

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, April 2, 1941.

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

Prayer by the Rev. Mr. Good of Monticello, a member of the Ninth-tieth House of Representatives.

Journal of the previous session read and approved.

Under suspension of the rules, the gentleman from Portland, Mr. LaFleur, was granted permission to take up out of order the first Emergency Enactor on today's calendar.

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

An Act relating to Elected Officials of the State in Military Service (H. P. 1705) (L. D. 1028)

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 this bill be passed to be enacted?

This being an emergency measure, under the Constitution 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 will make and return the count.

A division of the House was had.

One hundred and twenty-six having voted in the affirmative and none in the negative, 126 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted and signed by the Speaker.

On further motion by Mr. LaFleur, the bill was sent forthwith to the Senate.

From the Senate:

Communication from the Committee on Appropriations and Financial Affairs regarding the Appropriation Bill. (S. P. 489)

Came from the Senate ordered placed on file.

In the House, was ordered placed on file in concurrence.

**Senate Reports
Ought Not to Pass**

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Assessment of Taxes" (S. P. 390) (L. D. 650)

Report of the Committee on Temperance reporting same on Bill "An Act relative to Wholesale Licenses for Malt Beverages" (S. P. 416) (L. D. 684)

Report of same Committee reporting same on Bill "An Act relating to Local Option Provisions" (S. P. 419) (L. D. 658)

Came from the Senate read and accepted.

In the House, were read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Consolidating the Aviation Laws" (S. P. 440) (L. D. 888) reporting same in a new draft (S. P. 521) (L. D. 1073) 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 was read and accepted in concurrence, and the Bill had its two several readings.

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

House Amendment "A" to S. P. 521, L. D. 1073, Bill "An Act Consolidating the Aviation Laws."

Amend said bill by inserting after the title thereof the following:

'Emergency preamble. Whereas, a national emergency exists in which it is necessary that every facility of the nation useful for national defense should be efficiently organized, and

Whereas, the laws relating to aviation do not permit proper coordination in any emergency, and

Whereas, the present national situation is such that an emergency exists, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine, and require

the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore'.

Further amend said bill by striking out the underlined word "shall" in the 1st line of section 6 thereof and inserting in place thereof the underlined word 'may'.

Further amend said bill by adding at the end thereof the following:

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

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

Senate Divided Reports

From the Senate:

Report A of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Pauper Settlements" (S. P. 93) (L. D. 99)

Report was signed by the following members:

Messrs. SANBORN of Cumberland
MORSE of Waldo
—of the Senate.
LaFLEUR of Portland
DWINAL of Camden
SYLVIA of Danforth
SOUTHARD of Augusta
—of the House.

Report B of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. DOW of Oxford
—of the Senate.
SHESONG of Portland
—of the House.

Report C of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. SLOSBERG of Gardiner
DONAHUE of Biddeford
—of the House.

Came from the Senate with Report A accepted and the Bill passed to be engrossed.

In the House:

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

Mr. DONAHUE: Mr. Speaker, I move that we accept Report C in non-concurrence.

At the time of the hearing before the Legal Affairs Committee on this bill, the proponent of the bill stated that he had introduced the measure at the request of his Town Manager, and at that time the Town Manager had accepted office in another town.

The bill, briefly, in its original form, provides that any person receiving old age assistance, W. P. A. supplies or Surplus Commodities, shall retain the pauper settlement that he had at the time of the receipt of these commodities.

The principal reason for the introduction of the bill was that certain recipients of old age assistance were going from the small towns into the cities, and being supported by the State. Then, if the amount received by the recipient from the State, under the Old Age Assistance check was not enough, the recipient would apply to the Overseers of the Poor in the city in which he moved, to receive additional supplies.

Report C agrees that these recipients should not be permitted to move into other towns, and, after staying there five years and being supported by Old Age assistance checks, be able, at the end of five years, to say to the taxpayers of the town in which they had moved that they had thereby become entitled to receive pauper supplies, without having the bill charged back against the town of the pauper settlement at the time they were put upon the list of Old Age recipients. That Report C agrees with that position.

But Report C attempts to strike from the bill the provisions relative to the receipt of surplus commodities or W. P. A. checks. Our reason for that was due to the fact that those records are practically in the exclusive control of the Federal government and the town officials would have no way of taking advantage of these provisions of law, because they would not have the records.

To illustrate: Suppose that a man with a two-year-old child is sent from his home town by the W. P. A. authorities into another town to work on a W. P. A. project. He moves his family to the town where he has been sent to work and suppose he should be killed. Now, that

two-year-old child retains his pauper settlement until that child is old enough to acquire a pauper settlement of his own. That might stretch over a period of twenty-four years.

Now, the position of the gentleman from Gardiner, Mr. Slosberg, and myself, who signed Report C, is that the Lord only knows where those records are going to be twenty-four years from now.

While the principle of the bill is all right, our position is, as to those two items in the bill, that it would be impracticable and practically impossible to enforce it.

For that reason, we filed our Report C and I move that Report C be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House accept Report C—"Ought to pass" if amended by Committee Amendment "A".

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

Mr. SOUTHARD: Mr. Speaker, I think that it is true that the theory contained in Report C is correct. That is the theory of Report A. We are not quarreling about that.

The majority of the Committee felt that the technical difficulties in determining who, and when and where—who was receiving WPA help; who was receiving Surplus Commodities, and when and where, was not much of an objection, for the reason that, if the town chooses to keep records, it has that information available. If not, it can take advantage of the second, just the same as is now true of all pauper settlements; some are a little difficult to get.

I had understood that this information would not be very difficult to get, but that it was a little burdensome to keep. For that reason, we felt that the objection that the information would not be readily available when it might be needed, was not a serious one. We felt that the theory behind both reports—Report A and Report C,—meant that all of these several methods of receiving assistance be treated the same.

I therefore hope that the motion of the gentleman from Biddeford, Mr. Donahue, will not prevail.

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

Mr. SHESONG: Mr. Speaker, perhaps just a word should be said about Report B signed by the Senator from Oxford, Senator Dow, and myself.

We took this position. The original bill does not include certain other people who are receiving aid. Neither does the amendment.

For instance, you have the blind receiving aid. You have mothers of dependent children receiving aid.

We felt that this bill did not go far enough. Therefore, we preferred to leave the law where it is, and not include those other two groups.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House accept Report C—"Ought to pass" if amended by Committee Amendment "A".

Is the House ready for the question?

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

Mr. LaFLEUR: Mr. Speaker, may I inquire what we are voting upon now—Amendment "A" or Amendment "C"?

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the House accept Report C—"Ought to pass" if amended by Committee Amendment "A".

All those in favor of the motion of the gentleman from Biddeford, Mr. Donahue, that the House accept Report C will say aye; those opposed no.

A viva voce vote being doubted.

A division of the House was had.

Sixty-three voted in the affirmative and 28 in the negative, the motion prevailed, and Report C was accepted and the bill was given its two several readings.

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

Committee Amendment "A" to S. P. 93, L. D. 99, Bill "An Act Relating to Pauper Settlements."

Amend said Bill by striking out all of Section 1 and inserting in place thereof the following:

'Sec. 1. Acquiring pauper settlement limited. During the period that a family is supported in part by old age assistance, no member of the said family shall acquire or lose a pauper settlement, or be in the process of acquiring or losing a pauper settlement.'

Committee Amendment "A" was

then adopted, and tomorrow was assigned for third reading of the bill.

Non-concurrent Matter

From the Senate:

Bill "An Act relating to Duties of Overseers of the Poor" (H. P. 18) (L. D. 13) which was passed to be enacted in the House on February 12th and passed to be engrossed as amended by Committee Amendment "A" on February 4th.

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

In the House, Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to H. P. 18, L. D. 13, Bill "An Act Relating to Duties of Overseers of the Poor."

Amend said Bill by striking out in the 7th line thereof the underlined words "provided in" and inserting in place thereof the underlined words "imposed upon them by".

