

# 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 19, 1941.

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

Prayer by the Rev. Mr. Fowle of Hallowell.

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 the Bucksport and Prospect Ferry Company (S. P. 221) (L. D. 389)

Report of same Committee reporting same on Resolve in favor of Thomas H. Coffey of Eddington (S. P. 218)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Regulations of Pauper Expense for Conveyance of Children Attending Public Schools" (S. P. 337) (L. D. 626)

Came from the Senate read and accepted.

In the House, were read and accepted in Concurrence.

**Ought to Pass in New Draft**

From the Senate:

Report of the Committee on Sea and Shore Fisheries on Resolve Regulating Fishing in Pemaquid River (S. P. 242) reporting same in new draft (S. P. 491) (L. D. 1016) under the same title and that it "Ought to pass."

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

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

**Senate Report Tabled**

From the Senate:

Report of the Committee on Banks and Banking on Bill "An Act relating to the Investment of Municipal Trust Funds" (S. P. 302) (L. D. 509) reporting same in a new draft (S. P. 490) (L. D. 1015) under same title and that it "Ought to pass."

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

In the House, Report read and

accepted in concurrence, and on motion by Mr. Williams of Bethel, tabled pending first reading)

**Senate Bills in First Reading**

Bill "An Act relative to Licenses for Dealers in Furs" (S. P. 379) (L. D. 698)

Bill "An Act relating to the Transfer of Appropriations in the Department of Health and Welfare" (S. P. 437) (L. D. 892)

Bill "An Act relating to Registration of more than one Motor Vehicle in same Calendar Year" (S. P. 445) (L. D. 896)

Bill "An Act relating to Headlights on Motor Vehicles" (S. P. 320) (L. D. 523)

Bills were read twice and tomorrow assigned.

**Ought to Pass with Committee Amendment**

From the Senate:

Report of the Committee on Federal Relations on Bill "An Act Amending the Law relating to Unemployment Compensation to Collect Contributions on Wages Paid" (S. P. 206) (L. D. 502) 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, Report was read and accepted in concurrence and the Bill was read twice. Committee Amendment "A" was then read by the Clerk as follows:

Committee Amendment "A" to S. P. 206, L. D. 502, Bill, "An Act Amending the Law Relating to Unemployment Compensation to Collect Contributions on Wages Paid."

Amend said bill by adding thereto two new sections, numbered sections 8 and 9, reading as follows:

"Sec. 8. P. L., 1935, c. 192, sec. 19, amended. Section 19 of chapter 192 of the public laws of 1935, as amended, is hereby amended by adding thereto a new subsection (v) reading as follows:

(v) "Unpaid wages." Wages earned by an employee for employment from employers which remain unpaid because the assets of the employer for whom such employment was rendered are in the custody or control of an assignee for the benefit of creditors, receiver, trustee or any other fiduciary ap-

pointed by, or under the control of a court of competent jurisdiction shall, for all the purposes of the unemployment compensation law, as amended, be deemed to be and shall be treated as though such wages had been paid to such employee during the calendar year within which such wages were earned.' "

**Sec. 9. P. L., 1935, c. 192, amended.** Chapter 192 of the public laws of 1935, as amended, is hereby amended by adding thereto a new section, numbered 26, reading as follows:

**'Sec. 26. Employers exempt from the provisions of the weekly payment of wage law to make report on accrued wages. All employers exempt from the provision of the weekly payment of wage law of this state shall report to the unemployment compensation commission all accrued wages payable for employment during the calendar year up to and including December 31 of such calendar year under such regulations as the commission may prescribe; except that nothing in this section shall be construed to make contributions due and payable on any part of such reported wages which have not actually been paid, but wages so reported shall be deemed to be wages paid for unemployment benefit purposes.'**

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

**Communication From Head of Department**

**STATE OF MAINE  
DEPARTMENT OF HEALTH AND WELFARE  
AUGUSTA**

March 17, 1941

Mr. Harvey R. Pease, Clerk  
House of Representatives  
State House  
Augusta, Maine

Dear Mr. Pease:

Enclosed find copy of material as requested in the Legislative Order H. P. 1504. The original material is being filed with Mr. Royden V. Brown.

Sincerely yours,  
(Signed) Joel Earnest  
Commissioner.

The Communication was read, and ordered placed on file.

The following petitions and remonstrances were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Judiciary**

Petition of Mrs. Verna Pulsifer and 19 other members of Pleasant Pond Grange No. 531 in favor of H. P. 1391, L. D. 769, proposed Constitutional Amendment limiting Real Estate Taxes (H. P. 1683) (Presented by Mr. Forhan of Canton)

Petition of Isabel Fuller and 19 others of Canton in favor of same (H. P. 1684) (Presented by same gentleman)

Petition of Charles F. Lawrence and 19 other members of Osceola Grange No. 570 in favor of same (H. P. 1685) (Presented by Mr. Lackee of Addison)

Petition of Helen C. Stanhope and 19 other members of Point Passadumkeag Grange No. 417 in favor of same (H. P. 1686) (Presented by Mr. Lane of Lincoln)

Petition of Elmer Round Jr. and 19 other members of Ammadamast Grange No. 379 in favor of same (H. P. 1687) (Presented by same gentleman)

Petition of Frederick Fisher and 16 other members of Maple Grange No. 559 in favor of same (H. P. 1688) (Presented by Mr. Roberts of Waterboro)

Petition of Vernon D. Winslow and 20 other members of Bayside Grange No. 476 in favor of same (H. P. 1689) (Presented by Mr. Willey of Ellsworth)

Petition of Abner B. Kimball and 14 other members of Round Mt. Grange No. 162 in favor of same (H. P. 1690) (Presented by Mr. Williams of Bethel)

Remonstrance of W. F. Trundy and 61 others of Stockton Springs against Bill No. 813 for "Highway Protective Areas" (H. P. 1691) (Presented by Mr. Worth of Stockton Springs)

Sent up for Concurrence.

**Public Utilities**

Petition of G. E. Daigle of Sinclair and 31 others in favor of H. P. 350, L. D. 137—Act to Aid Agriculture by providing for the Organization of Rural Electrification Cooperatives (H. P. 1692) (Presented by Mr. Mills of Farmington)

Petition of P. F. Ellis of Castle

Hill and 17 others in favor of same (H. P. 1693) (Presented by Mr. Richardson of Strong)

Petition of James G. McLeod of Patten and 187 others in favor of same (H. P. 1694) (Presented by same member)

Sent up for concurrence.

### Taxation

Remonstrance of L. W. Carpenter M. D. of Limerick and 132 others opposing Passage of Soft Drink Tax (H. P. 1695) (Presented by Mr. Ayer of Cornish)

Remonstrance of Laurence Beaudette and 1303 other citizens of Biddeford against same (H. P. 1696) (Presented by Mr. Bolduc of Biddeford by request)

Remonstrance of Arthur L. Roberts of Lyman and 110 others against same (H. P. 1697) (Presented by Mr. Davis of Buxton)

Remonstrance of Bernice Morgan of Pittsfield and 90 others against same (H. P. 1698) (Presented by Mr. Goodrich of Palmyra)

Remonstrance of J. Edw. Williams of Livermore and 21 others against same (H. P. 1699) (Presented by Mr. Grua of Livermore Falls)

Remonstrance of Charles M. Grant of Kittery and 339 others against same (H. P. 1700) (Presented by Mr. Seeger of Kittery)

Remonstrance of Walter Ross and 432 others of Fairfield and vicinity against same (H. P. 1701) (Presented by Mr. Tozier of Fairfield)

Remonstrance of Mrs. B. M. Dyer of Wells and 62 others against same (H. P. 1702) (Presented by Mr. Welch of No. Berwick)

Sent up for concurrence.

