

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 13, 1941.

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

Prayer by the Rev. Mr. Arnold of Rumford.

Journal of the previous session read and approved.

Senate Reports Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Incorporate the Lincoln-Chester Bridge District" (S. P. 252) (L. D. 700)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Referred to Committee on Appropriations and Financial Affairs

Report of the Committee on Claims on Resolve in favor of the town of Atkinson (S. P. 288) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report of same Committee reporting same on Resolve in favor of the town of Dover-Foxcroft (S. P. 227)

Came from the Senate, the Reports read and accepted and the Resolves referred to the Committee on Appropriations and Financial Affairs.

In the House, Reports read and accepted in concurrence, and the Resolves referred to the Committee on Appropriations and Financial Affairs in concurrence.

Referred to the Committee On Public Health

Report of the Committee on Education on Bill "An Act providing State Services for the Blind" (S. P. 328) (L. D. 954) reporting that it be referred to the Committee on Public Health.

Came from the Senate, Report read and accepted and the Bill referred to the Committee on Public Health.

In the House, Report was read and accepted in concurrence, and the Bill referred to the Committee on Public Health in concurrence.

Ought to Pass in New Draft

From the Senate:

Report of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Round Pond (S. P. 235) (L. D. 390) reporting same in a new draft (S. P. 484) (L. D. 1001) under same title and that it "Ought to pass"

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

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

Senate Bill in First Reading

Bill "An Act Establishing the Willow Water Game Preserve in the town of Perry" (S. P. 375) (L. D. 695)

Bill was read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

From the Senate:

Report of the Committee on Temperance on Bill "An Act relating to Local Option Provisions" (S. P. 417) (L. D. 656) 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.

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

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

Orders

Mr. PAYSON of Portland: Mr. Speaker, I present what I think is an Order and move its passage:

WHEREAS, the House is informed of the birth of a baby boy to Minority Party Floor Leader Belanger and Mrs. Belanger;

AND WHEREAS, the members of the House are much pleased and wish to extend their heartiest congratulations to Mrs. Belanger and to her husband, we do hereby extend those congratulations, and also warn and advise the gentleman that the Minority Party Floor Leader will probably become the nocturnal floor walker.

AND BE IT ORDERED, that the Clerk send an attested copy of this Order to Mrs. Belanger.

The SPEAKER: All those in favor of the passage of this Order will say aye; those opposed no.

A viva voce vote was taken.

The SPEAKER: The Chair declares the Order unanimously passed. (Applause)

On motion by Mr. Fenlason of North Anson, it was

ORDERED, that Rev. Herbert A. Stevens, Pastor of the Federated Church of Norridgewock, be invited to officiate as Chaplain of the House on Friday, March 21st.

House Reports of Committees Report of the Recess Committee

Report of the Recess Committee of the 89th Legislature on a Proposed Retirement System of the Employees of the State. (H. P. 1659)

January 22, 1941.

To the Honorable Senate and House of Representatives of the Ninetieth Legislature.

Gentlemen:

The Recess Committee on State Contributory Pension System appointed for the purpose of making a study of a retirement system for employees of the State, has the honor to submit herewith its report.

Briefly described, the investigation of the Committee indicates that it is to the advantage of the taxpayers of the State as well as of the employees of the State that a sound jointly contributory retirement system be adopted for State employees. The Committee has accordingly developed the provisions of a retirement plan which it recommends for adoption. The details of the proposed retirement plan are presented in this report together with a statement of the appropriation required of the State to support the system, as prepared by the Committee's actuary.

The Committee trusts that the proposed retirement system will be found acceptable to the members of the Legislature, and that its adoption will result in a permanent and satisfactory basis for the retirement of State employees.

Respectfully submitted,
Recess Committee on State
Contributory Pension System.
(Signed) W. Mayo Payson

Clerk.

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

Mr. PAYSON: I move that the report be received and placed on file and that 1,000 copies of the report be printed in pamphlet form, excluding from the printing the appendix and the diagram inserted between pages 11 and 12. I would like to talk briefly on the report of the committee, because it is a sixty-four page report, and is a matter of extreme interest to everyone in this room and in the State, and is perhaps a little difficult to understand simply by the reading of the report.

I will have to apologize to those who are furthest from me, if they cannot hear me this morning, because this is all the voice I have left and it is not very good.

This contributory pension system, which the committee recommends, is for those employees of the State who are now on a non-contributory pension system. The State has in effect a one-half pay pension system for those employees who have served twenty-five years, or for employees who have served twenty years and reached the age of seventy. That system is a most extravagant and luxurious pension system, when you come to figure out what it actually costs. Pensions for employees are supposed to be considered as withheld compensation over a period of time, in order to insure continuity in office and length of service of employees. Pensions should never be considered by any governmental agency as a gratuity or gift made by the State to its employees. The State has no right to make gifts of that sort. It is only on a sound, logical basis, that you withhold some of the employee's regular pay for the purpose of keeping him with you for a longer period of time, that you are entitled to grant a pension at all.