Further amend said Bill by inserting in the 8th line thereof after the underlined word "determine" the following underlined words: ' provided, however, that in cities and towns having a population of 10,000 or more the said overseers may designate more than 1 person to perform such duties.'

Further amend said Bill by inserting in the 9th line of said Bill after the underlined word "person" the following underlined words 'or persons'.

Thereupon, the House voted to recede from its action whereby it passed this bill to be enacted on February 12th, and further voted to recede from its action whereby it passed the bill to be engrossed on February 4th.

The House then voted to recede from its action whereby it adopted Committee Amendment "A" and concurred with the action of the Senate in the indefinite postponement of Committee Amendment "A".

Senate Amendment "A" was then adopted in concurrence, and the bill was passed to be engrossed as amended in concurrence.

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

Taxation

Remonstrance of Prince L. Scott of Mattawamkeag and 40 others against Tax on Soft Drinks (H. P. 1868) (Presented by Mr. Boyd of Winn)

Remonstrance of Leon Brooks of Old Town and 294 others against same (H. P. 1869) (Presented by Mr. Cousins of Old Town)

Remonstrance of Thomas W. McKay of Camden and 111 others against same (H. P. 1870) (Presented by Mr. Dwinall of Camden)

Remonstrance of W. S. Costigan of Bangor and 240 others against same (H. P. 1871) (Presented by Mr. Eddy of Bangor)

Remonstrance of C. D. Smallwood of Patten and 104 others against same (H. P. 1872) (Presented by Mr. Estabrook of Stacyville)

Remonstrance of Earl P. Daggett of Milo and 42 others against same (H. P. 1873) (Presented by Mr. Gould of Milo)

Remonstrances of S. C. Decker of Sebec and 39 others against same (H. P. 1874) (Presented by same gentleman)

Remonstrance of Robert A. Crosswell and 134 others of Farmington and vicinity against same (H. P. 1875) (Presented by Mr. Mills of Farmington)

Remonstrance of Elwin Sargent of Winter Harbor and 102 others against same (H. P. 1876) (Presented by Mr. Morrison of Winter Harbor)

Remonstrance of J. Elford Winslow of Strong and 138 others against same (H. P. 1877) (Presented by Mr. Richardson of Strong)

Remonstrance of T. T. Sayward of Waterboro and 145 others against same (H. P. 1878) (Presented by Mr. Roberts of Waterboro)

Remonstrance of E. A. Jorgensen of Monson and 57 others against same (H. P. 1879) (Presented by Mr. Rollins of Greenville)

Remonstrance of George Clukey of Sangerville and 59 others against same (H. P. 1880) (Presented by Mr. Harvey of Sangerville)

Remonstrance of E. H. Fluett and 847 others of Westbrook against same (H. P. 1881) (Presented by Mr. Warren of Westbrook)

Remonstrance of Harry Pratt of Corinna and 174 others against same (H. P. 1882) (Presented by Mr. Brown of Corinna)

Remonstrance of W. A. Wiesing of Sedgwick and 76 others against

same (H. P. 1883) (Presented by Mr. Clapp of Brooklin)

Remonstrance of C. T. Nichols of Orono and 151 others against same (H. P. 1884) (Presented by Mr. Goldsmith of Orono)

Remonstrance of Charles E. Darling of Enfield and 16 others against same (H. P. 1885) (Presented by Mr. Lane of Lincoln)

Remonstrance of George L. Reed of Charleston and 37 others against same (H. P. 1886) (Presented by Mr. Osgood of Bradford)

Remonstrance of Frank L. Hoxie and 36 others of Farmingdale and vicinity against same (H. P. 1887) (Presented by Mr. Weston of Farmingdale)

Remonstrance of Robert J. Smith of Ellsworth and 336 others against same (H. P. 1888) (Presented by Mr. Willey of Ellsworth)

Sent up for concurrence.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Keller of Hallowell, be excused from attendance today because of important business; also that Mr. Fenlason of Anson, be excused from attendance after today for the remainder of the week because of illness.

On motion by Mr. Rodrigue of Waterville, it was

ORDERED, that Rev. John B. McGarvey of Waterville, be invited to act as Chaplain of the House on Tuesday, April 8th.

House Reports of Committees

Place on File

Mr. Dorsey from the Committee on Taxation on the following Remonstrances against Tax on Soft Drinks: S. P. 499, H. P. 1695 to 1702, H. P. 1792 and 1793, H. P. 1730 to 1744, H. P. 1760 to 1762, H. P. 1765 to 1768, H. P. 1770, 1772 to 1774, 1776, 1779, 1780, 1763, 1764, 1769, 1771, 1775, 1777, 1778, 1781, 1782, H. P. 1802 to 1804, 1806 to 1812, 1814 to 1819, H. P. 1822, 1826 to 1835 reported that same be paced on file.

Report was read and accepted and sent up for concurrence.

Ought Not to be Adopted

Mr. Willey from the Committee on Federal Relations reported "Ought not to be adopted" on Resolution Memorializing the Congress of the United States to Enact a Law which will Provide Adequate National Old Age Pensions (H. P. 1703)

Report was read and accepted and sent up for concurrence.

On motion by Miss Bangs of Brunswick, House Rule 25 was suspended to permit smoking for the remainder of today's session.

Ought Not to Pass

Report Tabled and Specially Assigned

Mr. LaFleur from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act to Aid Agriculture by providing for the Organization of Rural Electrification Cooperatives" (H. P. 350) (L. D. 137)

(On motion by Mr. Richardson of Strong, tabled pending acceptance of Committee Report, and specially assigned for next Tuesday morning, April 8th)

Ought to Pass with Committee Amendment

Report Tabled and Specially Assigned

Mr. Gowell from the Committee on Labor on Bill "An Act relating to Payment of Wages" (H. P. 1432) (L. D. 749) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

(On motion by Mr. Gowell of South Portland, tabled pending acceptance of Committee Report and specially assigned for tomorrow morning)

First Reading of Printed Bills and Resolve

Bill "An Act relative to Standish Game Preserve" (S. P. 519) (L. D. 1084)

Bill "An Act relating to Androscoggin Lake Dam" (H. P. 612) (L. D. 250)

Bill "An Act to Incorporate the Milo Water District" (H. P. 1864) (L. D. 1081)

Bill "An Act to Incorporate the Presque Isle Water District" (H. P. 1865) (L. D. 1082)

Bills were read twice and tomorrow assigned.

Specially Assigned for Third Reading

Bill "An Act relating to Common Carriers" (H. P. 1866) (L. D. 1083)

Bill had its two several readings and was assigned for third reading tomorrow morning.

Thereupon, on motion by Mr. LaFleur of Portland, the House voted to reconsider its action whereby it assigned the bill for third reading tomorrow morning; and on further motion by Mr. LaFleur, the bill was specially assigned for its third reading on Friday morning, April 4th.

Resolve relating to the Building of a Dam at Quantabacook Lake (H. P. 1577) (L. D. 928)

Resolve was given its first reading.

Mr. Davis of Montville, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1577, L. D. 928, Resolve Relating to the Building of a Dam at Quantabacook Lake."

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

"at the site of the "old dam" so-called on the "Woodcock property", so-called, now owned by the said Whiting: Provided, however, that the dam shall have a base of approximately 3 feet in height with flush boards of about 2 feet in height, a total of about 5 feet in height, and shall be about 50 feet in length, and provided further that this dam shall be built and maintained at the expense of the said Whiting, and that any and all damage accruing to persons, firms and corporations because of the building of said dam, including damage caused by flowage, shall be and is hereby declared to be a liability of the said Whiting."

Thereupon, House Amendment "A" was adopted, and the Resolve was assigned for second reading tomorrow morning.

