

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

Friday, March 21, 1941.

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

Prayer by the Rev. Mr. Stevens of Norridgewock.

Journal of the previous session read and approved.

Petitions from the Senate requiring reference disposed of in concurrence.

**Senate Reports
Leave to Withdraw**

Report of the Committee on Judiciary on Bill "An Act relating to Inspectors of the State Police" (S. P. 434) (L. D. 890) reporting leave to withdraw.

Report of same Committee reporting same on Bill "An Act Establishing a Safety Division Within the State Police" (S. P. 457) (L. D. 937)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of William Wallace of Waterville (S. P. 223)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act Prohibiting Trapping in Certain Territory." (S. P. 115) (L. D. 156)

Report of the Committee on Judiciary reporting same on Resolve Proposing an Amendment to the Constitution to Provide a Four Year Term for the Governor (S. P. 353) (L. D. 686) as it is covered by other legislation.

Report of the Committee on Motor Vehicles reporting same on Bill "An Act relating to Pedestrians." (S. P. 27) (L. D. 1)

Came from the Senate read and accepted.

In the House, were read and accepted in concurrence.

Senate Report Ought to Pass Tabled

From the Senate:

Report of the Committee on Counties reporting "Ought to pass" on Bill "An Act to Authorize Adequate Court Facilities in Oxford County" (S. P. 231) (L. D. 391)

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

In the House, on motion by Mr. Rankin of Denmark, tabled pending acceptance of Committee Report.

Senate Bill in First Reading

Bill "An Act relating to the State Reformatory for Men" (S. P. 428) (L. D. 648)

Bill was read twice and assigned for third reading the next legislative day.

Non-Concurrent Matters

From the Senate:

Report of the Committee on State Lands and Forest Preservation reporting "Ought not to pass" on Bill "An Act Approving the Purchase of Lamoine Coal Depot" (H. P. 446) (L. D. 185) which was accepted in the House on March 12th.

Came from the Senate, recommended to the Committee on State Lands and Forest Preservation in non-concurrence.

In the House:

Mr. TEEL of Long Island Plantation: Mr. Speaker, I move that the House recede from its action whereby it accepted the "Ought not to pass" report of the Committee and concur with the Senate in the recommitment of this report, together with the bill, to the Committee on State Lands and Forest Preservation. and I will further say that I have contacted House members on that committee and they are agreeable to this procedure.

The SPEAKER: The gentleman from Long Island Plantation, Mr. Teel, moves that the House recede from its action whereby it accepted the "Ought not to pass" report of the Committee and concur with the Senate in the recommitment of this report to the Committee on State Lands and Forest Preservation. Is this the pleasure of the House?

The motion prevailed, and the report, together with the bill, were so recommitted in concurrence.

From the Senate:

Report of the Committee on State Lands and Forest Preservation reporting "Ought not to pass" on Resolve Authorizing the Forest Commissioner to Convey Certain Land to Maine Peat Moss Inc. of Portland (H. P. 1212) (L. D. 430) which was recommitted to the Committee on

State Lands and Forest Preservation in the House on March 19th.

Came from the Senate, read and accepted in non-concurrence.

In the House:

Mr. HINCKLEY of South Portland; Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, moves that the House insist and ask for a Committee of Conference. The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I would like to inquire through the Chair whether the gentleman has obtained the consent or the request of the Committee for this recommitment?

The SPEAKER: The gentleman from Portland, Mr. Payson, asks a question through the Chair. The gentleman from South Portland, Mr. Hinckley, may reply if he wishes to.

Mr. HINCKLEY: Mr. Speaker and Members of the House: I have talked with several members of the Committee on State Lands and Forest Preservation, and they unanimously want to have this recommitment to the committee.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Hinckley, that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the House voted to insist and ask for a Committee of Conference.

The Chair then appointed as conferees on the part of the House: The gentleman from South Portland, Mr. Hinckley, the gentleman from Millinocket, Mr. Preble, and the gentleman from Bingham, Mr. Dutton.

The SPEAKER: The Clerk has in his possession an additional paper from the Senate which does not appear on the Advance Printed Calendar.

From the Senate: The following Order.

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, March 24th, 1941, at four o'clock in the afternoon (S. P. 506)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

The SPEAKER: At this time the Chair invites the gentleman from Portland, Mr. Payson, to assume the Chair, and appoints him as Speaker of the House pro tem. (Applause)

Thereupon, the Sergeant at Arms conducted the gentleman from Portland, Mr. Payson, to the Speaker's de.k. amid the applause of the House, Speaker Varney retiring.

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 Milo Wiers and 21 other members of Seabiscok Grange No. 306 in favor of H. P. 1391, L. D. 769, proposed Constitutional Amendment limiting Real Estate Taxes (H. P. 1748) (Presented by Mr. Brown of Corinna)

Petition of Winslow Robinson and 9 other members of St. George Grange No. 421 in favor of same (H. P. 1749) (Presented by Mr. Crockett of North Haven)

Petition of E. E. Davis and 25 other members of Seabiscok Grange No 90 in favor of same (H. P. 1750) (Presented by Mr. Farwell of Unity)

Petition of Ralph D. Gray and 19 other members of Pittsfield Grange No. 102 in favor of same (H. P. 1751) (Presented by Mr. Goodrich of Palmyra)

Petition of Mahlon Salsbury and 9 other members of Mariaville Grange No. 441 in favor of same (H. P. 1752) (Presented by Mr. Morrison of Winter Harbor)