Now, under the present system under which the State is operating, the past year the State spent about \$50,000 for pensions, and that is an easy sum, which is not too bad, but just bear in mind that the pensions you are paying today are from the ranks of the employees of the State of approximately twenty-five years ago, when probably there were not more than one-third as many employees of the State as there are today.

You have 3648 State employees

today who are covered by the present system, and who would be covered by the joint contributory retirement system, if it were passed. According to the best figures that we can get from the actuary, when your present group of employees starts to ripen off so that you reach the peak on your present 3648 State employees, it will be costing the State of Maine about \$600,000 a year to pay those pensions. When that time comes, I think the State will either go broke or they will repudiate the pension system altogether, and leave the employees out in the cold.

The difficulty of setting up this system which we propose is the usual political difficulty. As I said before, it is easy to dig up the \$50,000, the \$60,000 or \$70,000 a year, but it is difficult to set up a sound contributory pension plan where you have to lay aside the money every year to meet the accrued liability that you are building up. We are too apt to indulge in buck-passing, when it comes to setting up a sound proposition that requires money, as against taking the easy way of paying less money and building up a terrific liability in the future.

The system which we have suggested, and recommend, is briefly this. We do not believe that on the joint contributory plan that the State can afford to pay pensions to employees after only twenty-five years of service, or twenty years of service when they reach the age of seventy.

The plan that we recommend would require that an employee have thirty-five years of service, in order to get a one-half pay pension. That would allow retirement at the minimum age of sixty-five years, and this system also has another particularly desirable feature, which is compulsory retirement after the age of 70.

I think you would be amazed at the hidden pensions that you are paying to supernannuated employees, who are drawing full salary but unable to do their work. This is because your present system has no compulsory retirement provision. If an employee wants to retire, he does; and if he does not want to, he does not, and the State pays the bill. Under the proposed system retirement in general at seventy years of age would be compulsory.

Therefore, you know exactly what you would be paying for pensions, and exactly what are hidden pensions in salaries.

The appropriation that would be essential to set this pension system up would require approximately \$203,000 a year for the next thirty years. That is why I say it is politically difficult. I think the required appropriation to carry on our present scheme, of the next year, is somewhere between \$60,000 and \$70,000, but if you are going to face this thing, and meet it honestly, you have got to set aside \$203,000 to meet the liability that you are incurring on pensions for this present year, and to amortize your accrued liability.

Just to show you another way, the difference in cost, if you attempt to set up your present system on the same basis, that is, by putting aside the money for the accrued liability of the State every year, for the present system, it will cost you about \$353,000 a year to do that, so, by going into the matter of a contributory system, actually, soundly and honestly, in the long run you would be saving the State of Maine about \$150,000 a year.

I have bored you with this rather long dissertation but did want to get some of this story across to you rather than make you read that whole sixty-four page report, and I hope most of you will read it.

The SPEAKER: The Chair recognizes the gentleman from North Anson, Mr. Fenlason.

Mr. FENLASON: May I ask a question through the Chair of the gentleman from Portland, Mr. Payson.

The SPEAKER: The gentleman may ask a question.

Mr. FENLASON: Mr. Payson, under this contributory pension system, what provision is made for the custodian of the funds and how would they be invested?

The SPEAKER: The gentleman from North Anson, Mr. Fenlason, asks a question from the gentleman from Portland, Mr. Payson. The gentleman from Portland may reply if he sees fit.

Mr. PAYSON: The provisions for that proposition are set up very definitely and clearly in the act, which will later be presented to this Legislature, but, in general, a Board is set up to handle the whole system and the investments. As I

recall the provisions are such investments as are legal for insurance companies. I think that probably, if the system is set up, that the State would undoubtedly hire the services of a financial counsel from time to time, to help in the investment of funds.

The SPEAKER: Is it the pleasure of the House that the report be received and placed on file, and that 1,000 copies be printed in pamphlet form, excluding the appendix and the diagram between pages 11 and 12?

The motion prevailed and the report of the committee was received and placed on file, and 1,000 copies ordered printed in pamphlet form, excluding the appendix and the diagram between pages 11 and 12.

