatable. As many as are in favor of this Resolve lying on the table pending its second reading will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Fifty-one having voted in the affirmative and thirty-eight in the negative, the motion prevailed, the Resolve was tabled pending second reading.

Passed to be Engrossed

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Arthur Hobbs, Clyde Hobbs, and Elsie Sealey of Stratton (H. P. 687) (L. D. 242)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace E. Kelley c/o Ballard F. Keith of Bangor (H. P. 1210) (L. D. 428)

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

Amended Bills

Bill "An Act regarding Notices on Applications for Malt Liquor Licenses" (H. P. 1214) (L. D. 432)

Bill "An Act relating to Cash Reserves of Banks" (H. P. 1512) (L. D. 855)

Resolve relating to Fishing in Bear, Wayne and Upper Range Ponds (H. P. 631) (L. D. 267)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land to Clara Calder Johnston of Rockwood (H. P. 686) (L. D. 241)

Resolve Regulating Ice Fishing in Tacoma Chain of Lakes (H. P. 1145) (L. D. 445)

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 as amended and sent to the Senate.

Committee Amendment Indefinitely Postponed

Bill "An Act relating to the Office of the Register of Probate of Lincoln County" (S. P. 325) (L. D. 826)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed without amendment in non-concurrence and sent up for concurrence.

Passed to be Enacted

(Emergency Measure)

An Act Appropriating Money for Overdrafts Already Incurred Due to Insufficient Appropriations and Anticipated Overdrafts and Other Obligations for which no Legislative Appropriations have been made (H. P. 1629) (L. D. 976)

The SPEAKER: This 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 now pass 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 fifteen having voted in the affirmative and none in the negative, 115 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 Probation Officers for Cumberland County (S. P. 192) (L. D. 289)

An Act relating to the Jurisdiction of the Municipal Courts of Washington County (S. P. 243) (L. D. 398)

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

Enactors Tabled

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

(On motion by Mr. Crockett of North Haven, tabled pending passage to be enacted)

An Act relating to Foreign Insurance Companies (S. P. 384) (L. D. 622)

(On motion by Mr. Crockett of North Haven, tabled pending passage to be enacted)

An Act to Regulate the Packing of Sardines (H. P. 22) (L. D. 17)

An Act relating to Investment of Farm Land Loan's Funds (H. P. 408) (L. D. 162)

An Act relating to Expenses of Loans on Savings Banks (H. P. 1120) (L. D. 356)

An Act relating to the Maintenance of a Public Building in Rumford (H. P. 1125) (L. D. 376)

Enactor Tabled

An Act to Repeal the Incorporation of the Phillips Village Corporation (H. P. 1159) (L. D. 362)

(On motion by Mr. Richardson of Strong, tabled pending passage to be enacted)

An Act to Extend the Charter of the Vanceboro Water Company (H. P. 1194) (L. D. 487)

An Act relating to Salaries of Municipal Court of Bath (H. P. 1203) (H. P. 421)

An Act relating to Consent of Parents to Marriages (H. P. 1414) (L. D. 791)

An Act relating to Custody of Children (H. P. 1416) (L. D. 585)

An Act relating to Boards of Zoning Ordinances (H. P. 1417) (L. D. 726)

An Act relating to Harbor Masters (H. P. 1422) (L. D. 587)

An Act relating to Investments by Savings Banks (H. P. 1511) (L. D. 854)

An Act relating to Stolen Goods (H. P. 1519) (L. D. 859)

An Act relating to Hearings Before Masters in Chancery (H. P. 1522) (L. D. 862)

An Act relating to Clerk Hire in the Office of Register of Deeds in York County (H. P. 1565) (L. D. 852)

Finally Passed

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

Resolve Granting Bonus to Charles Story Crosman of West Gardiner (H. P. 94) (L. D. 968)

Resolve Regulating Fishing in Mann's Pond and Little Poverty Pond (H. P. 426) (L. D. 175)