The following Resolution was received, and upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

### Federal Relations

Resolution Memorializing the Congress of the United States to Enact a Law which will Provide Adequate National Old Age Pensions (H. P. 1703) (Presented by Mr. Brown of Bangor)

### Bill Requiring Reference

Bill "An Act for the Assessment of a State Tax for the Year Nineteen Hundred Forty-one and for the Year Nineteen Hundred Forty-

two" (H. P. 1704) (Presented by Mr. Murchie of Calais)

The Committee on Taxation and 750 copies printed suggested.

Mr. MURCHIE of Calais: Mr. Speaker and Ladies and Gentlemen of this House: It was necessary that a measure of this kind be presented to this Legislature, setting up the mill rate of taxation at this time, and I can readily see where the members, not having in mind just what it might mean, would have a pretty bad misunderstanding of the present situation, unless an effort be made to in some measure explain just what it means and at what we are driving.

The supposition is that the members of this Legislature planned to set up Old Age Assistance to the extent of at least 17,500 recipients. The supposition is that the members of this Legislature have perhaps come to the conclusion that they will not have the \$800,000 that came to them in the last period by reversion of highway funds, and so forth. The supposition is or at least it is the intention of the Legislature — that the various bureaus and departments will be carried on, on more or less their present level during the next two years. The supposition is that very little can probably be done to bear down on the Welfare Department any more than has been done. It is also true, in all probability, that no attempt will be made to bear down on the institutions of this State, when we realize the waiting lists now existing.

With these ideas in mind, the Appropriations Committee have set up the various appropriation bills, as you have them before you.

Now, in order to meet the set-up of the appropriations carrying on Old Age Assistance to the extent that I have outlined, and carrying on the various departments and institutions on more or less the present level, without any new taxation, it will require an increase in the mill rate up to 9½ mills to meet that situation.

Now, nobody believes that there is any intention to leave this mill rate at nine and one half mills, of course, but the question this morning is probably on the assignment of this to a committee. The supposition is that it will be assigned to the Committee on Taxation, who have in their possession the various bills having to do with taxes, under

which they can show us how we can meet the situation. Of course that Committee can then amend this bill that I have before me this morning, and are expected to amend it, and have their plans made, and I hope they will be able to show us tax measures that will meet the situation, so it can be kept below the present 7 1-4 mills. That is more or less an estimation in my crude way.

Now I just have one thought that I would like to inject in here, before I sit down, and that is the fact that the appropriation bills, having been brought in, contrary to custom, perhaps a month earlier than usual, for that reason it may happen that we can shorten up this session of the Legislature. If the Taxation Committee will bring in to us their wares and show them to us, I cannot see any reason why we could not get out of here in three weeks. If such a situation as that presents itself, I want to have you at least feel that the credit for such effort is due very largely to the gentleman from Gorham, Mr. Gould, who had me scared a month ago, but I am now satisfied that he is right. This same idea, more or less, was sponsored by the present Speaker of this Legislature two years ago, and I think that it was also sponsored four years ago, but they could not seem to bring it about.

Now I have just one request to make through the Chair, that the Floor Leader might, if he sees himself able to, clarify some of my crude remarks and perhaps explain from his angle something pertaining to this bill.

The SPEAKER: The question before the House is on the reference of this bill to a committee. The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker, I move that the bill lie on the table pending reference to a committee.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves that the bill lie on the table pending reference to a committee. All those in favor of the motion that the bill lie on the table say aye; those opposed no.

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

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

Mr. PAYSON: Mr. Speaker, I talked with the gentleman from Calais, Mr. Murchie, this morning, before we came in here, on this proposition. He suggested that I should add something to his explanation of this matter, but I do not see how I can add anything to it. He has stated very clearly that this bill, which is now introduced and is being referred, shows that if you meet your bills here justly and squarely and balance your budget, without other taxation, that you will have to increase the mill tax 2 1-4 per cent. That is all it means. Any other new taxation you pass will decrease the mill tax that much.

That is the whole story. If you balance your budget, and do it by taxation on real estate and personal property, you have got to go up to 9 1-2 mills to do it. As he says, if you do not do it, other methods of taxation will have to be adopted to bring about a reduction, as far as it can be reduced.

Thereupon, the bill was referred to the Committee on Taxation, 750 copies ordered printed, and sent up for concurrence.

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:

#### Legal Affairs

Bill "An Act relating to Elected Officials of the State in Military Service" (H. P. 1705) (Presented by Mr. LaFleur of Portland)

(650 copies ordered printed)

Sent up for concurrence.

#### House Reports of Committees Leave to Withdraw

Mr. Morrison from the Committee on Public Utilities on Bill "An Act relating to the Use of Highways by Motor Vehicles Transporting Property for Hire" (H. P. 1281) (L. D. 547) reported leave to withdraw, as it is covered by other legislation.

Mr. Rollins from the Committee on State Lands and Forest Preservation reported same on Resolve in favor of a Lookout Tower in Gloucester (H. P. 613) (L. D. 301)

Reports were read and accepted and sent up for concurrence.

**Ought Not to Pass**

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve in favor of George Green Estate (H. P. 1090)

Same gentleman from same Committee reported same on Resolve in favor of the town of Belgrade (H. P. 1080)

Same gentleman from same Committee reported same on Resolve in favor of the Augusta General Hospital of Augusta (H. P. 1092)

Same gentleman from same Committee reported same on Resolve in favor of the Winterport Ferry Company (H. P. 782) (L. D. 333)

Mr. Willey from same Committee reported same on Resolve in favor of Hazel A. Thomas of Oxbow (H. P. 1054)

Same gentleman from same Committee reported same on Resolve in favor of Mrs. Alice Page of Leeds (H. P. 1065)

Mr. Grua from the Committee on Federal Relations reported same on Bill "An Act relating to the Unemployment Compensation Law" (H. P. 1347) (L. D. 800)

Same gentleman from same Committee reported same on Bill "An Act relating to Number of Employees under Unemployment Compensation Law" (H. P. 1261) (L. D. 560)

Mr. Mercier from same Committee reported same on Bill "An Act relating to Number of Employees under Unemployment Compensation Law" (H. P. 1262) (L. D. 561)

Mr. Fenlason from the Committee on Inland Fisheries and Game reported same on Resolve for Screening Outlet of Biscay Pond at Bristol (H. P. 810) (L. D. 323)

Same gentleman from same Committee reported same on Bill "An Act relative to the Possession of Partridges" (H. P. 1378) (L. D. 724)

Reports were received and accepted and sent up for concurrence.