Passed to Be Engrossed

Bill "An Act relating to the Personnel Law" (S. P. 74) (L. D. 50)

Bill "An Act relating to Pre-marital Medical Examinations" (S. P. 412) (L. D. 637)

Bill "An Act relating to Examination of Motor Vehicles by In-

spectors and Police Officers" (S. P. 448) (L. D. 902)

Bill "An Act relating to Burial Grounds for Soldiers" (S. P. 458) (L. D. 934)

Bill "An Act Regulating the Expenditure of the Potato Tax" (S. P. 514) (L. D. 1060)

Bill "An Act relative to Crop and Orchard Damage by Deer" (S. P. 516) (L. D. 1069)

Bill "An Act providing for the Sale of Liquor at Wholesale Prices by the State Liquor Commission to Persons licensed to Sell Liquor to be Consumed on the Premises" (S. P. 517) (L. D. 1066)

Bill "An Act relating to the Counting of Ballots" (H. P. 1861) (L. D. 1076)

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

At this point a message was received from the Senate, through its Secretary, proposing a Joint Convention of both branches of the Legislature to be held forthwith in the hall of the House of Representatives, for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and present such communication as he may be pleased to make.

On motion by Mr. Payson of Portland, the House voted to concur with the Senate in the proposal for a Joint Convention to be held forthwith in the hall of the House, and the Clerk was charged with and conveyed a message to the Senate, informing that body that the House concurred in the above proposition for a Joint Convention.

The Senate then entered the hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Senator Tompkins, in the Chair.

On motion by Senator Harvey of York, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Sumner Sewall, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend

the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee on the part of the Senate:

Senators:

Harvey, of York
Stilphen of Lincoln
Bridges of Washington

and on the part of the House:

Representatives:

Farwell, of Unity
Hall, of Wilton
Ayer, of Cornish
Osgood, of Bradford
Lackee, of Addison
Cross, of Augusta
Dean, of South Portland

Senator Harvey, for the committee, subsequently reported that the committee had discharged the duties assigned it, and the Governor was pleased to say that he would forthwith attend the Convention.

The report was accepted and the committee discharged.

Thereupon, Governor Sumner Sewall, attended by the Executive Council, entered the Convention Hall, the members rising and applauding, and the Governor addressed the Convention as follows:

GOVERNOR SEWALL: Mr. Chairman and Members of the Ninetieth Legislature: Acting with forethought and vision, the 89th legislature established in June of last year a State Military Defense Commission. A two million dollar bond issue was authorized to implement the efforts of this Commission.

By January of this year approximately \$1,746,793 had been allocated for defense projects.

These included 11 new armories and the rehabilitation of one armory at a total cost of \$1,140,509, repairs to existing state-owned armories in the amount of \$15,000 and provision for the acquisition of an artillery range, the land to cost \$40,000, and \$20,000 to be spent on development. The cost of these projects is to be borne entirely by the State.

State participation to the extent of \$224,972 was authorized in six major airports at Bangor, Millinocket, Presque Isle, Princeton, Auburn, Lewiston and Houlton. The total cost of these projects will amount to approximately \$3,100,000 of which the Federal Government will pay \$2,650,000, and the local sponsors the balance.

To complete all the above projects, with adequate allowances for engineering, administration and reasonable contingencies will cost the State the \$1,746,793 mentioned above.

Since January of this year the Defense Commission has authorized state participation in local sponsorship of 16 additional airports. These are as follows:

Brunswick No. 2 (Site 2), Augusta, Portland, Waterville, Brunswick No. 1 (Site 1), Caribou, Sanford, Dexter, Belfast, Farmington, Fort Kent, Pittsfield, Greenville, Skowhegan, Eastport, Rockland.

The total cost of these projects will approximate \$7,400,000, ninety to ninety five per cent of which will be borne by the Federal Government, the State sharing in the sponsor's cost to the extent of \$173,822.

In planning our airport program, your Commission has endeavored to follow as closely as possible a program set down by the War Department in Washington. There is the route along the coast made up of relatively small airports. There is the main airway running well back from the coast, away from coastal fogs and generally following the industrial areas of Sanford, Lewiston, Auburn, Augusta, Waterville, Bangor, Millinocket, Houlton, Presque Isle, Caribou and points North and East. On this central route are located the biggest airports with the longest runways. Back of this, there is still a third line, running up through Farmington, Greenville, and straight to Fort Kent and points North. Around Bangor, which will be the big operating base, are located several subsidiary fields which the Army considers important from the standpoint of tactical operation in conjunction with the base field.

Another point which your Commission has kept in mind is that, whereas these ports are being built primarily for defense purposes, it is also important that they be located in such places that they will serve the maximum peacetime usefulness. In this way, the normal demands of commerce may well maintain a resource which would be of tremendous value in times of war.

Personally, I believe it is an excellent program, sound not only from the standpoint of defense, but also as a long term investment for Maine.

When it is completed, Maine will have an airport system second to that of no other state.

There remains approximately \$121,470 unexpended balance in the military defense fund. Further demands will undoubtedly be made against this balance during the coming months. I anticipate that the State Guard will need further financial assistance and the needs of civil defense will require funds. It is, however, my considered judgment that through the foresight of the past legislature, all reasonable military requirements of the present, which should come from this fund, have been met. Should unforeseen emergencies of vital importance arise, I shall call you in special session. At this time, I feel that there is no situation which justifies the issuance of additional bonds for the military defense fund.

For your further information with regard to detailed expenditures and allotments from the Maine military defense fund, I am happy to append hereto a complete current report from the Commission.

During the past few months the Federal Government has shown increasing interest in the strategic value of our highway system. This has been indicated by their willingness to undertake certain W. P. A. projects on the favorable basis of 80% federal money to 20% state money. Although the military value of these widely scattered projects, when viewed in connection with our entire strategic highway system, would seem remote, they do nevertheless offer an advantageous means for improving our roads. By action of this legislature, blanket projects involving the expenditure of \$1,500,000 are now under way. It is my understanding and my hope that provision will be made in the highway appropriation resolve

for the next two fiscal years which will permit taking advantage of similar projects up to \$4,500,000, should federal money be offered on the same basis.

In addition to these W. P. A. projects, I am informed by the highway department that the Federal Government is considering an appropriation which would result in a further apportionment to Maine of \$866,500 for use on strategic highways. While not definitely determined, these funds would probably be available on the basis of 60% federal to 40% state money, the state paying for the engineering and land damage. An item of \$104,000 for survey and planning of the strategic network system is anticipated, to be matched on an equal basis by the State. It is my understanding and hope that provision for matching these funds will also be included in the highway appropriation for the coming biennium.

Should these various defense highway funds be made available as now seems likely, our normal Federal highway program will be increased by a total of some \$6,354,500, which is nearly three-fold our normal program.

To carry out this program, requires the reissue of \$2,300,000 bonds. These bonds should not be issued unless the above mentioned federal grants are made available. I am convinced that our present highway revenues are sufficient to service and retire such issue, and therefore recommend this action.

The Highway Department informs me that there are 54 bridges located on our strategic network, which will not meet the engineering standards desired for military use. These bridges are located in the following places:

Route	Town	Name of Bridge
U. S. 1	Portland	Washington St. Overhead
U. S. 1	Portland	Tukey's (Swing span)
U. S. 1	Damariscotta-Newcastle	Damariscotta
U. S. 1	Rockport	Rockport
U. S. 1	Belfast - Northport	Little River
U. S. 1	Bangor-Brewer	Bangor-Brewer
U. S. 1	Houlton	Old Iron
U. S. 1	Fort Kent	Main Street
U. S. 1A	Milbridge - Harrington	Kennedy
U. S. 2	Bethel	Overpass
U. S. 2	Hanover	Saunders Hill