Petition of Lillian E. Clark and 35 other members of Minerva Grange No. 383 in favor of same (H. P. 1753) (Presented by Mr. Newcomb of Carmel)

Petition of Nelson Chadbourne and 39 other members of Newburg Grange No. 557 in favor of same (H. P. 1754) (Presented by same gentleman)

Petition of Inez E. Fitz and 31 other members of Mystic Tie Grange No. 58 in favor of same (H. P. 1755) (Presented by same gentleman)

Petition of John L. Carroll and 20 other members of Evening Star Grange No. 183 in favor of same

(H. P. 1756) (Presented by Mr. Starrett of Warren)

Petition of E. T. White and 11 other members of Oakfield Grange No. 414 in favor of same (H. P. 1757) (Presented by Mr. Walker of Littleton)

Petition of Rita E. DeWitt and 19 other members of Nicolin Grange No. 389 in favor of same (H. P. 1758) (Presented by Mr. Willey of Ellsworth)

Sent up for concurrence.

Public Utilities

Petition of C. A. Thompson of New Sharon and 63 others in favor of H. P. 350, L. D. 137, Act to Aid Agriculture by providing for the Organizing of Rural Electrification Cooperatives (H. P. 1759) (Presented by Mr. Mills of Farmington)

Sent up for concurrence.

Legal Affairs

Remonstrance of David Guimond and 282 others of Winslow and Vicinity Opposing Tax on Soft Drinks (H. P. 1760) (Presented by Mr. Belanger of Winslow)

Remonstrance of Ernest Martin of Plaisted and 16 others opposing same (H. P. 1761) (Presented by Mr. Brown of Eagle Lake)

Remonstrance of Kenneth B. Fisher and 1004 others against same (H. P. 1762) (Presented by Mr. Cross of Augusta)

Remonstrance of I. W. Jardine and 402 others of Fort Fairfield against same (H. P. 1763) (Presented by Mr. Dorsey of Fort Fairfield)

Remonstrance of Earle J. Ladd of Rome and 31 others against same (H. P. 1764) (Presented by Mr. Downs of Rome)

Remonstrance of Clifford S. Dooley of Bingham and 85 others against same (H. P. 1765) (Presented by Mr. Dutton of Bingham)

Remonstrance of Harold Buck of Buckfield and 86 others against same (H. P. 1766) (Presented by Mr. Forhan of Canton)

Remonstrance of E. H. Richards and 193 others of China and vicinity against same (H. P. 1767) (Presented by Mr. Fuller of China)

Remonstrance of W. B. Fisher of Dixfield and 43 others against same (H. P. 1768) (Presented by Mr. Holman of Dixfield)

Remonstrance of E. B. Crockett and 287 others of Rockland and

vicinity against same (H. P. 1769) (Presented by Mr. Jones of Rockland)

Remonstrance of Enos C. Bridges of Rockland and 226 others against same (H. P. 1770) (Presented by same gentleman)

Remonstrance of William J. Pontbriand and 853 others of Lewiston against same (H. P. 1771) (Presented by Mr. Lambert of Lewiston)

Remonstrance of Wilfred W. Raymond of Caribou and 333 others against same (H. P. 1772) (Presented by Mr. Libby of Caribou)

Remonstrance of E. E. Chandler and 301 others of Belgrade, Oakland and Sidney against same (H. P. 1773) (Presented by Mr. Megill of Belgrade)

Remonstrance of Maynard M. Brewer and 250 others of Boothbay Harbor against same (H. P. 1774) (Presented by Mr. Race of Boothbay)

Remonstrance of M. W. Greene of Bridgton and 107 others against same (H. P. 1775) (Presented by Mr. Rankin of Bridgton)

Remonstrance of O. E. Lisherness and 368 others of Skowhegan against same (H. P. 1776) (Presented by Mr. Savage of Skowhegan)

Remonstrance of A. A. Patrick and 211 others of Lisbon against same (H. P. 1777) (Presented by Mr. Sichel of Lisbon)

Remonstrance of Arthur Braun and 13 other citizens against same (H. P. 1778) (Presented by Mr. Sanderson of Greene)

Remonstrance of Harold L. Shain and 58 others of Hallowell against same (H. P. 1779) (Presented by Mr. Keller of Hallowell)

Remonstrance of Archie E. Cole and 424 others of Gardiner and vicinity against same (H. P. 1780) (Presented by Mr. Slosberg of Gardiner)

Remonstrance of H. J. Tarbell of Smyrna Mills and 270 others against same (H. P. 1781) (Presented by Mr. Walker of Littleton)

Remonstrance of H. V. Adams of Kingfield and 206 others against same (H. P. 1782) (Presented by Mr. Winter of Kingfield)

Sent up for concurrence.

The following Bill, 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 to Provide a Jointly-Contributory Retirement System for State Employees Except Teachers" (H. P. 1783) (Presented by Mr. Payson of Portland)

(1000 copies ordered printed)
Sent up for concurrence.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Cousins of Old Town, be excused from attendance Monday, the 24th, because of Town Meeting.