**Resolves Tabled**

Mr. Fenlason from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve appropriating Money to Build Fishway on Meduxnekeag River (H. P. 241) (L. D. 80)

(On motion by Mr. Good of Monticello tabled pending acceptance of Committee Report)

Mr. Hanold from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Re-

solve for Screening Outlet of Minnehonk Lake (H. P. 809) (L. D. 322)

(On motion by Mr. Downs of Rome, tabled pending acceptance of Committee Report)

Mr. Hanold from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve for Moving Screen at the Mouth of Eagle Lake (H. P. 1144) (L. D. 444)

(On motion by Mr. Brown of Eagle Lake, tabled pending acceptance of Committee Report)

Mr. Hanold from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Trapping Licenses" (H. P. 796) (L. D. 309)

Mr. Starrett from same Committee reported same on Bill "An Act relative to Trapping" (H. P. 1373) (L. D. 719)

Same gentleman from same Committee reported same on Bill "An Act Prohibiting the Use of High-powered Rifles for Hunting Other than Deer and Bear" (H. P. 1233) (L. D. 495)

Mr. Winter from same Committee reported same on Resolve for Screening Mattawamkeag Lake in Island Falls (H. P. 1136) (L. D. 385)

Mr. Dwinall from the Committee on Legal Affairs reported same on Bill "An Act relating to Bond of Innkeepers, Victualers and Lodging Houses" (H. P. 1447) (L. D. 579)

Mr. LaFleur from same Committee reported same on Bill "An Act relating to Minimum Prices in Beauty Shops" (H. P. 339) (L. D. 135)

Same gentleman from same Committee reported same on Bill "An Act relating to Minimum Prices in Barber Shops" (H. P. 340) (L. D. 136)

Same gentleman from same Committee reported same on Bill "An Act relative to Fish and Game Wardens in the Military Service" (H. P. 1444) (L. D. 758)

Mr. Sylvia from same Committee reported same on Bill "An Act relating to the Licensing of Steam Engineers and Firemen" (H. P. 1450) (L. D. 762)

Same gentleman from same Committee reported same on Bill "An Act relative to Licensing of Steam Engineers and Firemen" (H. P. 1270) (L. D. 563)

Mr. Eddy from the Committee on Motor Vehicles reported same on Bill "An Act Prohibiting the Registration of Trucks for Carrying

Passengers" (H. P. 1547) (L. D. 841) as it is covered by other legislation.

Mr. McLeod from same Committee reported same on Bill "An Act relating to Transfer Places" (H. P. 1456) (L. D. 766)

Mr. Rankin from same Committee reported same on Bill "An Act relating to Prepayment of Excise Tax on Motor Vehicles" (H. P. 1454) (L. D. 580)

Mr. Doughty from the Committee on State Lands and Forest Preservation reported same on Bill "An Act relating to Seed Trees" (H. P. 1470) (L. D. 746)

Mr. Morrison from the Committee on Taxation reported same on Bill "An Act to Provide Funds for Construction of Bridges" (H. P. 1497) (L. D. 608)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass—New Bill

Mr. Murchie from the Committee on Appropriations and Financial Affairs, acting under authority of Joint Order, H. P. 1618, reported a Bill under title of "An Act relative to Increase of the State Debt Limit" (H. P. 1706) and that it "Ought to pass."

Report of the Committee was read and accepted and the Bill was ordered printed under the Joint Rules.

#### First Reading of Printed Bills

Bill "An Act relating to Expense of Pauper Support" (H. P. 1441) (L. D. 755)

Bill "An Act relating to Overseers of the Poor" (H. P. 1449) (L. D. 761)

Resolve Authorizing the Forest Commissioner to Convey certain Land in Perkins Plantation (H. P. 1211) (L. D. 429)

Resolve in favor of A. R. Thompson (H. P. 1671) (L. D. 1021)

Resolve in favor of Vernon A. Soule (H. P. 1672) (L. D. 1020)

Resolve in favor of Zina M. Witham (H. P. 1673) (L. D. 1019)

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

#### Passed to be Engrossed

Bill "An Act relating to Voting Booths" (S. P. 369) (L. D. 683)

Bill "An Act Amending the Law relating to Unemployment Compensation with respect to Grants from the Social Security Board" (H. P. 1257) (L. D. 556)

Bill "An Act Amending the Law relating to Unemployment Compensation by Repealing a Part of Section 5. (H. P. 1258) (L. D. 557)

Bill "An Act Amending the Law relating to Unemployment Compensation to Reduce Benefits when Claimed Fraudulently" (H. P. 1259) (L. D. 558)

Bill "An Act relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method" (H. P. 1269) (L. D. 567)

Bill "An Act relative to Transportation of Fish, Game and Fur-bearing Animals by Aeroplane" (H. P. 1377) (L. D. 723)

Bill "An Act relating to Suspension of Motor Vehicle Licenses" (H. P. 1540) (L. D. 832)

Bill "An Act relating to Surrender of Registration Plates of Motor Vehicles" (H. P. 1545) (L. D. 837)

Bill "An Act relating to Duplicate Licenses to Operate Motor Vehicles" (H. P. 1669) (L. D. 1017)

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

#### Bill on Its Passage to Be Engrossed—Amended

Bill "An Act Creating the Newport Water District" (H. P. 1670) (L. D. 1018)

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

Mr. LaFleur of Portland, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1670, L. D. 1018, Bill, "An Act Creating the Newport Water District."

Amend said bill by striking out in the 13th line of Section 11 thereof the words "filing of said petition" and inserting in place thereof the words 'date at which said petition is returnable'.

Further amend said bill by striking out in the 11th line of Section 17 thereof, the words "if held at the time of a special town meeting".

House Amendment "A" was then adopted and the bill had its third reading and was passed to be engrossed as amended and sent to the Senate.

#### Amended Bill

Bill "An Act providing for the Disposition of Property where there is no sufficient Evidence that Persons Died otherwise than Simultaneously" (S. P. 366) (L. D. 680)



Was 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.

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.

**Passed to Be Enacted  
(Emergency Measure)**

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

The SPEAKER: This bill, having had its three several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate 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 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 sixteen having voted in the affirmative and none in the negative, 116 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 Automobile Travel by State Inspectors of Seed Potatoes (S. P. 55) (L. D. 10)

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

An Act relating to Falsely Assuming to be a Justice or Officer (S. P. 94) (L. D. 98)

An Act relating to Vacating Attachments (S. P. 311) (L. D. 518)

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

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

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

An Act relating to Local Option Provisions (S. P. 417) (L. D. 656)

An Act relating to the Police in Lewiston (S. P. 438) (L. D. 933)

An Act Creating the Maine Nautical School (H. P. 433) (L. D. 181)

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)

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)

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)

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

An Act to Exempt from Taxation the Property of the Society for the Preservation of New England Antiquities (H. P. 1160) (L. D. 457)

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

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

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

An Act relating to Fees of Constables Enforcing the Dog License Law (H. P. 1236) (L. D. 498)

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

An Act relating to Legal Documents (H. P. 1405) (L. D. 783)

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

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

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

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

An Act relating to Action of Breach of Promise to Marry, and

Amending the Law relating to Action by Married Women for Alienation of Affections of Husband (H. P. 1645) (L. D. 994)

An Act to Amend and Extend the Charter of the Bangor Gas Light Company (H. P. 1646) (L. D. 995)

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

#### Finally Passed

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

Resolve Regulating Fishing in Round Pond (S. P. 484) (L. D. 1001)

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

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

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 Land to Mrs. Myrtle Madden Hutchinson of Old Town (H. P. 685) (L. D. 240)

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

Resolve in favor of Howard Douglass of Upton (H. P. 931) (L. D. 996)

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

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

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

Resolve Regulating Fishing in Damariscotta Lake (H. P. 1644) (L. D. 997)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all 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 eleventh tabled and unassigned matter, House Amendment "A" to H. P. 1484, L. D. 613, Bill "An Act to Exempt Soldiers and Sailors from Poll Taxes", tabled yesterday, pending reproduction of the amendment under the Rules. The Clerk will read House Amendment "A".

House Amendment "A" to H. P. 1484, L. D. 613, Bill, "An Act to Exempt Soldiers and Sailors from Poll Taxes."