House Reports of Committees (Continued)

Leave to Withdraw

Mr. McGlaulin from the Committee on Judiciary on Bill "An Act relating to Jurisdiction on Divorce Labels" (H. P. 1411) (L. D. 574) reported leave to withdraw

Mr. Shesong from the Committee on Legal Affairs reported same on Bill "An Act relating to Rules Governing Racing in Maine" (H. P. 1588) (L. D. 942)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Dorrance from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Branding of Potatoes" (H. P. 1337) (L. D. 794)

Mr. Pearson from same committee reported same on Bill "An Act relating to the Proper Branding of Potatoes" (H. P. 1108) (L. D. 366)

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported same on Resolve Appropriating Money for the Department of Inland Fisheries and Game (H. P. 1570) (L. D. 921)

Mr. McGlaulin from the Committee on Judiciary reported same on Bill "An Act Creating a Fuel Administration Board" (H. P. 1525) (L. D. 877)

Mr. Dwinall from the Committee on Legal Affairs reported same on Bill "An Act relating to Reports to Assessors of Cities, Towns and

Plantations" (H. P. 1388) (L. D. 747)

Reports were read and sent up for concurrence.

Ought to Pass

Mr. Grua from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Absentee Ballots" (H. P. 1401) (L. D. 779)

Mr. Hinckley from same Committee reported same on Bill "An Act relating to Warrants Posted in Wards in Cities and in Towns" (H. P. 1403) (L. D. 781)

Mr. Mills from same Committee reported same on Bill "An Act relating to the Primary Election Law" (H. P. 1523) (L. D. 863)

Mr. Shesong from the Committee on Legal Affairs reported same on Bill "An Act relating to Public Exhibitions" (H. P. 1272) (L. D. 542)

Mr. Slosberg from same Committee reported same on Bill "An Act relating to Municipal Ordinances" (H. P. 1440) (L. D. 577)

Mr. Sylvia from same Committee reported same on Bill "An Act relating to Town Reports" (H. P. 1443) (L. D. 757)

Mr. Baker from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Permitting the Digging of Clams in the York River for Bait Only" (H. P. 1467) (L. D. 743)

Mr. Race from same Committee reported same on Resolve relating to Catching Lobsters Near Monhegan (H. P. 1593) (L. D. 945)

Reports were read and accepted.

Ought to Pass with Committee Amendment

Mr. Payson from the Committee on Judiciary on Bill "An Act relating to Referendum Ballots" (H. P. 1407) (L. D. 785) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. Williams from same Committee reported same on Bill "An Act relating to Election Returns" (H. P. 1423) (L. D. 588)

Mr. Mills from same Committee reported same on Bill "An Act relating to Names on Ballots" (H. P. 1409) (L. D. 787)

Mr. Jordan from the Committee on Taxation reported same on Bill "An Act to Exempt Soldiers and Sailors from Poll Taxes" (H. P. 1484) (L. D. 613)

Reports were read and accepted.

First Reading of Printed Bill

Bill "An Act Creating the Lisbon Municipal Court" (S. P. 247) (L. D. 402)

Bill was given its first reading.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Lambert.

Mr. LAMBERT: Mr. Speaker, I dislike very much to oppose a bill which has passed the committee and is before you for its first reading, but I believe the real facts in this case should be brought out to the members of this House, and I plan, if I am able, to enlighten you on the subject of the municipal court in Lisbon.

In the first place, I will say I was unable to attend the hearing, due to having other hearings posted at the same time in some other committees.

The town of Lisbon is not my town but it is in my county, and they have now or they did have, I would say, a trial justice. The trial justice in Lisbon has moved away, so I am told, and at the present time I believe they have to bring their cases to Lewiston.

I am of the opinion that we do not need a municipal court in the town of Lisbon. I want to tell you also that there are two lawyers in the town of Lisbon and Lisbon Falls, which are the same town. One of them is a member of this House and the other one would be eligible to serve as judge. He is not willing, so I am told, to take the job as trial justice. I claim that if he is not willing to take the job as trial justice, that the amount of work involved in the trial justice court in Lisbon, as I will outline to you later, is so small that they can, by various means of transportation, come to Lewiston.

I want this House to understand also that if we establish a municipal court in the town of Lisbon it might establish a precedent, because the town of Mechanic Falls, which is about the same size as the town of Lisbon, will also later on possibly ask for a municipal court, and those municipal courts are an added burden to the county taxpayers.

This matter was brought up before the Androscoggin County delegation, and the sentiment at the time it was taken up was practically unanimous against this bill. Why that sentiment was not expressed

before the committee I do not know.

We have in our county a resident Justice, Judge Manser, who resides in the City of Auburn. He has told some members of this House that he is absolutely not in favor of establishing a municipal court in Lisbon. He also added that the trend today is towards eliminating some courts instead of adding more, which is, to my mind, very reasonable, because today we have easy means of transportation which we did not have twenty-five years ago. Twenty-five years ago you had to take a train or take a horse and buggy in order to go from one town to another, which made it more difficult to travel. In those days it was all right to establish courts here and there, but now, with our fast means of transportation from one town to another by means of the automobile, the trend, as expressed by Judge Manser, has been to eliminate courts rather than to establish more courts.