Route	Town	Name of Bridge
U. S. 2	Rumford-Mexico	Red
U. S. 2	New Sharon	New Sharon
U. S. 2	Skowhegan	South Channel
U. S. 2	Skowhegan	North Channel
U. S. 2	Orono	Ferry Hill
U. S. 2 Alt.	Houlton	Hodgdon
U. S. 201	Augusta	Kennebec River
U. S. 201	Embden-Solon	Embden-Solon
U. S. 201	Parlin Pond	Peal
U. S. 201	Jackman	Moose River
U. S. 202	Lebanon-	
	Rochester, N. H.	East Rochester
U. S. 202	Alfred	Shaker Mill
U. S. 202	Hollis	Bradbury
U. S. 202	Gorham	Dequis Mill
U. S. 202	Auburn-Lewiston	North
U. S. 9	T-28 (Township)	East Branch
9	T-22	Upper Guagus
9	T-30	Mopang Stream
11	Mechanic Falls	Mechanic Falls
11	Enfield-Howland	Penobscot River
11	Masardis	St. Croix
11	T-S, R-5	Boody
16	Magalloway P.	Brown Farm
16	Lincoln P.	Olson
16	Lincoln Pl.	Abbot
16	Adamstown	Pepper Pot
16	Lower Cupsuptic	Cold Stream
16	Lower Cupsuptic	Cupsuptic
16	Rangeley	Kennebago
16	Anson	Shank Factory
16	Abbot	Thorn
16	Guilford	Guilford
111	Alfred	Saco
111	Biddeford	B & M Overpass
221	Brownville	Walker
221 (Ext)	T-5, R-9	E. Branch Pleasant River
221 (Ext)	TAR 8-9	West Seboeis Stream (new)
221 (Ext)	T-4, Ind. P.	Partridge Brook (new)
221 (Ext)	T-4, Ind. P.	B & A Underpass (new)
221 (Ext)	T-4, Ind. P.	Grant Brook
221 (Ext)	T-3, Ind. P.	W. Br. Penobscot River (new)
211 (Ext)	T-1, R-7	E. Br. Penobscot River (new)
211 (Ext)	T-1, R-7	Schoodic Stream (new)

In addition to these there is the Caribou bridge, which demands immediate attention and the proposal for a new Augusta bridge, which I believe merits your favorable consideration.

A war bond issue in the amount of \$2,000,000 will provide sufficient funds to largely correct this situation. I recommend such an issue.

In considering the issue of bonds today, it would seem wise to bear in mind that we are in a period of inevitable inflation. This issue of billions in bonds by the Federal Government is bound to be inflationary.

The value of our money therefore will doubtless decrease substantially during the next few years. The value of these highway structures, however, will remain the same regardless of the value of money. Under these circumstances, it would appear an opportune time to convert money into structure.

Also we must ever be mindful of the military fact that airplane, tanks and motorized units move on structures not dollars. It takes time to build these structures.

We may not have too much time. (Applause, members rising)

APPENDIX TO ADDRESS BY
GOVERNOR SEWALL

To the Members of the 90th Maine
Legislature:

On October 22, 1940, the State Military Defense Commission filed with the 89th Legislature, in special session, a report on its activities since its organization on July 3rd, 1940. Developments subsequent to this report are to be noted as contained herein.

Airports

As stated in our prior report six airports were given priority by the General Staff at Washington (Bangor, Millinocket, Houlton, Auburn-Lewiston, Presque Isle and Princeton). The necessary Presidential approval to carry the work forward through the agency of W. P. A. has since been made. In general it can be stated that a Class 3 airport has a recommended landing strip length of 3,500 feet to 4,500 feet—Class 4, 4,500 feet and over. The width of the usable landing strip 500 feet. The width of the runway 150 feet. Facilities desired include adequate

drainage, fencing, marking, wind direction indicator, hangar and shop, fueling, weather bureau, two-way radio and visual traffic control. The commission's participation is concerned only with the landing area including pavement of runway, drainage and lighting. The number of landing strips and runways is determined by the percentage of winds, including calms and of course the terrain. The principal considerations and basic factors are set forth in "Airport Design Information," a booklet prepared by Civil Aeronautics Authority.

The following is the list of airports certified by the War Department and on which allotments have been made by W. P. A. or C. A. A. for construction funds. At some of these municipalities suitable sites have not been procured. In others the Federal authorities have not been able to complete the surveys, plans and estimates. The commission has authorized participation in the following 22 airports as requirements are met, and the following table gives comprehensive data on the airports in which the commission is participating.

Airport	No. Runways and Length	Com. Participation	Estimated Total Cost
1. Bangor	2—5000' 1—4500'	\$73,384 (a)	\$1,009,953
2. Millinocket	2—5000'	15,250	621,657
3. Presque Isle	3—5000'	23,338	817,970
4. Princeton	2—3500'	32,900	433,374
5. Auburn-Lewiston	2—3400' 1—3150'	22,700	426,700
6. Houlton	2—4000' 1—2850'	30,784	692,917
7. Bath-Brunswick	No Plans as yet	(b)	
8. Augusta	1—3400' 1—2900' 1—2200' 1—1950'	(b)	
9. Portland	3—3500'	16,250	408,400
10. Waterville	2—4000' 1—2300'	9,317	438,223
11. Brunswick	2—3000'	(b)	
12. Dexter	2—3000'	(b)	
13. Belfast	No plans as yet	(b)	
14. Farmington	No plans as yet	(b)	
15. Fort Kent	No plans as yet	(b)	
16. Pittsfield	2—3000'	1,405	134,176
17. Greenville	1—3000'	(b)	
18. Eastport	2—3000'	18,000	469,057
19. Skowhegan	No plans as yet	(b)	
20. Rockland	No plans as yet	(b)	
21. Caribou	Plans for one runway	(b)	
22. Sanford	3—3000'	(b)	409,251

\$398,794 (c)

(a) Further payments due for land damage. Amount not yet ascertained.

(b) These twelve airports will be aided by commission, but the amount is not definitely established.

(c) This figure includes above participation and commission estimate of (a) and (b).

The following tabulation shows the situation as to the Armory program.

Armory	Unit	Contractor	Cost
Portland—Milk St.	240 C. A.	J. H. Simonds Co.—Portland	
(Alterations)		A. A. Jackson—Bangor (a)	\$ 23,758
Portland—Stevens Ave.	103 Inf.		
Portland—Stevens Ave.	118 Q. M.	Robert Verrier & Co.—Portland	149,948
		Land	35,000
Portland—Stevens Ave.			
South Portland	240 C. A.	H. P. Cummings Const. Co.—Portland	119,986
Brunswick	240 C. A.	Stewart & Williams, Inc.—Augusta	62,558
Saco	240 C. A.		
	103 Inf.	Brown Const. Co.—Portland	106,125
Rumford	103 Inf.	J. R. Partridge—Augusta	109,410
Norway	103 Inf.	Hew Const. Co.—Boston	83,762
Belfast	103 Inf.	Gideon Marshall—Waterville	8,498
		Walter Mitton—Augusta	43,761
Presque Isle	152 F. A.	Not let	(a) 106,650
Newport	103 Inf.	V. E. Dunn & Son—Augusta	50,230
Brewer	152 F. A.	A. R. Kenney & Sons—Bangor	129,523
Houlton	152 F. A.	Not let	(a) 111,300
(a) Estimated			\$1,140,509

In the above cases, except Stevens Avenue, Portland, the land was provided by the municipality. Work has been completed or nearly so at the Milk Street Armory, Portland, Brunswick, and has been progressed at Belfast, Stevens Avenue in Portland, and South Portland. At all other places, except Presque Isle and Houlton, work will begin as soon as ground conditions permit.

The Presque Isle and Houlton plans and specifications are completed and bids will be called for shortly.

There are thirty-two armories in the State. The State formerly owned five and the present program calls for the construction of eleven new armories. This will leave one-half or sixteen leased armories which are for the most part inadequate for training purposes and lack the necessary facilities for the proper storage of State and Federal property and many are pronounced fire hazards.

As the State owns five armories, some of which need repairs and improvements, \$15,000 has been set aside to take care of these items.

Maintenance work required at this time is practically completed.

This makes a total devoted to armories, outside of engineering, inspection, office expense and contingencies, of \$1,155,509.

For items of engineering, inspection and office expense, pertaining to the total program of airports, armories and other projects, the commission has set aside \$122,525, and for possible contingencies in connection with this total program \$183,787.