**House Reports of Committees
Ought to Pass in New Draft**

Mr. Bragdon from the Committee on Claims on Resolve in favor of the town of Charleston (H. P. 295) (L. D. 105) reported same in a new draft (H. P. 1791) under same title and that it "Ought to pass"

Same gentleman from same Committee on Resolve in favor of Olaf Nylander (H. P. 1122) (L. D. 373) reported same in a new draft (H. P. 1784) under same title and that it "Ought to pass"

Mr. Lambert from the Committee on Interior Waters on Bill "An Act to Establish a Sanitary Water Board and to Control, Prevent and Abate Pollution of Certain Waters in the State" (H. P. 677) (L. D. 229) reported same in a new draft (H. P. 1785) under same title and that it "Ought to pass"

Mr. Eubar from the Committee on Interior Waters on Bill "An Act Making Unlawful the Deposit of Certain Materials in, or on the Banks of the St. John and Fish Rivers" (H. P. 1384) (L. D. 812) reported same in a new draft (H. P. 1786) under same title and that it "Ought to pass"

Mr. Cousins from the Committee on Public Utilities on Bill "An Act Creating the Waldoboro Water District" (H. P. 1191) (L. D. 489) reported same in a new draft (H. P. 1787) under same title and that it "Ought to pass"

Mr. Farwell from same Committee on Bill "An Act Creating the Limestone Water and Sewer District" (H. P. 1192) (L. D. 486) reported same in a new draft (H. P. 1788) under same title and that it "Ought to pass"

Mr. Otto from same Committee on Bill "An Act to Incorporate the Norway Water District" (H. P. 862) (L. D. 354) reported same in a new draft (H. P. 1789) under same title and that it "Ought to pass"

Mr. Dutton from the Committee on State Lands and Forest Preservation on Bill "An Act relating to the School or Reserved Lands of the State" (H. P. 1469) (L. D. 745) reported same in a new draft (H. P. 1790) under same title and that it "Ought to pass"

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

Ought to Pass

Mr. Patterson from the Committee on Claims reported "Ought to pass" on Resolve in favor of Wilfred Duquette of Brunswick (H. P. 1106)

Mr. Race from same Committee reported same on Resolve Granting Bonus to Harold E. Seavey of Phippsburg (H. P. 1086)

Mr. Worth from the Committee on Education reported same on Resolve in favor of a Pension for Lena Butler Richards (H. P. 660)

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

Mrs. Grady from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Apportionment of School Funds" (H. P. 463) (L. D. 201)

Same member from same Committee reported same on Bill "An Act relating to State School for Girls" (H. P. 1249) (L. D. 532)

Mr. Crockett from the Committee on Mercantile Affairs and Insurance reported same on Bill "An Act relating to Payment of the Special Tax for Investigation of Fires by the Insurance Commissioner" (H. P. 1273) (L. D. 543)

Mr. Doughty from the Committee on State Lands and Forest Preservation reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Land to Fred McGeorge of East Machias (H. P. 1621) (L. D. 966)

Mr. Fuller from the Committee on Towns reported same on Bill "An Act relating to the Perambulation of Town Lines" (H. P. 1494) (L. D. 732)

Mr. Roberts from same Committee reported same on Bill "An Act relating to Records of Deorganized

Municipalities" (H. P. 1495) (L. D. 733)

Reports were read and accepted.

Ought to Pass With Committee Amendment

Miss Deering from the Committee on Education on Bill "An Act relating to Physical Education" (H. P. 1248) (L. D. 531) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. Rankin from the Committee on Mercantile Affairs and Insurance reported same on Bill "An Act providing for Financing of Mutual Insurance Companies" (H. P. 1451) (L. D. 763)

Reports were read and accepted.

Refer to Committee on Education

Mr. Buckley from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Fire Protection" (H. P. 1452) (L. D. 764) reported that same be referred to the Committee on Education.

Report was read and accepted and the Bill referred to the Committee on Education and sent up for concurrence.

At this point the gentleman from Portland, Mr. Payson, was conducted by the Sergeant at Arms to his seat on the floor of the House, amid the applause of the members, and Speaker Varney resumed the chair.

First Reading of Printed Bills

Bill "An Act relative to the Employment of Females in Executive, Administrative, Professional or Supervisory Capacities and as Personal Office Assistants" (H. P. 1235) (L. D. 497)

Bill "An Act relating to Appointments of Health Officers" (H. P. 1448) (L. D. 760)

Bills were read twice and assigned for third reading the next legislative day.

Bill Tabled

Bill "An Act relating to Sunday Hunting in Unorganized Territory" (H. P. 1532) (L. D. 871)

(Bill had its first reading, and on motion by Mr. Welch of Chapman, tabled pending second reading)

First Reading of Printed Bills (Continued)

Bill "An Act providing for Collection of Taxes in Case of the Death of the Collector of Taxes" (H. P. 1607) (L. D. 949)

Bill "An Act Regulating Airport Zoning" (H. P. 1745) (L. D. 1029)

Bill "An Act relating to Town Meetings of Sanford" (H. P. 1746) (L. D. 1030)

Bill "An Act relating to the Termination of Organization of Towns or Plantations" (H. P. 1747) (L. D. 1031)

Resolve Appropriating Money to Repair Fish Way at Aroostook Falls (H. P. 416) (L. D. 165)

Bills were read twice, Resolve read once, and assigned for third reading the next legislative day.

First Reading of Printed Bills and Resolve with Committee Amendments

Bill and Amendment Tabled

Bill "An Act to amend the Charter of the city of Gardiner" (H. P. 833) (L. D. 347)

Bill had its two several readings. Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 833, L. D. 347, Bill "An Act to Amend the Charter of the City of Gardiner.

Amend said bill by striking out all of section 7 of said bill and inserting in lieu thereof the following:

'Sec. 7. **Effective Date.** Sections 3, 5 and 7 of this act shall take effect 90 days after the recess of the legislature. Sections 1, 2, 4 and 6 shall be effective only after the acceptance of the provisions thereof as hereinafter provided.