Resolve in favor of the town of Sullivan (H. P. 600) (L. D. 969)

Resolve to Reimburse the town of Blaine for Replacement of a Culvert (H. P. 1623) (L. D. 970)

Resolve in favor of Edward Doyle of Fort Kent (H. P. 1624) (L. D. 971)

Resolve in favor of Mrs. Arlene Remick (H. P. 1625) (L. D. 972)

Enactors Tabled

Resolve relating to the Taking and Sale of Clams in the town of Scarborough (H. P. 1630) (L. D. 977)

(On motion by Mr. Baker of Scarborough, tabled pending final passage)

Resolve relating to the Taking and Sale of Clams in the town of

Kennebunkport (H. P. 1631) (L. D. 978)

(On motion by Mr. Baker of Scarborough, tabled pending final passage)

Resolve relating to the Digging of Clams in the town of Woolwich (H. P. 1632) (L. D. 979)

(On motion by Mr. Baker of Scarborough, tabled pending final passage)

Resolve relating to the Taking and Sale of Clams in the town of Cape Elizabeth (H. P. 1633) (L. D. 980)

(On motion by Mr. Baker of Scarborough, tabled pending final passage)

Resolve relating to the Taking and Sale of Clams in the town of Kennebunk (H. P. 1634) (L. D. 981)

(On motion by Mr. Sayward, tabled pending final passage)

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

Orders of the Day

On motion by Mr. Pratt of Turner, the House voted to take from the table the second tabled and unassigned matter, Senate Report "Ought to pass" of the Committee on Judiciary, on Bill "An Act Creating the Lisbon Municipal Court" (S. P. 247) (L. D. 402) which came from the Senate, report accepted and the bill passed to be engrossed, and which was tabled in the House by that gentleman pending acceptance in concurrence; and on further motion by the same gentleman the "Ought to pass" report of the committee was accepted in concurrence.

On motion by Mr. Hinckley of South Portland, the House voted to take from the table the sixteenth tabled and unassigned matter, Bill "An Act Relating to the Time of Opening and Closing of Polls" (H. P. 1152) (L. D. 452) tabled by that gentleman on March 6th, pending passage to be enacted.

On further motion by Mr. Hinckley, the House voted to suspend the rules to permit that gentleman to move to reconsider the passage of this bill to be engrossed; and on further motion by the same gentleman the House voted to reconsider

its former action whereby this bill was passed to be engrossed.

Thereupon, on further motion by Mr. Hinckley, the bill was recommitted to the Committee on Judiciary and sent up for concurrence.

On motion by Mr. LaFleur of Portland, the House voted to take from the table the fourteenth tabled and unassigned matter, Bill "An Act Relative to Standish Game Preserve" (S. P. 241) (L. D. 393) tabled by that gentleman on March 6th, pending third reading.

Mr. LaFLEUR: Mr. Speaker, I now move that the rules be suspended in order that we may reconsider our action whereby this bill was given its second reading.

The SPEAKER: The Chair will rule that a motion to reconsider a second reading is not in order.

Mr. LaFLEUR: Mr. Speaker, what I want to accomplish is to recommit this bill to the committee, and if the Chair will guide me in the necessary action, I will appreciate it.

The SPEAKER: The Chair will inform the gentleman that a motion to recommit would be in order.

Mr. LaFLEUR: Mr. Speaker, I move you, Sir, that this bill be recommitted to the Committee on Inland Fisheries and Game.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that Bill "An Act Relative to Standish Game Preserve" (S. P. 241) (L. D. 393) be recommitted to the Committee on Inland Fisheries and Game. Is this the pleasure of the House?

The motion prevailed and the bill was so recommitted and sent up for concurrence.

On motion by Mr. Shesong of Portland, the House voted to take from the table the seventh tabled and unassigned matter, Bill "An Act Relative to Registration of Veterans' Graves" (H. P. 785) (L. D. 335) tabled by that gentleman on February 28th, pending assignment for third reading; and on further motion by the same gentleman the bill was assigned for third reading tomorrow morning.