Artillery Range

The commission originally selected a site in Aurora, Amherst, Plantation 33 and Township 32, all in Hancock County, the tract comprising 9673 acres, which had the approval of both the U. S. Army and Maine National Guard officers. Due to unfavorable prices demanded for some of the property, the commission has been looking elsewhere. In view of the fact the 152 F. A. has not fired a shot for four years, the need of an artillery range is obvious. The commission has set aside \$60,000 for an artillery range, divided as follows: \$40,000 for cost

of land and \$20,000 for its development.

This leaves an unallocated balance of \$121,470.54. The commission has before it several defense projects which will necessitate expenditures from this balance. The airport development is undergoing further changes, which may create further draft on this fund.

(Signed) SUMNER SEWALL

(Signed) FRANK E. SOUTHARD
Vice Chairman and Secretary
March 31, 1941.

**Statement of Expenditures
to March 26, 1941**

Payroll	\$ 17,265.21
Travel Expense	3,475.30
Supplies Expendable	1,280.52
Non-Expendable..	624.59
Architects Fees	26,271.99
Advertising Bids	462.02
Airport Construction	169,008.31
Armory Construction	126,216.52
Artillery Range	2,079.16
	<hr/>
	\$ 346,683.62

General Overhead

Salaries	9,593.28
Travel Expense	1,004.66
Supplies Expendable	1,125.79
Non-Expendable	624.59
Airports Overhead.....	1,920.28
Armories	2,187.45
Artillery Range	2,079.16
Bombing Range	28.00
Auburn-Lewiston Airport	12,726.18
Bangor	73,996.70
Houlton Airport	19,333.64
Millinocket Airport	8,993.05
Presque Isle Airport	23,475.44
Princeton Airport	34,116.98
Bangor Armory	3,183.87
Bath Armory	925.13
Belfast Armory	15,193.93
Brewer Armory	3,759.79
Brunswick Armory	52,823.57
Gardiner Armory	1,291.06
Lewiston-Auburn Armory	4.20
Houlton Armory	51.33
Millinocket Armory	68.35
Newport Armory	1,511.38
Norway Armory	2,473.18
Portland—Milk Street	
Armory	23,773.66
—Stevens Avenue	40,516.77
Presque Isle Armory	61.65
Rumford Armory	3,217.07
Saco Armory	3,104.93
South Portland Armory..	3,491.81
Westbrook Armory	26.74
	<hr/>
	346,683.62

Amount of Bonds.....	\$1,000,000.00
Transferred from Unex-	
pended Armory Fund..	25,511.82
Charge for Plans &	
Specifications	27.00
Brunswick's Share of	
Armory Construction..	15,000.00
Sale of Scrap Iron—	
Stevens Avenue Car-	
barn Property	1,546.72
	<hr/>
	\$1,042,085.54

Total Disbursements to	
March 26, 1941	346,683.62
	<hr/>
	Balance
	\$ 695,401.92

At the conclusion of the address Governor Sewall and the Executive Council withdrew, amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved and the Senate retired to its chamber, amid the applause of the House, the members rising.

In The House

Called to order by the Speaker.

The **SPEAKER**: The House is proceeding under Bills and Resolves reported by the Committee on Bills in the Third Reading and on their passage to be engrossed.

Bill "An Act Creating the Temple Water Company" (H. P. 1862) (L. D. 1077)

Bill "An Act relating to Inspection of Motor Vehicles" (H. P. 1863) (L. D. 1078)

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

Amended Bills

Bill "An Act relating to Clerk Hire in the Office of Register of Deeds" (S. P. 400) (L. D. 641)

Bill "An Act relating to Notices of Caucuses" (S. P. 442) (L. D. 884)

Bill "An Act in regard to New Trials on the Ground of Newly Discovered Evidence" (H. P. 827) (L. D. 341)

Bill "An Act to authorize the Incorporation of Credit Unions" (H. P. 1415) (L. D. 595)

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

**Passed to be Enacted
Emergency Measure**

An Act relating to Taking of Land for Municipal Airports (H. P. 1821) (L. D. 1059)

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 now be passed to be enacted?

This being an emergency measure, under the Constitution 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 thirty-one having voted in the affirmative and none in the negative, 131 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 the Boundaries of the town of Morrill (H. P. 1219) (L. D. 436)

An Act relating to Town Reports (H. P. 1443) (L. D. 757)

An Act relating to State Aid for Maintaining Industrial Arts and Home Economics in Towns or Academies (H. P. 1820) (L. D. 1058)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Bill "An Act to Establish a Sanitary Water Board and to Control, Prevent and Abate Pollution of Certain Waters in the State" (H. P. 1785) (L. D. 1040) which was passed to be engrossed in the House on March 25th. Comes from the Senate passed to be engrossed as amended by Senate

Amendment "A" in non-concurrence, tabled by the gentleman from Calais, Mr. Murchie, on March 31st, pending further consideration.

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

On motion by Mr. Murchie, the House voted to recede from its former action whereby it passed this bill to be engrossed and concurred with the Senate in the adoption of Senate Amendment "A".

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1785, L. D. 1040, Bill, "An Act to Establish a Sanitary Water Board and to Control, Prevent and Abate Pollution of Certain Waters in the State".

Amend said bill by striking out the words "contingent fund" in the 18th and 19th lines of section 1 thereof and inserting in place thereof the words 'general funds'.

Further amend said bill by adding at the end of section 1 thereof the following words: "There is hereby appropriated the sum of \$400 for the fiscal year ending June 30, 1942, and \$400 for the fiscal year ending June 30, 1943, to carry out the provisions of this act".

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

The Chair lays before the House the second tabled and today assigned matter, Bill "An Act Relating to the Preemptive Right of Stockholders" (H. P. 1858) (L. D. 1071) tabled by the gentleman from Unity, Mr. Farwell, on April 1st, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Farwell, the bill was given its third reading, passed to be engrossed, and sent up for concurrence.

The Chair lays before the House the third tabled and today assigned matter, Bill, "An Act to Assist Rural Sanitation Activities" (H. P. 830) (L. D. 344) tabled by the gentleman from Portland, Mr. Payson, on April 1st pending request of Mr. Mills of Farmington that he be allowed to withdraw House Amendment "A"; and the Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I would like to explain that I have gone over again with the Honorable Floor Leader the amendment which was offered yesterday, and I would like to still renew my request to withdraw that amendment. I have changed in the second line of the amendment the word "to" and put in place thereof the word "in". I think this will be the last time that any amendment will be offered or any time of this House will be taken up on this matter. If you are not satisfied with this you had better dispose of the whole thing, but I would like to offer this House Amendment "C" if I may be allowed to withdraw that other amendment.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that he be permitted to withdraw House Amendment "A". Is this the pleasure of the House?

The motion prevailed and House Amendment "A" was withdrawn.

The same gentleman then offered House Amendment "C" and moved its adoption.

House Amendment "C" to H. P. 830, L. D. 344, Bill "An Act to Assist Rural Sanitation Activities."

Amend said bill by striking out in the fourth line thereof the word "cities" and further

Amend said bill by adding at the end thereof the following:

'Provided however that the said rules and regulations of the state bureau of health shall apply in all cities and to all commercial boarding or eating establishments and to all public or private camps catering to guests or campers for pay. Nothing in this section shall be construed to limit the powers of towns, cities and village corporations to enact by-laws and ordinances respecting infectious diseases and health under the provisions of paragraph III, section 136, chapter 5 of the revised statutes.'

House Amendment "C" was adopted and the bill was passed to be engrossed as amended and sent up for concurrence.

On motion by Mr. McGillicuddy of Houlton, the House voted to take from the table the twenty-ninth tabled and unassigned matter, Bill "An Act Relating to Annual Audits in Cities, Towns, Plantations and Village Corporations" (H. P. 1859) (L. D. 1072) tabled by that gentle-

man on April 1st pending passage to be engrossed; and on further motion by the same gentleman, the bill 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 first tabled and unassigned matter, Bill "An Act to Incorporate the Reef Point Gardens Corporation" (S. P. 481) (L. D. 998). In the Senate passed to be engrossed as amended by Senate Amendment "A", and in the House tabled by Mr. Hinckley on March 24th pending assignment for third reading; and on further motion by the same gentleman, the bill was assigned for third reading tomorrow morning.