I will go further and state that in my county it would be a good suggestion if later on they would consider making one municipal court out of the cities of Lewiston and Auburn, because I believe two courts in that county could save thousands of dollars. According to these figures from the County Commissioners' report, in the Auburn Municipal Court you would save I should say around four thousand dollars, including the salary. The expenditures of the Auburn Municipal Court were \$2773. I just mention that because it refers to this bill.

Now when this bill was reported out of the committee my seat-mate, the gentleman from Turner, Mr. Pratt, tabled this matter. It was taken off the table yesterday unbeknown to me. I was answering a telephone call, and I know it was not taken off the table because I was not here, but at the same time it was known that I was definitely opposed to the measure. I have all the respect in the world for the gentleman from Turner, Mr. Pratt.

I want to call your attention also to the fact that the Lewiston Journal in its editorials has definitely come out against the establishing of such a court. I will further present to you the fact that the County Commissioners all appeared before our county delegation, of which we have already had three meetings, and all seemed to be against any added expenses. The bill itself was

presented by request by a Lewiston resident, a member of the other body. I will not mention that any further.

The expenditures for the trial justice of Mechanic Falls have been \$203.90 for the year 1940, and the receipts have been \$242.44. In Livermore Falls Municipal Court the expenditures were \$328.94 and the receipts \$344.58, which is a net profit, comparing receipts with expenditures, of \$15.64, and they pay a salary of a judge there in the municipal court, \$600. I will say that in Livermore Falls it is probably well justified, due to the large territory which is covered, because the town of Livermore Falls extends over a very wide area.

Now they tell me, and they possibly will tell you also—I believe they brought that up as an argument. I don't know whether it was brought up before the committee, but they claim they are going to get free rent in the town of Lisbon for this court. However, I haven't heard how long it is going to be free.

Earlier this week it was stated to me that this matter was taken up before the town committee at a town meeting of some kind supposed to be held in Lisbon. I understand from the same authority the matter was taken up and it was stated that we had passed this bill over here, which was absolutely not true, because that bill had passed that committee but not this House.

I will now come back to the real facts behind the case. I do not want anybody to be offended, but it seems to me it is nothing more or less than just a racket between two lawyers in the town of Lisbon, a racket, which, I believe, is easily seen from the fact that under this bill one of them is going to be the judge and the other one is going to handle the cases. (Laughter)

I think I have said enough on this bill. I move you, sir, that this bill be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker, I note the absence of the Representative from Lisbon. I believe, in all fairness to him, who knows the most about this proposition, this matter ought to be put on the table. I therefore move to table this.

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, moves that this matter lie on the

table. As many as are in favor of this bill lying on the table will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill was tabled pending the motion of the gentleman from Lewiston, Mr. Lambert, that the bill be indefinitely postponed.

First Reading of Printed Bill With Committee Amendment

Bill "An Act relating to the Conservation of Soil and Soil Resources and the Prevention and the Control of Soil Erosion" (S. P. 68) (L. D. 51)

Bill had its two several readings. Senate Amendment "A" was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Passed to be Engrossed

Bill "An Act Permitting the Department of Health and Welfare to Cooperate with the United States Department of Agriculture" (S. P. 485) (L. D. 1002)

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 Mrs. Inez T. Fogg of Readfield (H. P. 1655) (L. D. 1010)

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

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

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 the Police in Lewiston" (S. P. 438) (L. D. 933)

Bill "An Act relating to Registration of Veterans' Graves" (H. P. 785) (L. D. 335)

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

Passed to be Enacted (Emergency Measure)

An Act relating to the Appointment of Health Officers (S. P. 466) (L. D. 963)

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 nineteen having voted in the affirmative and none in the negative, 119 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 Licenses of Insurance Companies (S. P. 383) (L. D. 621)

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

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

An Act Clarifying the Law relating to Notices of Appointments and Elections (H. P. 826) (L. D. 340)

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

Enactor Tabled

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

(On motion by Mr. Grua of Livermore Falls, tabled pending passage to be enacted)

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

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

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

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

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

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

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

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

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Assist Rural Sanitation Activities" (H. P. 830) (L. D. 344) tabled by the gentleman from Farmington, Mr. Mills, on February 19th, pend-

ing acceptance; and the Chair recognizes that gentleman.

Mr. MILLS: Mr. Speaker, I have a motion to make in regard to this bill, and I do not know how much I should expand my remarks, because I have heard there is to be a motion to put it on the table subsequent to this motion which I am to make. It makes no difference to me whether it is considered finally now or later, but I will just give a brief explanation at this time.

I have worked out an amendment with the Chairman of the Legal Affairs Committee which considered this bill and have taken it up with several members of the House on that committee. It is felt by those with whom I have conferred that this does take care of the objections raised in the committee. I will make the motion, Mr. Speaker, that the bill be substituted for the report, and I will say to the House that if the bill is so substituted, that I will offer an amendment which I understand does take care of the objections which were raised at the hearing. If the bill is not tabled, of course we will have to engage in further debate, but I will make that motion now, pending the outcome.