On motion by Mr. McKeen of West Paris, the House voted to take from the table the fifteenth tabled and unassigned matter, Bill "An

Act Relative to the Use of Poisons" (H. P. 1639) (L. D. 987) tabled by that gentleman on March 6th, pending third reading.

Mr. Grua of Livermore Falls, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1639, L. D. 987, Bill, "An Act Relative to Use of Poisons."

Amend said Bill by adding after the underlined word "Service" in the 8th line thereof the following words: **'and to fruit growers.'**

Thereupon, House Amendment "A" was adopted, and the bill had its third reading and was passed to be engrossed as amended and sent up for concurrence.

On motion by Mr. Grua of Livermore Falls, the House voted to take from the table the eleventh tabled and unassigned matter, Bill "An Act Relating to Approval of Suits by Infants" (H. P. 307) (L. D. 514) tabled by that gentleman on March 5th, pending passage to be enacted.

On further motion by Mr. Grua, the House voted to suspend the rules to permit that gentleman to move to reconsider the passage of this bill to be engrossed; and on further motion by the same gentleman the House voted to reconsider its former action whereby the bill was passed to be engrossed.

Thereupon, on further motion by Mr. Grua, the bill was recommitted to the Committee on Judiciary and sent up for concurrence.

On motion by Mr. Brewer of Presque Isle, the House voted to take from the table the seventeenth tabled and unassigned matter, Report A "Ought to Pass" and Report B "Ought Not to Pass" of the Committee on Legal Affairs on Bill "An Act Relating to the Conservation of Soil Resources and the Prevention and Control of Soil Erosion" (S. P. 68) (L. D. 51) tabled by that gentleman on March 7th pending acceptance of either report.

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

Mr. BREWER: Mr. Speaker, in presenting this bill on the floor for discussion there are four things that I wish the members of the Legislature to bear in mind that pertain to this bill.

In the first place, it asks no money from the State and no provisions

are made for the same. In the second place, it is purely voluntary and there is no compulsion on the part of anybody. In the third place there are also provisions made that if the act is not satisfactory it may be terminated. In the fourth place, and most important of all, this soil erosion bill is merely an enabling act allowing districts to be formed and allowing those districts to have the cooperation of Federal technicians in this soil erosion work.

I would say to the members of the Legislature that there is a soil erosion problem in Aroostook County. The reason that we happen to have these men in the County and the reason we are now asking for an enabling act whereby they may remain with us is because of the fact that at the request of the Extension Service, the Experimental Station, the Farm Bureau and the Aroostook County Council, the government was asked to send these men to Aroostook and set up a demonstration area.

The demonstration area so chosen was a triangular piece of land, or section rather, comprising thirty thousand acres included in the towns of Presque Isle, Fort Fairfield and Caribou. Now this happens to be on a bend of the Aroostook River where there are all sorts of erosion problems. They have proved to us that it is possible to stop soil erosion.

Now to any of the members who are not familiar with our methods of cultivation in Aroostook county, I will say that our land is cultivated so intensively that a good many acres of land would contain hardly one spear of grass. You can understand that we consider that our best soil lies on top of these hills, and in Aroostook County the majority of the farms are on rolling country. When I say to you that our best soil lies on the tops of these hills, you can well understand what happens when we get a cloudburst or spring rains and what amount of this soil washes down to the brooks and streams, so that after severe rainstorms we have seen the rivers and brooks run riley for three days. I can show you holes where the water has rushed down over the hills where you could literally run an automobile inside and hide it.

Now, as I say, we were taught by our ancestors to farm up over those hills. I believe some of the older members who have had occasion to

work on the farms in the past will recall how much pride our ancestors took in the straightness of their furrow while plowing or the straightness of their corn or potato row, whatever it might be; and I know as a novice I have often spent considerable time straightening my furrow when I was plowing so that I would not receive ridicule from the men who were working with me or the neighbors about me.