Sections 1 and 2 hereof shall be effective when approved by a majority of the qualified electors of the city voting at the next regular election to be called in said city. For the purposes of such election, the subject of sections 1 and 2 hereof shall be reduced to the following question: "Shall the act providing for biennial election of municipal officers be accepted?"

Sections 4 and 6 hereof shall be effective when approved by a majority of the qualified electors of the city voting at the next regular election, to be called in said city. For the purposes of such election,

the subject of sections 4 and 6 hereof shall be reduced to the following question: "Shall the act providing for election of a school committee by the voters be accepted?"

Upon acceptance or rejection of the provisions of sections 1 and 2, or 4 and 6 hereof, the city clerk shall forthwith file with the secretary of state a certificate of the action of the city thereon.

On motion by the gentleman from Gardiner, Mr. Slosberg, the bill and amendment were tabled pending adoption of Committee Amendment "A".

Bill "An Act relative to Hunting of Game Birds" (H. P. 1357) (L. D. 703)

Bill was given its two several readings.

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

Committee Amendment "A" to H. P. 1357, L. D. 703, Bill "An Act Relative to Hunting of Game Birds."

Amend said bill by inserting in the 12th line thereof after the word "captured" the underlined word 'or'; and by striking out the underlined words "or had in possession" in the 12th and 13th lines thereof.

Thereupon, Committee Amendment "A" was adopted, and the bill was assigned for third reading the next legislative day.

Bill "An Act Authorizing Cities and Towns to Appropriate Money and Acquire Lands for Use as Public Parking Places" (H. P. 1390) (L. D. 571)

Bill was given its two several readings.

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

Committee Amendment "A" to H. P. 1390, L. D. 571, Bill, "An Act Authorizing Cities and Towns to Appropriate Money and Acquire Lands for Use as Public Parking Places."

Amend section 24-A by inserting before the word "law" in the 6th line, the word 'general'.

Committee Amendment "A" was then adopted and the bill was assigned for third reading the next legislative day.

Resolve Appropriating Money for Control of the Fruit or Blueberry Fly in Maine (H. P. 1118) (L. D. 370)

Resolve was given its first reading.

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

Committee Amendment "A" to H. P. 1118, L. D. 370, entitled "Resolve, Appropriating Money for Control of the Fruit or Blueberry Fly in Maine."

Amend said bill by striking out the figures "5000" where they occur in the 2nd line of said bill, and inserting in place thereof the figures '2500'.

Further amend said bill by striking out the period at the end thereof and inserting the following in place thereof:

, and be it further
RESOLVED: that the legislature recommends that the persons, firms and corporations engaged in growing blueberries organize for the purpose of cooperating for the purpose of controlling the spread of the said fruit fly.

Thereupon, Committee Amendment "A" was adopted and the Resolve was assigned for second reading the next legislative day.

Passed to be Engrossed

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

Bill "An Act relating to Notices to the State in Actions by Towns in Pauper Cases", (S. P. 338) (L. D. 627)

Bill "An Act relating to Fees of Referees" (H. P. 102) (L. D. 57)

Bill "An Act relative to Increase of the State Debt Limit" (H. P. 1706) (L. D. 1026)

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

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first matter of unfinished business, Bill "An Act Relating to the Town Manager Form of Government for the Town of Houlton." (H. P. 646) (L. D. 282) tabled on March 14th by the gentleman from Houlton, Mr. McGillicuddy, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. McGillicuddy, the bill was given its second reading.

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

Committee Amendment "A" to H. P. 646, L. D. 282, Bill "An Act Relating to the Town Manager Form of Government for the Town of Houlton."

Amend said bill by striking out all of section 2 thereof and inserting in place thereof the following:

"Sec. 2. P. & S. L., 1939, c. 3, Sec. 8, amended. Section 8 of chapter 3 of the private and special laws of 1939 is hereby repealed and the following enacted in place thereof:

"Sec. 8. Town Manager. Said councillors shall by ballot by a majority vote, appoint a tax collector and a health officer. They shall also, in the same manner, appoint a town manager who shall not be a member of the board of councillors. Said councillors may, by a majority vote, at the time of his appointment or at any regular or special meeting thereafter, invest the town manager with authority and responsibility concurrent and coequal in extent and degree with their own to perform any or all the duties required of overseers of the poor by the provisions of chapter 33 of the revised statutes of 1930 and acts additional thereto and amendatory thereof. Said town manager shall on and after his appointment be superintendent of roads in said town."

Committee Amendment "A" was adopted and the bill assigned for third reading on the next legislative day.

The Chair lays before the House the second matter of unfinished business, Bill "An Act Relating to Election Returns." (H. P. 1423) (L. D. 588) tabled on March 14th by the gentleman from Bethel, Mr. Williams, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Williams, the bill was given its second reading.

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

Committee Amendment "A" to H. P. 1423; L. D. 588, Bill "An Act Relating to Election Returns."

Amend said Bill by inserting before the word "No" in the 13th line thereof the following words: "The Secretary of state shall have printed copies of the tabulation of the vote of such election which shall be available to the public, and";

And further amend said Bill by striking out in the 15th line thereof the words "copies of the returns

are" and inserting in place thereof the words "tabulation is";

And further amend said Bill by striking out in the 23rd line of said bill the words "returns are" and inserting in place thereof "tabulation is".

Committee Amendment "A" was then adopted and the bill was assigned for third reading on the next legislative day.