Amend said Bill by striking out all of said Bill after the enacting clause, and inserting in place thereof the following:

"R. S., c. 13, Sec. 6, IX-A, additional. Section 6 of chapter 13 of the revised statutes is hereby amended by adding thereto a new paragraph to be numbered IX-A, and to read as follows:

**"IX-A. The polls of persons, for each municipal year in which a poll tax is assessed during which the person liable for such poll is for a period of 6 months a member of the armed forces of the United States of America."**

House Amendment "A" was then adopted and the bill was assigned for third reading tomorrow morning.

On motion by Mr. Shesong of Portland, the House voted to take from the table the third tabled and unassigned matter, Resolve Freeing the Carlton Bridge of Tolls. (H. P. 1650) (L. D. 999) tabled by that gentleman on March 12th, pending second reading.

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

Mr. SHESONG: Mr. Speaker, there seems to have been some misapprehension as to why this bill was placed on the table. In order to clarify the situation, I want to preface what I have to say by this statement: The bill was placed on the table by me at my own solicitation and by that of nobody else. I had no conference with any other man. I did feel, however, that there was certain information available which had not come to the attention of the committee at the time the resolve was being heard by the committee, therefore I wanted time to find out what facts might be available outside. I have spent

some time investigating the matter in order to assist myself in knowing how to vote on this resolve, and if I may be of any help to the members of the Legislature I would like to review briefly the set-up of the Carlton Bridge so-called.

The Carlton Bridge at the present time is operating under Chapter 89 of the Laws of 1925. Under the provisions of that law there were four directors selected, one from the County of Sagadahoc, one from Knox or Lincoln, one from the State at large and one suggested by the Maine Central Railroad. Those four directors with the Highway Commission constituted a board of directors charged with the duty of locating and constructing the bridge. After the bridge was constructed the four first-named directors automatically dropped out of the picture and the bridge continued to be operated by the Highway Department as the board of directors and that condition exists today.

Under the terms of the Bridge Act, so-called, a contract was authorized to be entered into between the State and the Maine Central Railroad, under the terms of which forty-five per cent of the bonds to be issued were to be paid by the State and fifty-five per cent by the Maine Central Railroad. At the present time—this information is not accurate—but I understand there are a million and a half dollars in bonds outstanding. This morning I was told by another member that it was a million and three-quarters. I am not exactly sure which it is.

Under the terms of the Bridge Act the contract was signed by the Maine Central Railroad and the State, and in addition to the payment of the principal and interest on the bonds, the sum of \$15,000 was supposed to be paid by the Maine Central Railroad for the purpose of maintaining the drawer and tracks used by the Maine Central exclusively. In 1937 that law was changed, so that at the present time the Maine Central Railroad is paying \$8000 instead of \$15,000, and there was a refund of \$76,000. That on the face of it would indicate that the State had been guilty of giving back money to the Maine Central Railroad without reason; but I find under the provisions of the contract the \$15,000 which was paid by the Maine Central Railroad could not be used for any other

purpose than that of the support of the drawer and the tracks incidental to the use of the bridge by the railroad. So when the Legislature of 1939 changed the law, cutting it down to \$8000, the surplus that had accumulated was turned back to the Maine Central Railroad or credited on their account, less a sum of money to paint the bridge that year, because every five years the bridge has to be painted.

Now that in brief is the bridge set-up. At the present time, as I understand it, and I think it is a fact, the Highway Commission, acting as a board of directors, have power to close the bridge to tolls at any time they want to after there has been paid in forty-five per cent of the outstanding bonds. The act is very definite on that and there is no controversy on that fact. At the present time I understand there is in the hands of the State sufficient money to pay off those bonds when they are due. You might say, "If that is true, why raise this fuss about making the bridge toll-free at the present time?"

Now here are some other facts that sort of change the whole picture. At the present time there is in closed banks approximately \$37,000. Now that represents money, as I understand it, that was paid in to the State either by the Maine Central Railroad or collected in tolls—I am not sure from what source the money came, but at least it was placed in closed banks, so that at the present time that \$37,000 is not available to pay off bonds or to be used in any other way.

Furthermore, when the bonds were sold they were sold to yield four per cent. That was back in 1926 or 1927 that those bonds were issued and they were supposed to pay four per cent interest. Of course since 1932 or 1933 interest rates have gone down and you cannot invest money at four per cent any more, so that up to the present time there is a present loss on invested money which has been earned by the bridge of approximately \$40,000. That makes a total loss of \$77,000. Furthermore, as the next thirty-five years roll by, you will have further losses estimated by the Controller at between \$350,000 and \$400,000. You may say it is not reasonable to look ahead thirty-five years, and I am not saying we should; but I say at the present time, with an immediate loss of

\$77,000 staring us in the face, that it is unwise legislation for us to remove tolls from that bridge for the period of about thirty-one days, when the net income from those who are using the bridge would not exceed \$8000. In other words, at this time of year the average toll on that bridge is about \$8000 during these particular months of the year. It does seem to me, in view of all these facts—and I have tried to give them to you as I found them—that it is unwise legislation. I am not going to make a motion. I am simply giving you the benefit of what I have found out.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker, in order to further clarify the situation on the Bath Bridge, I would like to bear out Mr. Shesong's statement to the effect that not all of the facts confronted the committee at the time they made their "Ought to pass" report. On the other hand, I think it is only fair to tell you that on the toll side of the bridge, from what we might consider as vehicular traffic, that those funds were deposited in the general funds of the State. During the bank holidays, there was, in all probability, some of that money lost in the closed banks. The exact amount I have not been able to determine. But I have been assured by the Controller of the State that the tolls from the Bath Bridge have paid any money which might have been lost from the general funds, and we have sufficient money at the present time to retire \$100,000 worth of outstanding bonds. In that case we can retire 45 per cent of the total, and return a net profit to the State on that side of the ledger of \$15,000—over a week ago.

The law provides that upon the retirement of 45 per cent of the so-called Carlton Bridge bonds, it shall be free from toll. Irrespective of whether this Legislature frees it at the present time, it will become free, in my opinion, upon May 1st.

On the other side of the ledger stands which I am pleased to call the railroad's side of the bridge, which has been fully explained to you by the gentleman from Portland, Mr. Shesong, with the exception of perhaps clearing up in your minds the amount of outstanding bonds on the Carlton Bridge. I

will quote to you from the Auditor's Report as follows:

The balance of bonds not yet matured, \$1,750,000, of which \$1,650,000 is to be paid by the State from funds supplied by the Maine Central Railroad Company.

In fairness to the Bath Bridge, there is some debate as to the contract of the Maine Central Railroad Company. I have been informed upon good authority that this contract can only be decided by the courts of the State as to whether or not the Railroad Company is holden for 55 per cent of the bonds. If they are, the State will lose no money; if they are not, the State will lose the sum of probably around \$300,000.

The \$37,000 of funds impounded in the closed banks is from the sinking fund reserve and is money paid into the State by the so-called Maine Central Railroad. That would probably give the State a loss of around \$70,000, when the Bridge bonds fall due. I see no way that this amount of money can be made up by the railroad, because the State has accepted the custody of the funds and the State lost the funds. I hope that I have made myself clear in this explanation. I doubt if the gentleman from Portland (Mr. Shesong) and myself have any conflict of ideas in this matter. I have simply tried to carry out the thing as I have found it. If there are any questions through the Chair, I would be very glad to answer them, if possible.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker and Members of the House: Ever since I can remember, Bath has had a toll system. First of all, it was a ferry, and we decided that with the lines of cars miles long, waiting on Sundays and week days, that something had to be done.