On motion by Mr. Welch of North Berwick, the House voted to take from the table the twenty-second tabled and unassigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Legal Affairs on Bill "An Act to Provide for the Surrender of the Ogunquit Beach District of its Organization" (H. P. 1181) (L. D. 479) tabled by that gentleman on March 31st pending acceptance of either report.

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

Mr. WELCH: Mr. Speaker, I now move the acceptance of the Minority Report "Ought to pass". I have an amendment to the bill which meets with the approval of the committee which I will present later.

The SPEAKER: The gentleman from North Berwick, Mr. Welch, moves the acceptance of the Minority Report "Ought to pass". Is this the pleasure of the House?

The motion prevailed and the Minority Report "Ought to pass" was accepted.

On motion by Mr. Mills of Farmington, the House voted to take from the table the sixth tabled and unassigned matter, Senate Report "Ought to pass" of the Committee on Public Utilities on Bill "An Act Relating to Inductive Interference" (S. P. 406) (L. D. 640), tabled by that gentleman on March 27th, pending acceptance in concurrence.

The SPEAKER: The Chair rec-

ognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker and Members of the House: I think that this bill must have passed through the Committee on Public Utilities by inadvertence.

I cannot see how any committee could pass out such a bill, and expect to get favorable consideration from this Legislature, when it is flatly unconstitutional.

Legislative Document 640, if passed, would confer upon the Public Utilities Commission of this State the functions of a court—functions which belong to our Judiciary.

Now, every grammar school student knows that the Magna Charta said,—and the Bill of Rights affirmed and the Petition of Rights reaffirmed,—the United States Constitution affirmed and the Constitution of the State of Maine reaffirmed, the right of every man to a trial by jury, when his property is being taken away from him.

You also know that under our system of government there are three branches of government—legislative, executive and judiciary. The judiciary, as I have always understood it, was set up to take care of property rights. When a man is losing his freedom or property, he has a right to trial by jury.

Now, this bill contains only a few lines. It says that:

“No person, association or corporation of any kind shall place wires for the transmission of electricity along the highways or across private or public property which when energized may cause inductive interference with telephone service then being rendered, until such person, association or corporation shall be granted authority to so place its wires by the public utilities commission. The commission shall have the power to determine the manner and condition under which such authority may be granted”—
and note this, please

“including the payment of such sum as it deems reasonable to the owner of the telephone service so interfered with.”

The first thing, this bill says that before a line is constructed that the Commission will have power to determine that there is going to be inductive interference. Nobody but an engineer can tell that—and they cannot tell, until after the line has

been constructed and the line has been energized.

But this bill would give to the Public Utilities Commission the power to say that if there is a possibility of inductive interference that John Jones, we will say, shall have to pay the telephone company so much, because of that bare possibility. That is taking money from one man's pocket and putting it into another man's pocket, without any tribunal passing on it under the judiciary, and without any right of the parties to have a trial by jury.

I say if that bill were passed, it would be completely unconstitutional and that the Courts would so hold.

Section 20 of Article 1 of the Constitution of Maine provides that in all suits and in all controversies concerning property, the parties shall have a right to a trial by jury.

There is no right for a trial by jury under this bill,—not even before a judicial tribunal.

If I came in here with a bill authorizing the Governor of the State to do this very thing, I would be laughed out of the House, and I should expect to be. But they come in here with a bill authorizing a commission within the executive branch to do that very thing—a function which every layman knows belongs to the judiciary.

I would like to submit that this bill, Mr. Speaker and Members of the House, should be turned down because of this reason: I think for us knowingly to pass a bill which is unconstitutional, and regarding which there is considerable challenge of its constitutionality raised, is not right, and that it should be turned down.

I think that our oath of office provides that we live up to the Constitution and abide by its mandates. The people of the State of Maine have said that property rights are to be determined by jury. A man can have the right of trial by jury if he wants it.

Here there is no appeal; no right at all to a judicial determination. Based on the pure possibility that there might be inductive interference, the Public Utilities Commission is given this power to take money from one man and give it to another.

I submit that it is flagrantly unconstitutional. I move, Mr. Speaker, that the bill, with accompanying report, be indefinitely postponed.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the bill, with accompanying report, be indefinitely postponed.

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

Mr. FARWELL: Mr. Speaker and Members of the House: I am not able to argue the constitutionality of the bill—whether it is constitutional or whether it is not.

This bill was carefully drawn, and several attorneys whose opinions I have sought tell me that the bill is constitutional.

During the hearing on this bill, there was never offered one bit of evidence to the Committee on Public Utilities of the unconstitutionality of this bill.

I would like to take your time to tell you why this bill was proposed, and the necessity of it. There are two utilities in the State which are very important to our country people—those are the telephone and the electric lights. It just so happens that most rural districts are now being served by telephone companies, the financial condition of which it is not necessary for me to go into. You know that their lines are poor; you know that their service is poor. They have absolutely no money to rebuild their lines. The electrical companies are putting their lines alongside of the telephone lines, thereby causing inductive interference. When the service becomes poor, the telephone companies can do absolutely nothing about it, because they have not the funds with which to work.

It has been in past years a custom of old line utility companies in the State of Maine to bear the cost—or part of the cost—of the burden which it places upon the telephone company, to prevent inductive interference.

I understand further that with regard to the Maine Forestry Service,—the only objection we had to the bill in the Committee came from the Federal government—and they say that they are willing to settle with the Forestry Service for inductive interference caused by one of their lines. Therefore admitting, to my way of thinking, that this bill has a place; that the telephone companies today have a right to some protection.

Under this bill we do not say that the electric light companies should carry all the burden. We say that

they should assume part of the burden which the telephone companies have to pay in order to stop inductive interference.

I ask you this—to protect the telephone companies which are so necessary to us in the country, in case of fire and in case of sickness. I hope that the motion of the gentleman from Farmington (Mr. Mills) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I will not attempt to match the eloquence of the gentleman from Unity, Mr. Farwell, but as a Director of a rural telephone company, I believe that I have a right to defend the motion of the gentleman from Farmington, Mr. Mills.

I think it is well for us to take into consideration that the passage of this bill would confer all the necessary additional powers upon the Public Utilities Commission of this State to block every rural extension, unless that extension were made by utilities that they themselves approved.

I know that this issue was raised in the case of the Sandy River Electric Cooperative, which serves a territory which is also served by the Franklin Farmers Cooperative Telephone Company.

I know also that at the time that question came to the floor it happened to be at the very time the hearing was being held relative to the granting of the right to the New Sharon Electric Cooperative to go forward with the construction of its lines—the granting of a charter.

I know that on that occasion, when I was unable to attend the hearing, I did, two days later, while attending a session of the Temperance Committee here in the State House, file a letter or brief with the Commission, voicing my conviction that the petition of the Sandy River Electric Cooperative should be granted.

Forty-eight hours later I was advised on the streets of Farmington that I had filed a brief. Somehow or other, there seemed to be a leak at the State House on that occasion—and there was absolutely no inductive interference. (Laughter)

I say that we should not lose sight of the fact in this particular case that this does confer upon them that right.

In the case of the complaint which was made on the occasion of the Sandy River Electric Cooperative, they brought pressure to bear upon the Franklin Farmers Cooperative Telephone Company, attempting to force us to install metallic circuits in all that area, even though that area, when completed, would find the same farmers receiving electric service as were receiving telephone service from our company.

We met the complaint by saying that we would install a metallic circuit, which answered their objections.

But here we find a bill which allows them to make their interpretations. They are going to set up their regulations under this particular bill. You cannot get away from that.

And every time we add a measure like that to the statutes of Maine, it makes it just that much more difficult for the little fellow out here in the country, who probably does not possess the means and who perhaps is not able to defend himself, even before the courts or otherwise, to have his case impartially considered and a decision based upon those facts rendered.

I say that the motion of the gentleman from Farmington, Mr. Mills, should prevail.