The Chair lays before the House the first tabled and today specially assigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to Signs on Pumps Dispensing Internal Combustion Fuels" (H. P. 1165) (L. D. 461), tabled on March 20th by the gentleman from Calais, Mr. Murchie, pending acceptance of the "Ought not to pass" report; and the Chair recognizes that gentleman.

Mr. MURCHIE: Mr. Speaker and Members of the House: I hesitate always to go against the wise advice and counsel of our very able floor leader. I think you will agree with me that I am just as anxious that the processes of this Legislature be speeded up as anyone here; but we have before us at this time in Legislative Document 461 a bill that many of us feel should have further consideration.

The inspiration to table this bill came to me not from the committee who was sponsoring this bill but from a letter I received from eastern Maine this morning in which a very outstanding and worthwhile citizen gave me to understand he felt it was legislation that was worth while and he hoped it would not slip up, and that it would add a whole lot, in his opinion, sooner or later, towards stabilizing gasoline prices in the State of Maine. It will be necessary, of course, for some changes to be made in the bill, but my agreement with the House is this: If you will permit this bill to come back to the committee for further consideration, I am going to attempt to get the committee lined up on a worthwhile measure that I feel the committee will be justified in going along with.

With this explanation, I move you, sir, that we recommit this bill to the Committee on Legal Affairs.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that the report and accompanying

bill be recommitted to the Committee on Legal Affairs. The Chair recognizes the gentleman from Camden, Mr. Dwinal.

Mr. DWINAL: Mr. Speaker, I speak for myself and I think the House members of the Committee are willing to go along with the motion of the gentleman from Calais, Mr. Murchie.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that this report be recommitted to the Committee on Legal Affairs.

All those in favor of the recommitment of this report and bill to the Committee on Legal Affairs will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the report and bill were recommitted to the Committee on Legal Affairs and sent up for concurrence.

The Chair lays before the house the second tabled and today specially assigned 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 on March 20 by the gentleman from Rome, Mr. Downs, pending the motion of the gentleman from Farmington, Mr. Mills, to substitute the Bill for the Report. The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and members of the House: My purpose in tabling this matter was for further consideration.

I assume my position when I came in here was like the many others, that they were going to be able to read every bill that came in from cover to cover and know all about it when they got through. Well, I tried to follow that for quite a long time and then I found I was lost; consequently this was one of the measures I didn't have time to give attention to.

I want to go along with the motion of the gentleman from Farmington, Mr. Mills. I feel that altogether too many of our rights have been taken away from us by boards which have been set up to correct some evil, either real or imaginary. In many cases I think they have been imaginary.

So far as the condition which obtains at the present time under

existing statutes, I will say that the old house in which I live served my father for a dwelling place and I do not know how many others, and they were able to get along with the sanitary conditions. But I find that I violated the law a couple of years ago—I do not know as I ought to admit it, because I do not want to convict myself, but perhaps the powers that be will let me get by if I make a confession. I did put in a pump. My sink runs to a well out back of the house. I now find that if I had gone only just a step farther — and, thank Heaven, I stopped just before I took that step — if I had gone just a step farther I would have come under the law and I would have to be inspected by some plumbing inspector. There is the joke.

Saturday morning, as I drove down, I stopped at a little store up there to wait for my friend Megill, to give him a ride in. A couple of fellows drove up in a truck, and one of them says, "Are you acquainted around here?" I said, "Yes, I know quite a few people." "Well," he said, "do you know a certain gentleman, the plumbing inspector?" I said, "I know the gentleman you refer to; he is a good friend of mine. I have known him from a boy, but I did not realize before he was a plumbing inspector." But he must have been the plumbing inspector, because his name was on the blueprint which the fellow took out and showed me.

Now that to my mind is exactly the condition we are existing under. I do not have any quarrel with Augusta if they want certain plumbing regulations, but I do believe that if I have certain plumbing facilities in my house that have been there for years and years and served well, that perhaps they can stay there, as I understand it, under the existing bill. But if the State Road should happen to go along in front of my house and it was necessary for me to set my house back four feet, I would naturally disturb the plumbing some, and then I am up against the plumbing inspector. I trust the motion of the gentleman from Farmington, Mr. Mills, will prevail.

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

Mr. DWINAL: Mr. Speaker, I hesitate to take the time of this House on bills that have come before the

Legal Affairs Committee, but I feel more strongly, I think, on this than any other bill we have had come into the House today.

Now the gentleman from Farmington, Mr. Mills, and the gentleman from Rome, Mr. Downs, are both good friends of mine, and I do not doubt they have in mind instances where, very likely, they may have seen things that looked silly under our plumbing inspection laws; but if there ever was a bill that was a step in the right direction and if there ever was an opportunity for us to take a step in the wrong direction, I would say it was this.

We do not require in towns under three thousand population that you have your plumbing installed by a plumber. In other words, you can do it yourself. Now this bill introduced by Mr. Mills would not only leave it up to you to install your own plumbing but you could also put in any type of plumbing you wanted to if this bill went into effect.

Now I submit to you that it is all very well if you want to install your own plumbing, but I feel you should at least be governed by certain rules. In the smaller towns we are getting rid of almost every regulation for health that there is.

When we had the hearing on this bill, may I say there was one proponent, the gentleman who introduced it, and every known organization was here opposing it. I hope that this House will vote to go along with the Committee on the "Ought not to pass" report.