After quite a bit of work and agreement, the State decided that it would be permissible for us to have a bridge at Bath. Our contract was, first of all, that the bridge was to go across the north end of Bath, at the narrowest part of the river. The Maine Central Railroad was running a ferry at the same time, and we brought the bridge down to about the widest part of the river, so that it would convenience the Maine Central Railroad. I

Our agreement was that we would pay for 45 per cent of the expense. We have done that. We have carried out our agreement. The bonds are payable on May first, and, as a convenience to the people around there, we have asked that, where we have the money in our hands, will you please allow us to have our receipt, and let us have that bridge free?

It was not the mistake of the people in Bath and the surrounding communities, this conflict with the Maine Central. It was the mistake of the State, the people who are carrying out the business here; it was a mistake somewhere along the line. I think that we have been penalized long enough in Bath. We have done all that we agreed to do, and all that I am asking for now is: "May we please have our receipt for the money we have paid in?" I am not asking for anything on which I would not be perfectly willing to go along with any member of this House.

I do not believe in making the State pay for someone else's mistake. Neither do I believe in making people pay for the State's mistake, if they have lived up to their agreement. What would you want if you were in the same town?

The Chair recognizes the gentleman from Damariscotta, Mr. Denny.

MR. DENNY: Mr. Speaker and Members of the House: I agree thoroughly with Mr. Shesong's remarks and with Mr. Farwell's remarks.

I do not question, and I think none of us question, the situation with regard to the bridge and the railroad, but there is just one other angle about this. Apparently there is a lost county in the State. Now, there are only three of us in the House who have the privilege of hailing from Lincoln County, which is not a very large delegation, but I want to call your attention to just two points. Lincoln County is a rural county, and cannot boast of one single city; and Lincoln County is also on what we call the other side of the bridge. Now, when I say Lincoln County is a rural county, I mean just this, that we have nothing larger than a small town. It is true that in the summer time these small towns are increased in population, that they are doubled, trebled and quadrupled, but, remember, that the people, that come

into these towns and double, treble and quadruple the population, come from outside of the State, and are penalized by crossing the bridge, and have had to pay a toll.

Now, I am more interested in talking to you about the year-around people of Lincoln County, because we are on the other side of the bridge. It is a rural county, and I am just one of the farmers and small town folks that live on the other side of the bridge. We just feel an urge every so often, because we live in small towns in the country, to go to the big city. Sometimes on business, and sometimes on pleasure, we go to the big city, which is Portland. Naturally, we have to cross that bridge, and we have had to cross that bridge every year since it has been built. If such a thing is possible, we have cheerfully paid tolls to cross the bridge.

Now, living on the other side of the bridge is an expensive thing, as you will realize.

The original bridge contract, as has been stated here by Miss Deering, stated in effect that when tolls to the extent of 45 per cent of the cost of the bridge were paid, the bridge should become a free bridge.

We feel, we country folks and small town folks who have borne the brunt of paying this cost, that we are right on one side of the bridge, and the flow of our traffic from our county is across the bridge toward Portland. We certainly have stood the brunt of this matter. We feel that now this 45 per cent is accounted for, this bridge should be a free bridge. The State made an agreement or trade or contract with us in Lincoln County, as with others who were to cross the bridge. We have fulfilled that contract. We have accumulated enough money for the state to pay this 45 per cent. We have no interest in the other part of the contract.

The contract the State made with us was for 45 per cent, and that is what we were supposed to pay. Now, all we are asking the good members of this Legislature for is that they permit the State to live up to their part of the contract of forty-five per cent. If the State made a bad contract with the railroad, we do not feel—and I do not think that any fair minded members of this House would feel—that we should be taxed for that. That is a State proposition and should not come out of one

or two counties who pay most of this bridge toll.

Just for a minute, suppose that this bridge were between your town and some other town that you had to go to. Would not you consider it class legislation? I am just taking the thing apart a little. Suppose you live here in Augusta. Suppose the State should say "We want to put a toll on the Augusta bridge, that would be a good revenue getter." The State has just as much right to say that there should be a toll on the Augusta Bridge, or any other bridge, as it has to say that we will continue the toll on the Carlton Bridge, after that 45 per cent has been paid.

Now, you wonder why we complain so about the next six weeks, when the bridge automatically will be free on May 1st. Just remember, Gentlemen and Ladies, that certain towns, nearly all in Lincoln County, made an agreement with the Bridge Authority, that they would pay half of their excise tax to the State, for the purpose of permitting other residents to cross that bridge free, or at least with a \$1.00 charge or something like that for a year.

Now, this Act, which we hope you will see fit to pass, permits these towns to pay only two-twelfths of this one-half, which covers the months of January and February.

Remember, that if the bridge is kept open for tolls until May first, these towns will be penalized for the full half of their excise tax for this year.

Now, one town in particular, a small town, it is going to cost one thousand dollars. One thousand dollars in a small town is a lot of money when it has to be paid for a reason such as this. So I just ask you gentlemen to consider this side of the question—that we are just asking you to permit the State to live up to their half of the contract.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I want to take just one moment of your time. I apparently assume sort of a part in this discussion. I too, as you know, live on the other side of the bridge.

At this time I wish to apologize to Mr. Shesong for my apparently unethical attempt to remove this bill from the table.

I wish to state here and now that I have found his motives to be absolutely above reproach and I do apologize for trying to take it off from the table. My reason for doing that was that I was more interested in the bill and I did not consider personalities.

If the fact were not known down through our District that the bridge were free and clear,—but it is known that there is a surplus over and above the bonds due on May first,—I would not care so much about it. I am proud to be a member of this House and most of you are too. When I go back and talk to people whom I know, I want to be able to boast about the House. The people down there are getting a little bit riled at the fact the bridge is paid for and they still are paying tolls—heavy tolls, fifty cents.

There is one point which Miss Deering or Mr. Denny did not bring up, and I wish to analyze it for you, because it was a point well brought up by Mr. Farwell and Mr. Shesong. In the event, at the end of the railroad company's contract, there might be a deficit to the State of a considerable amount of money, is where the proponents of this bill to remove the tolls have been very generous to the State. We have absolutely fulfilled our contract. We have paid 45 per cent of the cost of the bridge and we have twenty odd thousand dollars over that now, and, as the gentlewoman from Bath, Miss Deering, says, we want a receipt for that payment. On top of that, we have guaranteed in this bill, by a separate proviso, that if at the end of the entire contract, there is any deficit, and if by any chance the Maine Central Railroad has been unable to keep up their payments, we guarantee to allow the tolls to be put on again, we really do. We do not want to cost the State a single penny for that bridge, and that is more than a great many other bridges in the State have done. We have fulfilled our part; we have paid our 45 per cent; and we want our receipt and we want the tolls taken off.

On top of that we have guaranteed in this bill that the other fifty-five per cent is going to be paid. I call that a decent thing for our district to do. All we ask you to do is please give us this additional six weeks free crossing of the bridge, because it is paid for. The

money is on hand, and if we have been smart enough and if there is travel enough to have paid the tolls several months before hand, certainly we have a right to ask for our papers back. If you finance a car and the contract does not run out until April, and the car is paid for in February, you are going to ask for your papers back. That is all we are asking for, is just a square deal. We are not trying to put anything over on this Legislature. If I felt that this bill was going to cost the State one penny, or if I felt that it was going to hurt the railroad—because we want the railroad down there—I would not advocate emergency passage of this act.

My real reason in bothering you after the able presentation of Miss Deering and Mr. Denny is to impress upon this Legislature that we want this passed as an emergency act to have the tolls go off immediately. The bridge is paid for; our contract is fulfilled, and there is \$20,000 over. Furthermore, we have guaranteed the other 55 per cent, and I do not see any real objection to granting us this favor. There are hundreds of people who are working in Bath who are parking their cars and walking across. It is really quite a hardship on those people down there, knowing that the bridge is paid for and that they are being penalized. I do not like to have to defend this Legislature; I want to be proud of it.