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

Mr. SOUTHARD: Mr. Speaker. I move that the report lie on the table.

The SPEAKER: The gentleman from Augusta, Mr. Southard, moves that the report, together with accompanying bill, lie on the table pending the motion of the gentleman from Farmington, Mr. Mills, that the bill be substituted for the "Ought not to pass" report. As many as are in favor of the motion to table will say aye; those opposed no.

A viva voce vote being taken the motion prevailed, and the report, together with the bill, was tabled pending the motion of the gentleman from Farmington, Mr. Mills, that the bill be substituted for the "Ought not to pass" report.

The Chair lays before the House the second tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Claims, on Resolve in Favor of James M. Cahill, Sr., of Concord. (H. P. 41), tabled by the gentleman from Bingham, Mr. Dutton, on February 26th,

pending acceptance; and the Chair recognizes that gentleman.

Mr. DUTTON: Mr. Speaker, Gentlemen and Gentlemen of the House: I regret exceedingly with all the large appropriations and important matters that must come before this Legislature that it is necessary this morning to enter into any controversy over a small matter of \$286. I would hesitate a long time to do it, but a principle of vital importance affecting the State of Maine is at stake in this innocent looking resolve.

I wish to pay my respects to the Claims Committee. I believe they are honorable men of intelligence, and I ascribe to them the same sense of duty and obligation that I would consider mine in like manner. But a report of a committee is but the honest effort and the honest decision of ten members of both the Senate and House, and the report of any committee is not a sacred document. There are a great many that may disagree with the report of any committee.

This resolve entered the office of the Revisor of Statutes as a resolve in favor of Mrs. James M. Cahill, Senior, of Concord. It appears here this morning as a resolve in favor of Mr. James M. Cahill, Senior. I was willing to forgive the Committee from attempting to kill the resolve, but I do feel that I cannot forgive them from trying to change the sex of it.

The SPEAKER: The Chair would correct the gentleman. The original bill and report is a resolve in favor of Mrs. James M. Cahill, Senior. That is a printer's mistake, apparently, in the Advance Journal.

Mr. DUTTON: I thank you.

In the year of 1938. Mrs. James Cahill, who is the widow of James M. Cahill, Senior, discovered that there was being damage done by beaver to her timberland or woodlot on her farm in the town of Concord. She complained first to the Game Wardens, and then discovered that it would be necessary to file a written report and complaint with the Commissioner of Inland Fisheries and Game of the State of Maine, and this she did.

In this law, which provides for the propagation of beaver and muskrat, it is provided that written complaint must be filed by the land owner with the Commissioner, who may declare an open season upon

beaver which are doing actual and substantial damage to property.

When the Game Commissioner opened up the land which had been flooded by the beaver, on Mrs. Cahill's property, he admitted that actual and substantial damage had been done to that property. Otherwise, he had no authority to open that land to trapping. People trapped there in the year 1938 and the year 1939, but previous to the trapping and the destroying of the beaver, they had committed their damage. Mrs. Cahill, being an old lady, who will be seventy years of age on the second day of the coming July, was unable to investigate this matter herself, and she called upon two well-known lumbermen and estimators from the town of Bingham, to go upon her land and see what actual damage had been done. That committee consisted of David E. Howes, Leo W. Hill and James M. Cahill, Jr. Now, it has been suggested that James M. Cahill, Jr., being a distant relative, might be prejudiced, and I will say for the benefit of the House that I am perfectly willing that you will strike entirely from that report the name of James M. Cahill, Jr., and leave it with just the names of those two members, who have recommended the damage to the House.

Those men went upon the land and estimated the damage done as follows: 6,000 feet of white and yellow birch at \$5.00 per thousand; six thousand feet of pine at \$6.00 per thousand; and 100 cords of fire wood at \$4.00 per cord. Anyone knows that fire wood anywhere within four miles of the town of Bingham is well worth \$4.00 per cord, as that is the established price being paid to the large timberland owners in that section.

When land is flooded by beaver dams, after a very short time all of the vegetation dies. Consequently, there are thirty acres of land estimated by those gentlemen at \$4.00 per acre, a total of \$120, of land actually damaged, making a total of all claims of \$286.00.

I will say on the part of those estimators that David E. Howes is a professional estimator, and has done practically nothing else but work for timberland owners for a long time. Leo W. Hill was born in the woods, and has lived in the woods and operated in the woods all of his life. He is a member of the

firm of Hill & Taylor, of the town of Bingham.

There is but a very slight difference between the estimate that has been made by the Game Wardens in that section and what these gentlemen reported.

I wish to say, on behalf of the Game Wardens, that the Game Wardens, so far as I have met them and know them, are honorable, conscientious officers, and in Bingham those gentlemen are no exception, but perhaps they do not have the same view or may not be so free to express it, because they are dependent upon their jobs, in lots of cases, by keeping their mouth closed.