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

Mr. HINCKLEY: Mr. Speaker and Members of the House: I do not know anything about the merits of the controversy in this case, and perhaps, at this time, I do not care anything about the merits of this controversy.

I have read this bill and I conversed with the gentleman from Farmington, Mr. Mills, this morning on it. I was satisfied then, and am satisfied now, that the bill is entirely unconstitutional and that it should not have passage.

I believe that the law we have at the present time is amply able to take care of any situation that may arise with reference to these companies.

I hope that this House will support the motion of the gentleman from Farmington, Mr. Mills.

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

Mr. DUTTON: Mr. Speaker and Members of the House: I do not

care anything about the constitutionality of this law, excepting as my oath of office requires me to uphold the Constitution.

I am not going to enter into the discussion but I want to say to the Members of this House that we have extended to telephone companies certain rights and privileges that are far in excess of anything that we here today believe.

This very week I desired to move a house across the road in the town of Bingham.

The telephone company had a circuit of wires hanging just between this house and the highway. The house was a house that was in good condition, on which I had spent probably \$150 in getting it in condition to cross the road. The telephone company informed me that in order to move this house across the road, I would have to pay them between \$150 to \$200, to require them to drop their lines to the road, in order that the house might be drawn across.

Now, Members,—if we have extended those rights to the telephone companies, and I believe that we have, because I consulted one of the best lawyers in Somerset County in regard to the matter, and he advised me that I had either got to stay where I was with the house or pay,—I hope that the motion of the gentleman from Farmington (Mr. Mills) will prevail, and that this House votes away no more of its rights to telephone companies or public utilities. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that the "Ought to pass" report of the committee be indefinitely postponed. Is the House ready for the question? The Chair recognizes the gentleman from Dexter, Mr. Otto.

Mr. OTTO: Mr. Speaker, I am wondering where all this opposition comes from. The committee held an advertised meeting on this bill; there was no opposition whatever. This bill was set up merely to protect the small telephone companies that might be damaged by power lines. We had no reason to believe but what we were doing an act of justice to small telephone people. This does not confer any rights upon telephone companies; it merely gives the Commission a chance to

arbitrate any trouble that might arise between telephone or telegraph companies that are damaged by electric lines. I hope that the motion of the gentleman from Farmington, Mr. Mills, does not prevail.

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

Mr. WILLIAMS: Mr. Speaker, I did not intend to make any remarks in regard to this bill, but, having read it over, regardless of the merits of it, there was one conclusion which I came inevitably to and that was that it was absolutely unconstitutional. I do not see how anybody could entertain the belief that it was constitutional.

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

Mr. FARWELL: Mr. Speaker, may I add one more word, and that is simply this: The need for this bill came from the fact that the rural electrification extensions refused to cooperate with the already existing telephone company lines to the extent that the already existing utilities of Maine had cooperated to protect them.

The SPEAKER: The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that the "Ought to pass" report of the committee be indefinitely postponed. All those in favor of the indefinite postponement of the report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the "Ought to pass" report of the committee was indefinitely postponed in non-concurrence and sent up for concurrence.

On motion by Mr. Rollins of Greenville, the House voted to take from the table the thirteenth tabled and unassigned matter, Bill "An Act Relating to the School or Reserved Lands of the State" (H. P. 1790) (L. D. 1043) tabled by that gentleman on March 27th pending passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Preble.

On motion by Mr. Preble, the House voted to reconsider its action whereby it adopted Committee Amendment "A", and that gentleman was granted leave to withdraw Committee Amendment "A".

Mr. Preble of Millinocket thereupon offered House Amendment "B" and moved its adoption.

House Amendment "B" to H. P. 1790, L. D. 1043, Bill "An Act Relating to the School or Reserved Lands of the State."

Amend said bill by striking out therefrom all of sections 2 and 3 of the bill.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the Ninetieth Legislature: All we are trying to do with this Legislative Document 1043 is to empower the Commissioner of Forestry, acting as custodian of the State lands, to be able to sell gravel or whatever other minerals there should be in those lands. These lands are the property of the State of Maine; they represent 32,752 acres in thirty-five certain townships of our State. Would it not be consistent to allow the representative of our State to have a right to sell the gravel and whatever minerals there might be in that land for the credit of our education fund? They are school lands and owned entirely by the people of the State of Maine. I move that the amendment be indefinitely postponed.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that House Amendment "B" be indefinitely postponed.

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

Mr. GOOD: Mr. Speaker and Members of the House: The gentlemen here who were members of the Eighty-ninth Legislature probably remember a bill came in here similar to this bill and was defeated. I asked for a recess committee to be appointed and that was defeated. I then asked for an investigation by the Attorney General which we got through the House and through the other branch, and then the next morning, some way or another, it was called back and defeated. Now this year we have a similar bill which has been defeated and an amendment is now placed before this House. I have a few figures and facts here I would like to read to you. I do not want to weary you.

The State of Maine owns 1,000 acres of land in each unorganized township of six miles square and the same ratio in all townships that are more or less than a full township.

The reservation of 1,000 acres of land in every township commonly known as school lands comes from an old regulation of Massachusetts adopted while Maine was still a part of that Commonwealth.

In order to encourage the settlement of the District of Maine, the enacted a law providing that in the enacted a law providing that in the disposition of all towns thereafter four lots of 320 acres each should be reserved for certain purposes in each and every township, whether sold or granted. The purposes for which these lots were reserved were as follows: The first was for the first settled minister in the township and was known as the "Minister Lot". The second was for the use of the ministry and known as the "Ministerial Lot". The third was for the support of the common schools in that township and became known as the "School Lot". While the fourth was reserved to the future disposition of the State and was known as the "State Lot".

By the article of separation of 1820 when Maine became an independent state it was provided that Maine should carry out all the regulations regarding the sale and settlement of the wild lands embraced in the plan originally adopted by Massachusetts unless the consent of that state was obtained for any change in policy.

Consequently, for several years after Maine became a state in the sale or grants of all Maine towns for whatever purpose these several lots were reserved in accordance with the plan adopted in 1788.

In 1831 Maine changed the law providing for the disposition of these lots for various reasons and purposes to take effect when Massachusetts consented to the new arrangement.

By the new law the minister's claim was ignored except in cases where the title had become vested. By the new provisions all the land reserved in each new township (acreage having been changed to 1000 acres for each full township and at the same rate in all tracts less than a full township) was to be for the support of the schools in that township. Hence all townships surveyed from 1788 to 1832 would have reserved lands of 1280 acres, three hundred and twenty acres of this for the state, leaving 960 acres for the benefit of schools. All lands

surveyed since 1832 would have 1000 acres of land.

The law provided that the Land Agent could sell from time to time the timber and grass on the reserved lands and pay the money to the State Treasurer which must be kept for school purposes.

Each 100 acres of good timberland will produce 1,000,000 feet of saw logs or 2,000 cords of pulpwood. From 1916 to 1929 the stumpage of pulpwood was worth \$5.00 per cord which would be \$10,000 on every 100 acres or \$100,000 for each 1,000 acres. There should be more than \$35,000,000 in the State Treasury today for the support of the common schools. Maine has received very little, if any, cash for stumpage in all these years, except what has been reserved for school lands in organized plantations.

In 1850 the Legislature of Maine passed an act authorizing the Land Agent to sell the timber and grass on the reserved lands and gave the purchasers the right to cut and take away the timber until the township was organized as a plantation or incorporated as a town. This law could only apply to the reserved or school lands that had actually been surveyed by metes and bounds. We have many townships where the school lands have never been surveyed and located. Therefore, we have thousands of acres of land where the timber as well as the land itself still belongs to the State of Maine.

What we need now is a Land Agent to look after the State's right in the land that was originally left for the support of the common schools in Maine.

There are approximately 161 townships where the school lots have never been located. These lots when located will contain 1,000 acres of land in each lot.

The price of pulpwood stumpage today is not less than \$3.00 per cord. Each 1,000 acres will produce 20,000 cords of pulpwood, which would equal \$60,000 for each school lot. The timber on 161 school lots is worth \$9,630,000 to the State of Maine today, and the land is still left to produce more timber.