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

Mr. McINTIRE: Mr. Speaker and Members of the House: There is one thing that has not yet been said. As you come into the State of Maine and come along No. 1 Highway, if you want to go down to Hancock and Washington County it costs you \$1.10 for tolls on bridges. There is not another highway in the State that is assessed that amount.

I was very much interested in saving my own town, and the other towns surrounding that bridge in Sagadahoc County, one-half of their excise tax. That was the object in view when this measure was introduced; we did not want to have to wait until the first of May and pay half of our excise tax. We were not trying to be mean with the Highway Commission, but we believed that bridge should be free.

If you cut it out anywhere, I think you should cut it out on No. 1 Highway now.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Dwinal.

Mr. DWINAL: Mr. Speaker, one point I think ought to be made clear to the House, and that is it has been argued by the opponents of this bill that the bridge would automatically become free on May 1st, and also that the railroad would like to renege on their contract of fifty-five per cent of the cost of the bridge. I simply would like to call to the attention of the House the fact that on May 1st the whole Legislature, we hope, will not be in session. I do not say it will be impossible to put tolls on that bridge, but the fact is the House will not be in session, and if the railroad were looking for some loophole it might be possible, through some agency of the State and not through the Legislature, they could find some method of continuing those tolls. If there is a legal loophole so that the railroad can get out of their fair share of the cost of the bridge, all right; we have agreed to put the toll back on again and pay off the remaining obligations. As it stands now, we have paid our full share and there is a surplus on hand, and I see no reason, as stated by several other members, why we should not be given our relief for having paid for our share of the bridge. I hope when it comes to a vote, this House will see fit to pass it.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker, I am sorry if in the minds of the members of the House I created the impression the railroad was in default. The railroad company has lived up to the letter of the law in its contract and made its payments as contracted for with the State in full. I do not wish to convey the impression that the railroad is renegeing or ducking from under their contract. It was the unfortunate experience of the State as to interest rates since 1935 that is going to cause this default.

I do wish to call your attention to one thing in this bill. I understand the tolls will go back only in case of default, and therefore there will be no default until such time as those bonds mature.

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

Mr. McGLAULIN: Mr. Speaker, just one word. The people of Maine and especially the coastal counties have been paying this toll for many years, and I understand they have paid the forty-five per cent that they were expected to pay.

Now it was suggested by the remarks of one of the gentlemen that there had been some loss because of money invested in closed banks. I do not feel that the people paying these tolls should be penalized because the State happened to make a poor investment of the money. I hope that this bill has a passage.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Buker.

Mr. BUKER: Mr. Speaker, there is just one point I would like to make. I fail to understand why the railroad part of the contract was injected into the question of lifting the tolls. It seems to me those are two separate propositions entirely. The matter of lifting the tolls on the bridge has been discussed pro and con, and it has been very specific that tolls should be lifted when forty-five per cent of the bonds have been paid. In order to relieve the burden on people living down in the vicinity of the bridge, I feel the Legislature should take steps to relieve them of this unnecessary burden in accordance with the law.

Thereupon the Resolve was given its second reading and was passed to be engrossed and sent up for concurrence.

On motion by Mr. Hinckley of South Portland, the House voted to take from the table the second tabled and unassigned matter, House Report "Ought Not to Pass" of the Committee on State Land and Forest Preservation on Resolve Authorizing the Forest Commissioner to Convey Certain Land to Maine Peat Moss Inc., of Portland (H. P. 1212) (L. D. 430) tabled by that gentleman on March 12th pending acceptance of the "Ought not to pass" report; and, on further motion by the same gentleman, the report together with the Resolve, was re-

committed to the Committee on State Land and Forest Preservation and sent up for concurrence.

On motion by Mr. Belanger of Winslow, the House voted to take from the table the sixth 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 that gentleman on March 13, pending acceptance.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker, I now move that H. P. 1635, L. D. 983, and all accompanying papers be indefinitely postponed. My reason for making this motion is that as an attorney I represent what we care to call the smaller people or the people who cannot afford expensive litigation. If you will notice, the new draft states that if at any time a litigant desires to have his case heard before a referee he must pay twenty-five dollars a day out of his own pocket. Today the county is paying for the referee. For that reason, I ask that this bill and all accompanying papers be indefinitely postponed. The small man cannot afford to pay twenty-five dollars a day for a referee.

The SPEAKER: The gentleman from Winslow, Mr. Belanger, moves the indefinite postponement of the "Ought to pass in new draft" report of the committee, together with accompanying papers.

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

Mr. FENLASON: Mr. Speaker and Members of the House: I introduced this measure, but the bill I introduced is not the bill before you today. The original bill provided that no fees except actual expenses should be paid the judges sitting on reference cases. Now that was redrafted in committee and the committee has asked me, if the motion of the gentleman from Winslow (Mr. Belanger) does not prevail, to move the substitution of the original bill for the redraft.

Now I am informed on good authority that the Judiciary Committee did not want this bill debated in the House, but evidently the opponents would like to. Since the



Constitution provides the judges shall receive their salaries and expenses and no other compensation whatsoever, it would appear that it would not be necessary to debate that bill before the House.

I have some figures here I want to give you in brief. I will make my remarks short because the time is getting late. These figures are from the County Commissioners' report and are authentic. The County Commissioners in every County, so far as I know—there may be a few exceptions—are behind this bill, and the County Commissioners are the watchdogs of the treasury. Now in Androscoggin County—

Mr. BELANGER: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman from Winslow, Mr. Belanger, rises to a point of order. The gentleman may state his point.

Mr. BELANGER: The gentleman from North Anson (Mr. Fenlason) is debating a bill that is not before us. He is debating Legislative Document 57.

The SPEAKER: The Chair will rule that the motion to indefinitely postpone the report and both bills opens the whole question to debate and that the point of order is not well taken. The gentleman may proceed.

Mr. FENLASON (Continuing): Mr. Speaker, in Androscoggin County the total cost of reference cases in 1936 was \$1961.50; in 1937, \$4150.97; in 1938, \$2734.77; in 1939, \$3764.84; in 1940, \$4140.23, a total of \$16,752.31. I do not believe you will want to have me go through the whole of this list but I will take up some of them.

In Cumberland County reference cases in 1936 cost \$3,10.62; in 1937, \$5207.82; in 1938, \$6125.67; in 1939, \$7212.08; in 1940, \$7351.47; or a total of \$29,813.66.

In those five years the total cost to the taxpayers of the State of Maine for reference cases in the sixteen counties was \$98,429.66.

Now the fees received by judges acting as referees:

Sturgis: 1936, \$909.50; 1937, \$1096.20; 1938, \$1874.74; 1939, \$1705.36; 1940, \$2485.13, or a total of \$8070.93.

Thaxter: 1936, \$150; 1937, \$846.47; 1938, \$960.75; 1939, \$935.49; 1940, \$563.25, a total of \$3455.96.

Hudson: 1936, \$1059.47; 1937, \$662.17; 1938, \$1162.27; 1939,

\$1208.77; 1940, \$687.74, a total of \$4780.42

Manser: 1936, \$1659.65; 1937, \$1750.82; 1938, \$1972.22; 1939, \$1625.30; 1940, \$2040.75, a total of \$9048.74.

Worcester—this is interesting: 1936, none; 1937, none; 1938, none; 1939, none; 1940, none. I understand he never took fees on reference cases because he did not believe in it.