On this question of land damage, I am informed by the Chief Game Warden of Somerset County, Mr. Ingraham, that he and Fletcher Hale, the Deputy Game Warden, visited this land and decided in their estimation that twenty-five acres of land had been damaged, so that it leaves a discrepancy of only five acres between the two committees which estimated this damage. I will say for Mr. Ingraham that he was suffering severely with the mumps, and, knowing what that is, can excuse him from not talking too freely, but, as I understood him, they did not recommend very much less.

Well, anyone that knows anything about the woods whatever, knows that the lumber which was growing on that land, and which has been enumerated by the inspectors, is of value. There are lumbermen sitting on the floor of this House today, and they know that that statement is absolutely correct.

Those Game Wardens spent a day investigating that. They spent another day coming to Augusta and making their reports. They indicated to me that they left a written report with someone in the Department, and that would filter through to the Claims Committee. They did not tell me what that report was. I submit to the members of this House that if any representatives of any Department is going to appear before any committee of this House, that they should appear in person, so that both the proponents and the opponents of a measure might be heard and might be questioned separately.

I have been told that the lumbermen of the State of Maine want this

beaver law. I have also talked with the representatives of some of the leading lumber companies in the State of Maine. They tell me that they do wish the law, as the beaver build dams which flow back, and they are able to use it in fighting fires.

I proposed the question to them that it had been intimated that if they paid a small payment, that the lumbermen would immediately come in with large claims. The representative of two of the largest timberland owners in the State of Maine informed me that that would be absolutely against any principle which they had. One of the largest timberland owners personally assured me that they would not consider any such proposition.

I then asked them what their attitude was in regard to paying a claim of \$286, of an honest widow woman. They did not pussy-foot; they did not dodge the issue. They did not look over their shoulder to see who was going to hear them talk. They immediately stated that the State of Maine was in duty bound to pay the claims for damages done by beaver and they wholeheartedly recommended that the State should do that very thing.

Now, I have known the lumbermen in the State of Maine all my life and I would accept the statements of most of them at 100 per cent, every time. I have known the farmers of the State of Maine. It is intimated that the farmers, when they make claims for damages done by animals, make them excessive and beyond the actual damage. I resent any implication that the farmers of the State of Maine are any less honest than any other class of men in this broad State. I do not believe that it is necessary for me to take any more of the time of this House and I hope that you will substitute the resolve for the report of the committee. I thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Bingham, Mr. Dutton, that the resolve be substituted for the "Ought not to pass" report. The Chair recognizes the gentleman from North Berwick, Mr. Welch.

Mr. WELCH: Mr. Speaker and Members of the House: I want to state that the Committee on Claims, under the second unassigned matter, Resolve in Favor of James M.

Cahill, Sr., of Concord, H. P. 41, tabled by Mr. Dutton of Bingham on February 26th, pending acceptance, gave this resolve what we felt was thorough consideration, and we felt that it ought not to pass.

I have here a report from Wardens Ingraham and Hale, which I would like to read.

"Regarding report of beaver damage on land of Mrs. James Cahill in Concord—

About five years ago beaver moved onto Mr. Cahill's land on Jackson Brook in Concord. Mr. Cahill knew that they were there as he had some conversation with Warden Fletcher Hale about them, but made no complaint of damage.

After Mr. Cahill's death, about three years ago, Mrs. Cahill complained, and the land was open to beaver trapping in 1938 and 1939. There are no beaver there at the present time and have been none since trapping season of 1939.

The land is lowland and the beaver flowage covered about 25 acres. The growth consisted of small white maples, ash, cedar and a few yellow birches. There were five large pine and three spruce that would have made saw-logs. The cedar was not of any value. By far the greater part of the growth was white maple.

(Signed) A. L. Grover,
Deputy Warden."

The SPEAKER: The question before the House is on the motion of the gentleman from Bingham, Mr. Dutton, that the resolve be substituted for the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Members of the House: I hesitate, as I always do, to inject myself into a situation of this kind, but I can see a real danger here, and while I have every possible respect and admiration for the gentleman from Bingham (Mr. Dutton) I feel you are going to get the State of Maine involved in a situation that will lead you into worse danger than payments having to do with deer. Because of the reasons I have stated, and because of the fact that this material that has been cut down can well be sold for firewood, I feel I ought to go along with the "Ought not to pass" report. I did not feel that it was safe for the thing to go along without somebody saying a word.

The SPEAKER: The question before the House is on the motion of the gentleman from Bingham, Mr. Dutton, that the resolve be substituted for the "Ought not to pass" report of the Committee. All those in favor of the substitution of the Resolve for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the resolve for the "Ought not to pass" report of the committee did not prevail.