It now seems that was the wrong method, and it now seems to be necessary, in order to conserve our soil and avoid erosion that we must follow the contours of the land. In fact, we have to change our methods entirely. For this reason, we feel that we need the services of these technical men.

In the 1935 valuation of the State the value of land and buildings was estimated to be \$145,000,000, and the Aroostook County valuation, which probably has dropped considerably since that time, was estimated to be \$51,000,000, or a little better than one-third of the entire valuation of the State.

Now I will try to go into detail on this bill and explain it a little bit and the set-up of it.

The first section contains the declaration of policy. I realize that this document is of necessity long, but most of the paragraphs and phrases are descriptive. I do not believe it is necessary to read this section because it simply states it is in the interest of conserving soil and soil resources and so forth.

Section 2, "Definitions"—I will explain that under this set-up there is an enabling act whereby we set up a State committee, consisting of the head of the extension service and the head of the experimental station acting ex officio. To this committee are added three farmer members, two appointed by the Governor from lists submitted by the Farm Bureau and Grange and one by the Commissioner of Agriculture. Then there are district supervisors, two of which are appointed by the State Committee and three of which are elected. They determine the policy entirely of your soil erosion work. I will say to you that if there ever was democracy, this is democracy in that the local people have the final say as to recommendations of what and when and how any erosion measures shall be done.

At this time I cannot think of

anything else that might be of interest. I would be glad to answer any questions later if I can. I move you, Mr. Speaker, that Report A "Ought to Pass" be accepted, and when the vote is taken I ask for a division of the House.

The SPEAKER: The Chair recognizes the gentleman from Caswell Plantation, Mr. Phair.

Mr. PHAIR: Mr. Speaker, I move that L. D. 51 lie on the table and be specially assigned for March 20th. My reason for doing this—

The SPEAKER: The Chair will remind the gentleman that a motion to table is not debatable. The question before the House is on the motion of the gentleman from Caswell Plantation, Mr. Phair, that this report lie on the table and be specially assigned for March 20th. Is the House ready for the question? All those in favor of this report lying on the table and being specially assigned for March 20th will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Forty having voted in the affirmative and 43 in the negative, the motion to table did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that Report A "Ought to pass" be accepted.

The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker and Members of the House: A few weeks ago, when this bill came before the Legal Affairs Committee, it appeared to me that there were many proponents for the bill and very few opponents. The few that appeared against the bill did not present very constructive criticism against the measure. Now, the bill, in itself, calls for conservation of soil and resources, and the prevention and control of soil erosion. It, in itself, is practically the foundation and structure of our entire social economic welfare in the State. Years ago, we had legislative groups who came here who were far-sighted enough to give thought to some of our natural resources. They enacted laws in which we today seem to take a great deal of pride, and receive benefit therefrom.

Anything with regard to conservation and preservation of our soil is a good measure, not only for those who are living today but for the future generations. Supposing

they had not been far sighted, and had allowed the wild life to disappear from our State—our fish and game, I am quite sure all of us would miss all of that today, because we have found that in a measure it has brought great financial assistance to this State. Supposing we go on indefinitely, without giving some thought to a measure of this kind. Today, we may say that there is no land erosion in the State; that there is nothing being done to wash our soil away; that we are not having dust storms. If you start cutting down your forests, you will soon find that the brooks will dry up; you will have no streams and no lakes. You will have desert land. It has been proven by research, studies made by our government in Europe and in Asia, and in Africa—where Biblical history has told us there was once fertile soil, that has now become waste land, desert land. This is a new country here. We are probably from 150 to 200 years old—yet we look back and are amazed at some of the good legislation that some of our forefathers placed upon our books for us. We seem to be well satisfied with our Constitution that they wrote out for us, and some of the laws that they gave us one hundred and fifty or two hundred years ago and sit back and say they were smart legislators.

I think we are passing up a good thing at this time by not taking advantage of a measure of this kind, so that, some time in the future, future generations will look back and say that the members of the 90th Legislature were smart enough to think far ahead, and to enact legislation of this kind, to prevent soil erosion and to conserve our soil.