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

Mr. SMITH: Mr. Speaker and Members of the House: I am sure the sanitation of our State is very ably taken care of by our present State laws in regard to plumbing. We have tried for years to build up these laws, and it seems too bad to waste the time of the House tearing them down when we have so much work ahead of us. I hope the motion to substitute the bill for the report will not prevail, and, when the vote is taken, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Turner, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: What I know about plumbing would make

a very small book, but I have had a little experience, and I have a little story I would like to tell to this House. It is in regard to a man who was a P. W. A. fellow and who worked hard and finally saved up three dollars. He had an old wooden sink in the house with a pail under the sink, and the water dropped into that from the sink. His poor little children crept around on the floor. He decided he would put in this iron sink and have better conditions in his house. So he bought a sink and went down to the store to buy himself a piece of lead pipe to attach to the sink. The gentleman in the store asked him what he was going to do with it and he told him. The gentleman in the store said, "You can't put that in." He said, "What is the trouble?" "You have got to have a trap, you have got to have a vent, and this and that." The poor fellow says, "I can't afford to buy it. I can't afford to put the sink in." Consequently the water is still running into the pail under the sink today. That is a fact and I know it.

I also know another little instance that comes to my mind. In this plumbing business they used to have kind of a union to put onto the sink, and if anything happened to the sinkspout and it got plugged up you could uncouple that union and clean it out yourself. Today, under the plumbing code, you have to have wiped joints and you cannot do it, you have to have a plumber. I think Mr. Mills has the right idea, and I hope that you will consider well when you vote.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Conant.

Mr. CONANT: Mr. Speaker and Members of the Ninetieth Legislature: I rise to support the motion of the gentleman from Farmington, Mr. Mills, that the bill be substituted for the report, for the reason that, in my opinion, the suggested and presented amendment removes all the objections that really are valid under the conditions of this matter.

Now those of us that live in some of the larger communities and municipalities go right along with and are cognizant of the theory that the good of the greater number means that we should have very stringent public health measures and follow them. The amendment

that is presented by Mr. Mills certainly goes along with that fundamental truth. However, unbridled regimentation has to stop somewhere.

It seems that one of the last frontiers of rugged individualism that we have left is the farm. Under the terms of the bill it certainly would give us, the members of the House and the citizenry of the farming communities, the right to live somewhere near the way we want to live with reasonable regulations. And, what is important about this bill, in addition to the foregoing reasons, as I see it, is that you would be setting a new trend, and you would be showing the way back from a lot of detrimental regulations that we do not need. Regulation is good, but no reason has been advanced for the continuance of the present law. I trust that this House will vote for the motion of the gentleman from Farmington, Mr. Mills.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Holman.

Mr. HOLMAN: Mr. Speaker and Ladies and Gentlemen of the House: I want to go on record in support of the motion of the gentleman from Farmington, Mr. Mills. I want to say to the ladies and gentlemen of this House that most of the people that live out in the country on the farms have a little commonsense and good judgment of their own, and whenever they want to put in some new plumbing or alter the plumbing that is at present in the house, quite often they consult with some of their friends, if they have not had any experience at all. Even if they do not, any kind of plumbing they would put in would be so far superior to what they already have, there should be no objection to it. I ask you to bear that in mind.

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

Mr. SHESONG: Mr. Speaker, I am beginning to finally get the idea that about the best way to make a law would be to dismiss all the committees, and refer things back to the House, and let them decide the question.

Now, this bill was originally referred to the Committee on Legal Affairs. I happen to be a member of that committee, who spent considerable time one afternoon listen-

ing to the bill. The only proposition was the gentleman from Farmington, Mr. Mills. After having heard him very thoroughly, the committee took it under consideration, and it was unanimously reported out "Ought not to pass." That was the judgment of the committee.

However, if you study into the matter, this bill is a little more far-reaching than you might imagine. It is a subtle effort, as I see it, to undermine the health laws of the State of Maine, and I am afraid of that.

The committee having reported it out "Ought not to pass", the proponent of the bill then brought in an amendment, which was again taken up by the committee and discussed by it. I have that amendment in my hand under filing No. 64.

Having read that, we could not understand what the amendment was purported to do. We told the gentleman that if he could make some amendment satisfactory to the committee, we would pass the bill, but up to the present time that amendment has not come in.

I am very fearful about the effects of this law.

Out in the country you have overnight camps and eating places, which are put under the supervision of the Health Department of the State. If we remove all of the sanitary supervision of those places out in the country, then we might as well undo all the work that has been done here for years and years.

I hope the House will not accept the motion of the gentleman from Farmington, Mr. Mills, to substitute the bill for the report.

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

Mr. DWINAL: Mr. Speaker, it has been suggested here by one or two of the members of this House that the farmer is a rugged individual, and so forth, and that we ought to suspend the rules for his benefit.

If you think that we ought to give up all sanitary rules, for the benefit of the farmer,—not necessarily the farmers in the small towns, because some of them are in the city, practically; if you think that everybody who lives in a town of under 3,000 population, should have all sanitation rules suspended, let us suspend all of our rules and allow them to commit murder or robbery or any-

thing else. If that is nothing but regimentation, let us suspend everything.

I feel that the persons who live in small communities—and I live in one myself—are just as much entitled to protection in the way of sanitation in plumbing as a person who lives in a large town.

Remember, that you can still install your own plumbing. The only thing is that you have got to do it under certain rules—and very logical rules.

You can install your plumbing yourself. The only thing is that you have to follow certain rules, which I do not think are very arbitrary, and are certainly very logical.

The SPEAKER: The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker, I rise in support of this bill, and the motion of Mr. Mills, of Farmington.