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

The Chair lays before the House the third tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Relative to Game Preserve on Munroe Island. (H. P. 469) (L. D. 205) tabled by the gentleman from Rockland, Mr. Sleeper, on February 26th, pending acceptance; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker and Members of the House: I am the author or proponent of this Resolve relative to a Game Preserve on Munroe Island, and I tabled the bill when it came out of the committee reported "Ought not to pass."

I am cognizant of the fact that the Committee on Inland Fisheries and Game have adopted a policy of not creating any game preserves, and I was willing to go along with them until I really found out the situation in regard to the bill I was introducing. I introduced this bill more or less by request and did not investigate it, but, since the report has come out, I have found the real reasons for the introduction of the bill.

Munroe Island is an island surrounded by salt water, lying at the entrance of Rockland harbor, about three or four miles off Rockland and about two or three hundred yards off the tip of Owls Head light. The island is owned by one person and consists of about 225 acres. The owner is a summer resident of Owls Head and is quite interested in town affairs there. Her name is Mrs. Grace Faunce, of Massachusetts.

I understand Mrs. Faunce's idea in wishing to create a game preserve is that she does not want the

State to assume the responsibility of protecting game on this island, but at the present time there is not any game on the island, and it is her desire to propagate, hatch and rear pheasants and ruffed grouse here.

This is a resolve that does not cost the State a penny and might result in some real game propagation. Our game propagation at the present time does cost the State a lot of money, as you can see from the appropriation and the fees charged by the Department of Inland Fisheries and game.

I do not wish to buck the committee, because I believe everyone on that committee was perfectly sincere in believing this ought not to pass. I have seen the two chairmen of the committee and several of the members, and they have said they would be willing to have the resolve recommitted and allow another consideration of the bill. I understand Mrs. Faunce has been corresponding with the Inland Fisheries and Game Committee and they would allow another consideration of the bill. So I would like at this time to ask permission to recommit this bill to the Committee on Inland Fisheries and Game for further consideration, and then if the Committee still feels it ought not to pass, I certainly shall not take up any more time of this Legislature.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that this report and accompanying papers be recommitted to the Committee on Inland Fisheries and Game. Is this the pleasure of the House?

The motion prevailed, and the report and accompanying papers were recommitted to the Committee on Inland Fisheries and Game and sent up for concurrence.

On motion by Miss Bangs of Brunswick, the House voted to suspend Rule 25, to permit smoking for the remainder of this morning's session.

The Chair lays before the House the fourth tabled and unassigned matter, House Report "Ought to pass as amended by Committee Amendment 'A'" of the Committee on Legal Affairs on Bill "An Act Relating to the Town Manager form of Government for the Town of

Houlton (H. P. 646) (L. D. 282) tabled by the gentleman from Houlton, Mr. McGillicuddy, on February 26th, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. McGillicuddy, the "Ought to pass as amended by Committee Amendment 'A'" report of the Committee was accepted.

The Chair lays before the House the fifth tabled and unassigned matter, House Report "Ought to pass in new draft" of the Committee on Salaries and Fees on Bill "An Act Relative to Fees of Referees" (H. P. 102) (L. D. 57) New Draft (H. P. 1635) (L. D. 983) tabled by the gentleman from Winslow, Mr. Belanger, on February 28th, pending acceptance; and the Chair recognizes that gentleman.

Mr. BELANGER: Mr. Speaker, due to personal reasons and personal affairs beyond my control, I assure you, I am unable to properly prepare myself on this matter, and I would appreciate it if it could remain on the table, and I so move.

The SPEAKER: The gentleman from Winslow, Mr. Belanger, moves that this matter lie on the table. Is this the pleasure of the House?

The motion prevailed and the "Ought to pass in new draft" report of the committee, together with accompanying papers, was re-tabled pending acceptance of the report.

The Chair lays before the House the sixth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Reed Plantation (H. P. 1110) (L. D. 368) tabled by the gentleman from Weston, Mr. Bubar, on March 5th, pending acceptance; and the Chair recognizes that gentleman.

Mr. BUBAR: Mr. Speaker, in order to give the State a chance to make a report on a very serious and unsanitary condition in one of our Aroostook schools, I move that this resolve be recommitted to the Committee on Appropriations and Financial Affairs.

The SPEAKER: The gentleman from Weston, Mr. Bubar, moves that this report and accompanying papers be recommitted to the Committee on Appropriations and Financial

Affairs. Is this the pleasure of the House?

The motion prevailed and the report, with accompanying papers, was recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

The Chair lays before the House the seventh tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Motor Vehicles on Bill "An Act Exempting Farm Tractors from Registration Fees" (H. P. 1458) (L. D. 628) tabled by the gentleman from Chapman, Mr. Welch, on March 5th, pending acceptance; and the Chair recognizes that gentleman.