Chapman: 1936, \$807.76; 1937, \$1366.68; 1938, \$1265.34; 1939, \$1351.09; 1940, \$1967.23, a total of \$6758.10.

Emery: 1936, \$1491.41; 1937, \$1312.49; 1938, \$2149.92; 1939, \$972.58; 1940, \$2046.70, a total of \$7973.60.

Powers: 1936, \$249.50; 1937, \$149.25; 1938, \$203.30; 1939, \$112.50; 1940, \$768.91, a total of \$1483.46.

Murray: 1936, \$35.43; 1937, \$584.30; 1938, \$805.08; 1939, \$774.05; 1940, \$1095.75, a total of \$3794.61.

Bellvue: 1936, \$1143.28; 1937, \$2815.71; 1938, \$2732.19; 1939, \$3246.05; 1940, \$4580.40; a total of \$14,517.63.

Now I do not propose to debate this question. There are the figures coming from the counties as I got them. This bill was heard in committee and it came into the House with an "Ought to pass" report. If it were not for my admiration for the Judiciary Committee, when I read you the fees that the judges receive for a given year over and above their salaries, \$4500 on top of \$3500, I would call it a racket.

I know of no tribunal that can correct these abuses, if they are abuses, except the Legislature here assembled. You have the figures. As I said before, I do not like the bill as is and neither does the committee. I have stated the request of the committee, and if I am wrong any member may correct me. I hope that the motion of the gentleman from Winslow (Mr. Belanger) does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Winslow, Mr. Belanger, that the "Ought to pass in new draft" report and accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: For years men have fought for justice. I think, as members of this House, we will recognize that there is no duty before us more important than that

we see that the people of the State of Maine receive justice.

A great many facts were brought to the attention of the Committee on Salaries and Fees in regard to the evils that have grown out of the system of charging fees by the justices of our courts when they sit on reference cases. It is the idea of the committee to bring a few of these matters to the attention of all the members of this House. It is true that the members of the committee are not satisfied with the new draft of the bill. We found out about these evils and we thought we had locked the county treasury doors, but we have decided since it might be better to leave them a little ajar. As the gentleman from Anson, Mr. Fenlason, has expressed to you, it is the wish of the committee that the motion of the gentleman from Winslow, Mr. Belanger, be voted down, and then we would like to substitute the original bill in place of the new draft, because that does clear up most of the evils which have come out of the system of the judges charging fees on reference cases.

In the first place, I think it is clear to the members of the committee, and also, I think, to the ladies and gentlemen of the House, that we do not condemn the reference system. It is a good system, but certain evils have crept in which have made it more or less of a racket in the cases of some of the justices of Superior Courts, and it is not good for the people. You noticed from the figures that were read to you where one justice received over four thousand dollars in one year sitting on reference cases. Of course the dollars and cents are not so important as the matter of whether or not the citizens of the State of Maine are receiving justice.

If I should tell the members of this House some of the things that have been told us by attorneys in this House as to what is going on, I know you would not believe it, except a few of you who are attorneys. The ordinary fellow from the back woods who knows nothing about law could not believe that such practices are being conducted in the judiciary of the State of Maine. It has been brought to our attention that justices have been closing court early and asking lawyers to bring in cases on reference, not only asking but urging them to

do that. It has also been brought out in some cases that they have recessed court in order to get cases on reference. It also has been brought out that when lawyers have come to an agreement on cases the presiding judges have gone to the county treasury and demanded their fee for reference. Many more things have come out of this system. It does not seem necessary to have this discussed, because the Constitution of the State of Maine definitely sets out the salaries of justices. Not being a lawyer or an authority on this matter to interpret it to you, I would like to read from Article VI, Section 2 of the Constitution:

“Sec. 2. The justices of the Supreme Judicial Court shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.”

I assume you ladies and gentlemen believe that article in the Constitution is not to be violated by the men whom we trust to interpret the laws of this State.

So, with these evils that are before us, with the members of the Judiciary charging fees for hearing reference cases, which, according to the Constitution they have no right to do, it would seem that we who have the justice of the citizens of the State of Maine in our hands should vote that the motion of the gentleman from Winslow, Mr. Belanger, does not prevail and vote for the motion of the gentleman from Anson, Mr. Fenlason, that we substitute the bill for the redraft. I know you members of the House, in the name of justice, will see to it that the citizens of this State are once more given justice in our courts. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the Ninetieth Legislature: If we do not agree with the gentleman from Winslow, Mr. Belanger, we might as well repeal the entire provisions in the statute relative to reference cases.

In York County, on the opening day of court, we have assigned on the docket approximately 15 or 20 cases. Should one of those cases be tried and last three days, it is necessary that all of the parties who have cases on that docket

should travel to the County Court House, with all the witnesses present, and be ready to be heard under the penalty of a default.

We have listened to the arguments of the proponents of this bill, who say that they want to substitute the original bill for the amendment that the committee brought out.

In my practice, I have represented many citizens whose claims are considerably below \$200, and they cannot afford to pay \$25.00 a day and go up and attend a session of the Court at Alfred for three or four days, and still take their chances as to how the litigation might come out.

The fallacy of the entire legislation we have on this subject might be represented by this case. Three years ago I was associated with one of the ablest attorneys of the State of Maine in a cow case. The cow was worth \$65.00. We spent four days trying the case. It cost the County of York \$750 to pay for the jury and the assistants at the Court for trying that case. It was a spite case, and our client paid us more than \$65.00 for our labor but no attorney or any client has to consent to any reference unless he desires to. This is merely a matter of consent.

I want to say this—that if you pass the amendment or the original bill, you are going to treble the cost in the county at least four times, and it is my hope that the motion of the gentleman from Winslow (Mr. Belanger) prevails.

The SPEAKER: The Chair recognizes the gentleman from Portland Mr. LaFleur.

Mr. LaFLEUR: Mr. Speaker, I disagree very emphatically with the gentleman from Winslow (Mr. Belanger) and the gentleman from Biddeford (Mr. Donahue). I hope that the motion to indefinitely postpone the original bill and the amendments will not prevail.

I think the gentleman from Biddeford is somewhat confusing the issue when he suggests that the citizens of the State will have to pay \$25.00 a day for reference cases.

If I understand the original bill, it says to the Justices of the State of Maine that if you sit as a referee, you will not get additional compensation over and above the compensation for the particular office.

I believe the gentleman from Anson, Mr. Fenlason, is on the right

track; that it is a step in the right direction. I can speak as a member of the Bar and I hope that the motion of the gentleman from Winslow (Mr. Belanger) will not prevail, and that the gentleman from Anson (Mr. Fenlason) may be permitted to substitute for the re-draft the original bill, and that it ought to pass. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Ladies and Gentlemen of the House: I had not felt that it would be necessary for me to inject any remarks of mine into this discussion, but as House Chairman of the committee before which this matter was heard I do not care to duck any responsibility.

The committee listened attentively to all of the evidence which was brought in. The only evidence or the only opposition which this matter received was at the hands of several attorneys representing corporations, some of the highest priced attorneys in the State of Maine.

Now I want it clearly understood that I have no difference with the attorneys in the State of Maine. Some of the best friends I have on the face of the earth are attorneys; and I know that they are very useful men to turn to in times of trouble. I also have the greatest respect for members of the Bench. The Judges of our State are very, very high-type men, and as a rule would not take advantage of any opportunity to abuse any privilege.