I feel that the people in the rural districts ought to have as much right as the railroad companies and people who come under public utilities. They very nicely and easily slipped an article in the statute now on the books that railroads and public utilities do not come under this.

I feel that the people in the rural districts, the farmers, while they may not have as sanitary conditions as some, I think 90 per cent of them do find it a healthy place to live in, anyhow. I believe the people in rural districts ought to have as much right to say what they will put in under their sink or put in their bath room. I do not believe that they should have to ask the State to come up and tell them what to put in. I believe that is only fair and honest. I think the people in the rural districts should have that right.

Therefore, I hope that the motion of the gentleman from Farmington, Mr. Mills, to substitute the bill for the report, will prevail.

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

Mr. SOUTHARD: I feel a little bit guilty in having to correct a statement made by the gentleman from Monticello, Mr. Good, because I am afraid I led him to make it myself. But the public utilities exemption from the law is an exemption from the requirements of hiring a plumber. The public utility is not exempt from the regula-

tions of the State Bureau of Health, which regulations are sought to be abolished by this bill. In other words, the public utilities and farmers are on exactly the same basis today.

Now, I want to suggest one other argument. It has been said that the farmer has some commonsense on sanitary conditions. I think that is correct. As an example of what these regulations do, however, I would suggest that there were eighty-three cases of lead poisoning found in private water systems last year. Now, lead poisoning, as you realize, is brought on and aggravated by malnutrition. In other words, the person who does not have the knowledge to put in correct plumbing is the one who needs these regulations.

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

Mr. SMITH: Mr. Speaker, I am sorry to have to rise again, but I guess I will have to read the law.

"Installation of plumbing by owner. All plumbing installed by the owner shall comply with the requirements of this code and in such event the word 'owner' shall be substituted for the word 'plumber' throughout this code."

This means no license is required. I think that answers Mr. Good.

"The provisions of section 180 to 183-L shall not apply in cities, towns or plantations that have a population of 3000 people or less. All plumbing installed by any person whatsoever shall comply with the requirements of the rules and regulations of the state bureau of health relating to plumbing and to all local plumbing ordinances."

That is the only thing there is outside of that.

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

Mr. GRUA: Mr. Speaker, and Members of the House: I will say that I did happen to attend the hearing on this bill, and did suggest to the Committee that I was in favor of the bill when it was presented to the committee. I came in rather late and probably some of the members of the committee did not see me there; but I did lift up my voice in favor of this measure.

I think, as Mr. Mills pointed out, the other day, the intent of this measure, in the beginning, was to

exempt rural communities from the results of this Act. Then, in some manner or other, this little squib was put on at the end, that they should, nevertheless, be subjected to all the rules and regulations of the Board of Health.

A great deal has been said here about the grave dangers that would be involved, if we should repeal this much of the Act. I would like to remind the members that, after all, the people in Maine have been existing now without such a law up to 1939. We have not heard that they were degenerate or that they were particularly bad people in the management of their homes and their plumbing. I do not feel that these people should be subjected to these minute regulations in regard to plumbing.

I would just like to make another suggestion. The principal opponents against this measure, when it came up, had their case presented by an attorney. That attorney was hired by somebody. I do not think he worked on his own, without getting paid. Now, I know that it could not have been my constituents and I am pretty sure that it was not your constituents that hired that attorney to come here and oppose this bill, in the presence of that committee.

I suggest that somebody, for some reason, must have a pretty lively financial interest in requiring the communities to continue to put in the kind of plumbing material that somebody is selling.

I talked with Lincoln Hatch, who for forty years has been a plumber in Livermore Falls, and was a former President of the Master Plumbers Association of the State of Maine. He told me only this last summer that in his opinion the weight of the fixtures and plumbing materials required by the regulations of the State Board of Health was twice as heavy as there was any need for. He told me he thought the regulations were silly for a place like Livermore Falls, and cost the people in Livermore Falls twice as much for plumbing material under those regulations. He stated in his opinion that it was utterly unnecessary.

I will give you one instance of how this works out. You have already been told that these plumbing inspectors in a great many of the rural communities are not plumbers. Now, if they are not plumbers, what

do they inspect? I will tell you what they inspect. They inspect to see whether the fixtures are as heavy and made of as good material as the regulations call for, and that is all they inspect, practically. A very good friend of mine bought some land and put up a cottage, over 500 feet away from other cottages, and there were only four other cottages on the shore of the lake. He put in a good cesspool, and put in nice plumbing. He bought new, nickel-plated fixtures,—very pretty fixtures, at one of the stores in Lewiston. When everything was set up, a plumbing inspector came down, who knew very little or anything about plumbing. He examined the fixtures that my friend had installed. He said, "All those fixtures are too light-weight. You have got to rip them out." My friend asked, "Is there anything the matter with the installation? Why must I rip them out?" The fellow answered, "No, there is nothing the matter with the installation. But the fixtures are not heavy enough." My friend objected; but the fellow said, "You will either rip them out, or I will have you in court." And rip them out he did. He has still got those fixtures, and he had to buy new ones. Somebody is interested in selling fixtures. I think it is the same persons who are interested in defeating this particular measure.

It has been said to you that we in the country do not care what sort of plumbing regulations you have in the cities. That is up to you. But we who are in the country do feel that we have some rights, as has been suggested. One of the gentlemen who is a member of this House suggested the other day that the right of home rule was still a sacred right. I submit to you that the right of Home Rule applies here. Every town has the right—if it does not have a Board of Health,—to have a Board of Health to look over anything dangerous to their community.