Mr. WELCH: Mr. Speaker, it seems that a recommitment of this bill is in order. I will say that at the time this bill came up for hearing I did not have the privilege of attending that afternoon because I was busy on another committee. For the purpose of explaining the bill to the committee, I would like to have it recommitted to the committee, and I so move.

The SPEAKER: The gentleman from Chapman, Mr. Welch, moves that this report and accompanying papers be recommitted to the Committee on Motor Vehicles. Is this the pleasure of the House?

The motion prevailed, and the report, together with accompanying papers, was recommitted to the Committee on Motor Vehicles and was sent up for concurrence.

The Chair lays before the House the eighth tabled and unassigned matter, Bill "An Act Relative to Automobile Travel by State Inspectors of Seed Potatoes" (S. P. 55) (L. D. 10) tabled by the gentleman from Caswell Plantation, Mr. Phair, on March 5th, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Phair, the bill was passed to be engrossed in concurrence.

The Chair lays before the House the ninth tabled and unassigned matter, Senate Report "Ought to pass" of the Committee on Motor Vehicles, on Bill "An Act Authorizing the Registration of Motor Vehicles operated by Government Agencies" (S. P. 386) (L. D. 632) tabled by the gentlewoman from

Brunswick, Miss Bangs, on March 6th, pending acceptance in concurrence; and the Chair recognizes that gentlewoman.

On motion by Miss Bangs, the report, together with accompanying papers, was recommended to the Committee on Motor Vehicles in non-concurrence and sent up for concurrence.

The Chair lays before the House the tenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Repealing the Law Relating to the Board of Barber Examiners" (H. P. 1188) (L. D. 483) tabled by the gentleman from Rockland, Mr. Sleeper, on March 6th, pending acceptance; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker, I am not going to presume upon the good feeling of this House. I have always felt that the reason you were so kind to me was because you knew I was just a country boy; but my colleague from Rockland said yesterday "coming from the City of Rockland," so I now find I am a city boy instead of a country boy, therefore I am not going to presume upon you people any more.

I could waste a lot of time here, because there are arguments for repealing the law relating to the Board of Barber Examiners and there are arguments against it. I find it is tied up pretty well with the Hairdressers' Board, and I have no grudge against them. I have found, to tell you the truth, that the feeling against the Board of Barber Examiners has simmered down to a great degree in Rockland. I have contacted most of our tonorial artists and they tell me they are not so much opposed to it as they were. I imagine the reason for that is because the fees have been greatly reduced. They are now one and three dollars where they used to be five and twenty or some outlandish sum. So, if there is no objection from any other members of this House, I will now move that the committee report be accepted, and I shall not try the patience of the House any further.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves the acceptance of the "Ought not to pass" report of the committee. Is this the pleasure of the House?

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

On motion by Mr. McGlaulin of Portland, the House voted to take from the table the eleventh tabled and unassigned matter, House Report "Ought not to be adopted" of the Committee on Federal Relations on Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled, (H. P. 1641) tabled by that gentleman on March 12th, pending acceptance; and on further motion by the same gentleman the "Ought not to be adopted" report of the committee was accepted and sent up for concurrence.

On motion by Mr. Crockett of North Haven, the House voted to take from the table the fifteenth tabled and unassigned matter, Bill "An Act Relating to Taxation of Insurance Companies" (S. P. 382) (L. D. 620) tabled by that gentleman on March 12th, pending passage to be enacted.

On further motion by Mr. Crockett, 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 that gentleman the House voted to reconsider its action whereon on March 7th it passed this bill to be engrossed.

Mr. Crockett then offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 382, L. D. 620, Bill "An Act Relating to Taxation of Insurance Companies."

Amend said bill by inserting after the words "United States" in the 5th line thereof the words '**Or Province of the Dominion of Canada.**'

House Amendment "A" was then adopted and the bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Mr. SHESONG of Portland: Mr. Speaker, I do not want to be technical about this bill, but I wonder whether or not the amendment is correct. I wonder if it does not mean any province in the Dominion of Canada?

On motion by Mr. Crockett of

North Haven, the House voted to take from the table the sixteenth tabled and unassigned matter, Bill "An Act Relating to Foreign Insurance Companies" (S. P. 384) (L. D. 622) tabled by that gentleman on March 12th, pending passage to be enacted.

On further motion by Mr. Crockett, 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 that gentleman the House voted to reconsider its action whereby on March 7th it passed this bill to be engrossed.

Mr. Crockett then offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 384, L. D. 622, Bill, "An Act relating to Foreign Insurance Companies."

Amend said bill by inserting after the words "United States" in the 4th line and and at the 10th line thereof, the words '**or Province of the Dominion of Canada.**'

Thereupon, House Amendment "A" was adopted and the bill was passed to be engrossed as amended in non-concurrence 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. Hamilton of Hartland,

Adjourned until ten o'clock tomorrow morning.