We are told right now, or we were told in this Committee hearing—and incidentally, I do not think that the bill should have been brought before the Legal Affairs Committee,—I think the best place for a hearing of that kind would have been before the Agricultural Committee. Yet the Committee was fair. They brought in a divided report, and, a week ago it was reported to the Senate, where it had good debate.

The SPEAKER: The Chair will remind the gentleman that he must not refer to any action which took place in the other body.

Mr. GOLDSMITH (Continuing): At this Committee hearing, as I

said before, there were only two persons from the State who appeared against the bill. I am not a farmer. I was not born on a farm. But I can see some good points in the measure, as I said before, from an economic point of view. Supposing we allow our land to erode and become waste land. What about taxation? Just as soon as a farm is abandoned, you cease collecting taxes from that piece of property. If you take care of that soil, and guard it and watch it, then, when the tax assessor comes along, he finds that you have got a good, valuable piece of property which is always taxable. You know that we run everything in our towns and state on taxes. We do not want to lose sight of that particular thing. This is a far reaching measure. We should go on record, once and for all, right here, and adopt this measure. It is not costing the State one penny. The Federal government has co-ordinators in the State today, leaving thousands of dollars. They are living here today and carrying on their work. They are under Civil Service. The Government can call them into other states, where they have enacted this legislation—I understand in about two-thirds of the states of the Union. Suppose we lose those gentlemen who are living here today, with their families, guiding us in this wonderful work? We ought to go on record right now as adopting this measure, once and for all, so that future generations will know that the members of the 90th Legislature, back in 1941, did something for future generations.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Hanold.

Mr. HANOLD: Mr. Speaker and Members of the House: I sat during the 89th Legislature in my seat and never once arose on the floor, believe it or not. I sat during the Special Session of the 89th Legislature and said nothing. I think I am entitled to say a word on this matter, and it gives me a lot of pleasure to go along with the gentleman from Presque Isle, Mr. Brewer, in supporting this measure.

It has been my great pleasure to follow the plight of the Aroostook County potato growers for the past four or five years, particularly with reference to the tax on potatoes, the branding law, and now we come to this matter of soil erosion. This seems to be a problem of Aroostook

County. I don't think that it is a problem in Cumberland County at all, even though the prosperity of Aroostook County affects every individual in the State of Maine. It seems to me, too, that the divided report of this committee indicates that there was a question on the part of five members of that committee as to whether or not it was good or bad legislation.

Those of you who know me well, know that I am a Republican, and know that I am not for anything that has a tinge of Federal control. That certainly has been one of my policies—it always has been and always will be. But it does appear to me that these men who are asking for a degree of protection that the Federal government can give them in this soil erosion program are entitled to our support.

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Welch.

Mr. WELCH: Mr. Speaker and Members of the House: It seems a common occurrence to us, particularly from Aroostook County, that we should have soil erosion today and potatoes yesterday. That is the way things are up in our county: Soil erosion follows the potato crop. That is where ninety per cent or more of our soil erosion problem is, either when the potato crop is growing or in the fall and spring following the potato crop.

I have never had any of this work done on my farm except last spring they did send a man out who gave me some suggestions which I followed and I found them to be very valuable. I think they have accomplished a lot of good in the county, and if this bill can be passed they will be allowed to extend their activities to a much larger area. In this area on which they have been working along the Aroostook River they have certainly done a good job in trying to save our top soil.

There is nothing compulsory in this bill. The areas can be established and if it follows out this is not workable, it may be disorganized.

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

Mr. MURCHIE: Mr. Speaker, the matter before the House is one about which I know very little, but I am inclined to go along and I propose to register my vote in favor

of the ideas of the gentleman from Presque Isle, Mr. Brewer.

I have seen with my own eyes cases of soil erosion where large sections of soil arose and washed themselves over the highways to the most fightful extent up there. With the thought in mind that this measure can be discontinued at any time if it is not found to be workable, I propose to go along with it.