But your committee did feel that certain errors had crept in and that those should be corrected, errors which, if you will permit me, were not condoned by members of their own profession. It was suggested that we offer the amendment which you have here, and after some consideration, perhaps not as much as it deserved, we decided to offer that amendment. Since that time,—and you must bear this fact in mind, members of this House, that it was a committee of laymen, not attorneys, that was considering this matter—since that time, I believe, we have become convinced that it would have been better to have reported on the original bill rather than on the bill as amended by this amendment, and I believe that at the present time it would be much better to indefinitely postpone the

amendment and substitute the bill for the report, and I certainly hope and trust that the motion of the gentleman from Winslow (Mr. Belanger) will not prevail. I thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Winslow, Mr. Belanger, that the report and accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker and Members of the House: When I made my motion here this morning, I did not anticipate running into an extended debate over this matter. Even though I had been told by some of the members of the committee that they would fight us to the last ditch.

I resent very much the accusation or the pointing of the finger to the courts of this State. I resent very much the inference made by one of the speakers as to the integrity of the legal profession. They have asked for a fight and they are going to get it.

First of all, you have heard some of the committee members tell you that they listened to the facts before the committee. I will ask the committee members to correct me, if I am not correct in my statement, when I say that one County Commissioner appeared for this bill, and one County Commissioner appeared against it. The author of this bill appeared for it, and one other member. In other words, three people appeared before that committee in favor of that bill, and approximately fifteen appeared against it.

My friend and classmate in Colby told you that we wanted justice. I want to ask you one question. Do we want to base justice on dollars and cents? If you want to do it, substitute the bill for the amendment. If you do not want to base justice on dollars and cents, let the judicial system stand as it is today.

Back some fifteen or twenty years ago, our courts found that our dockets were crowded and, to remedy that situation, they came upon the reference system. They referred cases to judges and to lawyers, and they found that by doing that, they saved the county a lot of money.

It is a known fact that it costs most counties at least \$100 a day to operate a court with a jury. It

is also a known fact that it costs the counties \$25.00 a day for a referee—a difference of \$75.00 a day.

I say to you, as I said to some of the members after the committee hearing in the hall, if you refuse to let the judges receive that \$25.00 a day for hearing reference cases, you or someone else in your town is coming back here two years from now, and you are going to ask the Legislature to please go back to the system we are under now.

For this reason, our Courts are going to be crowded again; our dockets are going to be longer; and it is going to cost your county \$100 a day instead of \$25.00 a day.

This apparently on the face of it is going to look like a party issue. Unfortunately, there have only been two of us on our feet in defense of my motion, and both of us happen to be Democrats. I assure you that this is not a party measure. It is something that I took upon my own shoulders. I have not talked to my own party members and do not know whether they are going to go along with me upon this situation.

This is a matter, as I said to you before, that I have taken upon my own shoulders. As an attorney, I feel that for the best interests of the State that the better policy is for us to remain under the present system. It helps your litigants; it helps your attorneys; and it helps your counties. If you go back to the old system, you have litigants in court day in and day out waiting for their cases to come up. There is nothing you can do about that. You cannot blame the judges and you cannot blame the attorneys. Every day that court is in session it costs around \$100.

I am sorry that some of the gentlemen here said what they did about our courts. We admit that there are weaknesses. Our Judges are human beings and they may have faltered. I am going to tell you one thing right now, as a practicing attorney, I doubt if you will find a better judiciary in any state in the United States than we have right here in the State of Maine.

I ask that you do this—support me on my motion, allow the courts to operate another two years under this system, and investigate. Then, if you find out that this is not the right system, let us come back here with something constructive to give

to the courts, so that they may operate the way you want them to operate. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I feel that I owe an apology for an error I made in my previous remarks.

There were two laymen who appeared before us,—one was a County Commissioner who was very anxious that this bill receive passage. The other was a County Commissioner from Androscoggin County, a man with whom I am very well acquainted, and in a passive way he said, before our Committee, he favored the present system.

Now, there is this one thought that I want to leave in the minds of this House: It has been impressed upon you that the dockets would be crowded and that there would not be time to get through the work.

I want to say this to you. There is nothing in this bill which will prevent any Justice from sitting in reference cases.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Dwinal.

Mr. DWINAL: Mr. Speaker, I want to make just one remark with reference to reference cases.

It has been said that there is nothing in this bill to prevent reference cases, and that is perfectly true. But, say that you are a laboring man and you were asked to work overtime for nothing. What are you going to say? You are going to say "I will not work overtime for nothing."

Now, when a Judge takes a job to sit on a bench, he receives a salary for holding court in the various counties. When a case is referred to him, he is working overtime, outside of his regular term of court. Now, if he is not going to receive any pay, members, how will we have our reference cases?

You certainly cannot blame any man who has been working for eight hours, and whose boss says, "You will have to work an extra four hours, but I am not going to pay you for the extra four," from saying "I won't work the extra four." I think the Judges would be justified in saying that too.

The SPEAKER: The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I will be very brief. One thing which bothers me, as I have heard the figures discussed, is how one man, with his duties on the Bench, could receive a salary of—and we were impressed that no Justice ever received over \$25.00 for his services in any reference case—how any man could receive \$4,425 and some odd cents, when at \$25.00 a day, that figures up, for services, to 177 days, but I have just found out how he could do it, by working overtime. (Laughter) Taking out of 365 days a year the 52 Sundays—when I doubt very much if they work, and taking out holidays or other particular days that we have out of business, that only leaves 122 days that they serve in their ordinary capacity. Maybe as a layman, I could not understand it. (Laughter and applause)

The SPEAKER: The question before the House is on the motion of the gentleman from Winslow, Mr. Belanger, that the report and accompanying bills be indefinitely postponed. All those in favor of the indefinite postponement will say aye—

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

Mr. GOLDSMITH: Mr. Speaker, I think we have a rule here prohibiting visitors within the rail while we are voting. I think it might be embarrassing.

The SPEAKER: The Chair will say that the point is well taken. If there are any visitors occupying the chairs of members during the session, they will please withdraw from the members' seats.

The Chair recognizes the gentleman from Rumford, Mr. Mercier.

Mr. MERCIER: Mr. Speaker, if I am in order, I move that when the vote is taken, that it be taken by yeas and nays.

The SPEAKER: The gentleman from Rumford, Mr. Mercier, asks that when the vote be taken, it be taken by yeas and nays. Under the Constitution, for the yeas and nays to be ordered, it requires an affirmative vote of one-fifth of the members present. All those in favor of the vote being taken by yeas and nays will rise and stand in their places until counted, and the monitors will make and return the count.

A division was had.

Fourteen having voted in the affirmative, and 124 being present, a sufficient number did not arise.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Portland, Mr. LaFleur.

Mr. LaFLEUR: I move you that there be a division of the House.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, asks for a division. All those in favor of the motion of the gentleman from Winslow, Mr. Belanger, that the "Ought to pass in new draft" report of the committee, with accompanying papers, be indefinitely postponed, will rise and stand in their places until counted, and the monitors have made and returned the count.

A division was had.

Twenty-two having voted in the affirmative and 95 in the negative, the motion did not prevail.

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

Mr. FENLASON: I now move, Mr. Speaker, that we substitute the original bill for the redraft.

The SPEAKER: The gentleman

from Anson, Mr. Fenlason, now moves that the House substitute the original bill for the "Ought to pass in new draft" report of the committee. Is this the pleasure of the House?

The motion prevailed, and the original bill was substituted for the "Ought to pass in new draft" report of the committee.

The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: I move that the bill lie on the table.

The SPEAKER: The Chair will rule that the motion is out of order, as the bill is in order for its first reading tomorrow morning.

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

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On motion by Mr. McGillicuddy of Houlton,

Adjourned until ten o'clock tomorrow morning.