For years this Board of Health has been functioning satisfactorily. We have had satisfactory conditions. We have had no epidemics from bad plumbing. I talked with a very eminent doctor only last week. You would know his name if I mentioned it, but I do not think that it is wise to do so. I said to him, "I have made a great many inquiries. I have yet to find a single epidemic

that anyone can positively say is traceable to bad plumbing." He said, "You are right. They cannot say it." That is what an eminent doctor of the State of Maine said.

So, when they talk about health, it is a good deal like when they talk about education. That is sort of a touch-stone. If anyone dares to say anything against it, he is a bad fellow. So, if you hitch the word "health" on anything like this, it goes through. It is all right.

We are not objecting to reasonable requirements but we say, "leave those regulations to us." We know better what we need and require, than somebody sitting down in an easy chair here in Augusta.

I know that my people are very much disturbed by this plumbing regulation. I know that every plumber that I have talked to swears against these regulations. When we employ plumbers, those plumbers are not going to do a bad job. They are not going to put in bad plumbing. They are going to give us a decent job. Those men are licensed plumbers. They know what they are doing. Why, then, have all these regulations on top of that?—Why put the enforcement of these regulations in the hands of young men that do not know bad plumbing from good plumbing?

I submit to you that the purpose of this set-up is not to increase the health and welfare of the State of Maine but I suspect it is for quite another purpose.

I have read this law, as it is now. That was passed in 1939. I was not a member of that House. A lot of laws get by us that seem all right at the time. This law was put through not for improving the health and welfare of the State of Maine. As I look at it, it is to set up a board of plumbers and to license plumbers, and— incidentally, if we are licensing plumbers, they say all of the other regulations must be foisted upon rural communities of the State of Maine.

I submit to you members, let us give the people of the State of Maine some rights. Do not tell them just when they must get up in the morning and when it is time for them to go to bed or anything else of the kind. I hope you will let the motion of the gentleman from Farmington, Mr. Mills, prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Dixfield, Mr. Holman.

Mr. HOLMAN: Mr. Speaker and Ladies and Gentlemen of the House: You well know I am not in the habit of jumping up here and making a whole lot of talk unless I think I have some reason for it.

I want at this time to endorse every word that the gentleman from Livermore Falls, Mr. Grua, has said. The illustration that he gave you of the case where a man had to tear plumbing out and put it in over again has been repeated time after time. I endorse every one of his statements. I thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that the bill be substituted for the "Ought not to pass" report of the committee.

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

Mr. DOW: There was one thing that perhaps has not been brought out clearly.

Chapter 149, of which Section 183-M is a part, reads: "Exceptions. Sections 180 to 183-L, inclusive, shall not apply in cities, towns or plantations that have a population of 3,000 people or less."

That apparently would protect the small communities.

The next paragraph states that: "All plumbing installed by any person whatsoever shall comply with the requirements of the rules and regulations of the State Bureau of Health relating to plumbing, and to all local plumbing ordinances."

That paragraph, in my opinion, pretty near makes it mandatory for any person whatsoever to employ a plumber before he knows what rules or regulations he is under. I believe that the gentleman from Farmington (Mr. Mills) is on the right track, and I hope his motion will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that the bill be substituted for the "Ought not to pass" report of the committee.

The gentleman from Thomaston, Mr. Smith, asks for a division of the House. Is the House ready for the question? All those in favor of the motion of the gentleman from Farmington, Mr. Mills, that the bill be substituted for the "Ought not to pass" report of the committee, will rise and stand in their places

to be counted, and the monitors will make and return the count.

A division of the House was had.

One hundred and one having voted in the affirmative and fifteen in the negative, the motion prevailed, and the bill was substituted for the "Ought not to pass" report of the committee.

The SPEAKER: The House is proceeding under Orders of the Day. The Chair recognizes the gentleman from Bethel, Mr. Williams.

On motion by Mr. Williams, the House voted to take from the table the second tabled and unassigned matter, Bill "An Act Relating to the Investment of Municipal Trust Funds" (S. P. 490) (L. D. 1015), tabled by that gentleman on March 19, pending first reading.

The bill was given its two several readings.

Mr. Slosberg of Gardiner, offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 490, L. D. 1015, Bill, "An Act Relating to the Investment of Municipal Trust Funds."

Amend said bill by striking out the words "any securities which are legal investments for Maine savings banks" in the nineteenth and twentieth lines thereof, and insert in place thereof the words "accordance with the laws of the state governing the investment of the funds of savings banks or institutions for savings as enumerated in paragraphs I, II, III, IV, V, VI, VII, VIII, IX and X of section 27 of chapter 57 of the revised statutes."

Thereupon, House Amendment "A"

was adopted and the bill was assigned for third reading on the next legislative day.

On motion by Mr. Good of Monticello, the House voted to take from the table the third tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game, on Resolve Appropriating Money to Build Fishway on Meduxnekeag River (H. P. 241) (L. D. 80), tabled by that gentleman on March 19th, pending acceptance; and on further motion by the same gentleman, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

On motion by Mr. Downs of Rome, the House voted to take from the table the fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game, on Resolve for Screening Outlet of Minnehonk Lake (H. P. 809) (L. D. 322), tabled by that gentleman on March 19th, pending acceptance; and on further motion by the same gentleman the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

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

On motion by Mr. Brown, of Corinna,

Adjourned until Monday, March 24th, 1941, at 4.00 o'clock in the afternoon.