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

Mr. OSGOOD: Mr. Speaker, as a former member of the Legislature, as a farmer and not as an orator or speaker, I wish to go along with the measure the gentleman from Presque Isle, Mr. Brewer, has proposed. I feel we certainly should go along with this measure. It is an enabling act which will help not only a certain few in Aroostook County but will be of benefit to the rest of the State. It is necessary to have pioneers in a thing of this sort. I have seen certain sections in Penobscot County that need some of this work done. I feel that we should go along with it and pass this legislation.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle that Report A, "Ought to pass" be accepted.

The Chair recognizes the gentleman from Rockland, Mr. Jones.

Mr. JONES: Mr. Speaker and Members of the House: I do not know anything about potatoes other than to eat them. I do not know how to grow them. But, as I said here, I can see that we in the cities should help the County of Aroostook when they need help, and if they can see good in this bill that we know nothing whatever about, I do not know why we should oppose it. If we all stand together, and help one another, we can get somewhere.

I think we are supposed to come here and help build up, rather than tear down things. I think that we ought to help the citizens who stay upon the farm, when they ask for our help.

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

Mr. SOUTHARD: Mr. Speaker, I think it may be useless for me to add my words to those who have already said they are for this measure. I am for it, but as one of the

members of the committee before whom this bill was heard, I would like to suggest some of the reasons.

I am going to assume a soil erosion problem in Maine. Our problem is—having soil erosion, what are we to do about it? Is this the way to control it? As I understand it, there are three general methods of control. First, there is general education as to what you should do. You should plow your row according to the contour of the land, etc. That does not require the passage of this bill. Further than that, you can get special technical advice, saying, "Plant over here," "Build a drainage ditch over there." That advice is best obtained from the employees of the Federal government in the Soil Conservation Service. Having got the advice, that advice must be carried out and put into effect. The ditch must be built. The potatoes must be planted there.

In order to carry out this program, it requires the cooperation of the farmers themselves, to get the machinery and the equipment and the funds to do it, and it requires the assistance—or the assistance is available from the Federal government in the way of machinery and equipment and funds, and likewise in the way of technical advice. The string to Federal assistance lies in Sections 3 and 7 of the Soil Conservation and Domestic Allotments Act of 1935, which states that as a prerequisite to the benefits of that Act the Secretary of Agriculture may require the enactment of suitable state legislation, and that he may, before putting into effect a State plan, require that it be administered by an agency of the State, administered by county and community committees or associations of agricultural producers organized for such purpose. In other words, to get this Federal Aid, we must pass legislation similar to L. D. 51.

I can see no harm in Legislative Document 51. Although you organize a sub-division of the State, the carrying out of the purposes of that district remain wholly cooperative. The district having been formed, each land owner must consent to

what is to be done on his farm before he receives benefits. In other words, from beginning to end, it remains voluntary on the part of individuals, as well as voluntary on the part of groups. Further than that, although Federal assistance is given, the control of this program does remain in the farmer. Our Extension Service, our Farm Bureaus, and our committee under this bill, and our local committees, are there to safeguard the rights of John Q. Public and Mr. Farmer. For that reason, I think the bill should pass for the control of this soil erosion problem.

The SPEAKER: The question before the House is on the motion of the gentleman from Presque Isle, Mr. Brewer, that Report A, "Ought to pass" be accepted. The gentleman has asked for a division of the House. 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.

One hundred and twelve having voted in the affirmative, and none in the negative, the motion prevailed and Report A, "Ought to pass," was accepted in concurrence.

On motion by Mr. Mills of Farmington, the House voted to take from the table the eighteenth tabled and unassigned matter, 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) tabled by that gentleman on March 7th, pending second reading.

Thereupon the bill was given its second reading, and on motion of Mr. Payson of Portland the bill was tabled pending assignment for third reading.

On motion by Mr. Poulin of Waterville,

Adjourned until ten o'clock tomorrow morning.