Some of our school lands have been cut over three different times since the stumpage was sold.

The parties that bought the right to cut and take away the timber and grass on the school lands can only hold that which had been located

by metes and bounds at the time of the sale.

Now, members, it seems to me if we have got anything that belongs to the State of Maine it is time we found it out and that it be developed. The great argument two years ago was that it would cost fifty thousand dollars to survey this land. What does fifty thousand dollars amount to in comparison with thirty-five million and nine million in more or less of the unorganized townships?

We are not asking for very much. We know it is impossible to get a land agent and to get men to survey it because of high-pressure lobbyists "going to town" with us, if you will allow the expression, and it is impossible to get what belongs to us, but I say to you members of the Ninetieth Legislature: All we are asking for is what we have a right to do, therefore I hope that the motion of the gentleman from Greenville, Mr. Rollins, that the amendment be indefinitely postponed, will prevail, and that Legislative Document 1043 will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Preble.

Mr. PREBLE: Mr. Speaker and Members of the Ninetieth Legislature: I want to say a word and tell you the reasons why I have put on this Amendment "B". This bill as printed is not the bill that came out of the committee. Sections 2 and 3 of this printed bill were not on the new draft reported by the committee. House Amendment "B" would make the bill read according to the Committee's vote. Now all I want of this bill—I have no interest one way or the other—is just honest legislation. Between our committee and this House those amendments crept in. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I will say that I was on that committee, and, the same as Mr. Preble, I will admit that crept in.

Nevertheless, I am willing to stand here before this House and sponsor it, and agree to the acceptance of Legislative Document 1043.

It seems to be a question, and perhaps the public does not know, that we have a Land Agent—the Forestry Commissioner—who receives

for his salary \$38.35 a week from the State of Maine and \$62.22 from the Forestry District—or, in other words, the land owners.

It appears to be a question of whether the land owners are going to dictate to this Legislature and tell us whether we can use our own land.

I am only asking you, as I said before, for the 35 certain townships out of 403,—or that 32,752 acres which were established as public school lands. We just ask for the privilege, if we find any minerals or any gravel on those lands, of having a state agency which can utilize them.

We have a condition which happened last year in Aroostook County, which has happened in several instances—where on public lands there has been gravel found. The Highway Commission went in and took the gravel. The only redress for the Forestry Commissioner or the Department of Education was a case in court—a suit for trespassing. They patched the thing up. The Highway Commission would be willing to pay for gravel, or any other public organization.

That bill calls for gravel to be used for public purposes, which would enrich the adjoining land from which it was taken.

We have no rights, I claim, if we should go onto these lands to take gravel, or if we find some minerals. Everyone knows today that owing to the emergency in Europe many materials which formerly came from there are now cut off, and it might be necessary to make one of alloy, which was very necessary for our national defense program. If we should find such a thing in that land, which is ours, invested in the people of the State of Maine, we could not use it. We have no power to take it out of the ground.

I still hope that the amendment of the gentleman from Millinocket, Mr. Preble, will be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that House Amendment "B" be indefinitely postponed. The Chair recognizes the gentleman from Houlton, Mr. McGillicuddy.

Mr. MCGILLICUDDY: Mr. Speaker, I ask that when the vote be taken it be taken by the yeas and nays.

The SPEAKER: The gentleman

from Houlton, Mr. McGillicuddy, asks that when the vote is taken it be taken by the yeas and nays. In order for the vote to be taken by the yeas and nays it requires the consent of one-fifth of the members present. All those in favor of the vote being taken by the yeas and nays 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.

Twenty-five having requested the yeas and nays, 122 being present, and 25 being more than one-fifth of the members present, the yeas and nays were ordered.

The SPEAKER: The Chair will remind the members that the yeas and nays having been ordered no member may leave his seat until after the vote is taken and declared.

All those in favor of the motion of the gentleman from Greenville, Mr. Rollins, that House Amendment "B" be indefinitely postponed will answer "Yes" when their names are called; those opposed will answer "No". The Clerk will call the roll.

YE—Anderson, Arzonico, Babin, Baker, Bangs, Belanger, Biddeford; Belanger, Winslow, Bolduc, Bowers, Bragdon, Brewer, Brown, Brunswick; Brown, Corinna; Brown, Eagle Lake; Bubar, Buckley, Bradford, Clapp, Clough, Conant, Crockett, Cross, Davis, Montville; Dean, Deering, Denny, Donahue, Dorrance, Dorsey, Dow, Downs, Dwinal, Estabrook, Fickett, Flagg, Fuller, Goldsmith, Good, Goodrich, Gould, Gorham; Gould, Milo, Gowell, Grady, Grua, Hall, Hamilton, Hanold, Harvey, Hinckley, Holman, Jacobs, Jones, Labbe, Lackee, Lambert, Lane, Leavitt, Leveque, Libby, Littlefield, MacLeod, Martin, McFadden, McGillicuddy, McGlauffin, McIntire, McKeen, McKusick, McLellan, McNamara, Megill, Mercier, Michaud, Milliken, Mills, Morrison, Murchie, Newcomb, Osgood, Otto, Patterson, Payson, Pearson, Phair, Porrell, Poulin, Pratt, Race, Rankin, Bridgton; Rankin, Denmark; Richardson, Robins, Roberts, Robie, Robinson, Rodrigue, Rollins, Roy, Sanderson, Savage, Sayward, Seeger, Shesong, Sleeper, Smith, Thomaston; Southard, Starrett, Sylvia, Tozier, Wallace, Walker, Warren, Welch, Chapman; Welch, North Berwick; Weston, Williams, Bethel; Willey, Worth, Wyman.

NAY—Bernier, Boyd, Briggs, Cousins, Davis, Buxton; Dutton, Farwell, Peble, Slosberg, Williams, Clifton; Winter.

ABSENT — Ayer, Boutin, Brown, Bangor; Buker, Doughty, Eddy, Fenlason, Forhan, Jordan, Keller, LaFleur, Pelletier, Pierce, Sichel, Small, Smith, Bangor; Stevens, Teel.

Yes 119, No 11, absent 18.

The SPEAKER: One hundred and nineteen having voted in the affirmative and eleven in the negative, the motion to indefinitely postpone House Amendment "B" is carried.

Thereupon the bill was passed to be engrossed and sent up for concurrence.

On motion by Mr. Pratt of Turner, the House voted to take from the table the fifth tabled and unassigned matter, House Report "Ought to pass" of the Committee on Counties on Bill "An Act Relating to Androscoggin County Law Library" (H. P. 1340) (L. D. 797) tabled by that gentleman on March 26th pending acceptance.

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

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

The SPEAKER: The Chair will have to rule that the amendment is not in order at this time, the question being on the acceptance of the "Ought to pass" report. Is it the pleasure of the House to accept the "Ought to pass" report of the committee?

The motion prevailed and the "Ought to pass" report of the committee was accepted.

Mr. LEVEQUE: Mr. Speaker, I now offer House Amendment "A".

The SPEAKER: Would the gentleman be willing to defer his motion until after the second reading tomorrow morning?

Mr. LEVEQUE: Yes, Mr. Speaker.

On motion by Miss Clough of Bangor, the House voted to take from the table the ninth tabled and unassigned matter, House Report "Ought not to pass as same is covered by other legislation" of the Committee on Labor on Bill "An Act Relating to Weekly Payment of Wages" (H. P. 1615) (L. D. 959) tabled by that gentlewoman on March 27th pending acceptance; and on further motion by the same gentlewoman, the "Ought not to pass" report of the Committee was accepted and sent up for concurrence.

On motion by Mr. Southard of Augusta, the House voted to take from the table the fourth tabled and unassigned matter, Bill "An Act Relative to Hunting Raccoons" (H. P. 801) (L. D. 314) tabled by that gentleman on March 25th pending second reading; and on further motion by the same gentleman, the bill was given its second reading and tomorrow assigned for third reading.

On motion by Mr. Williams of Clifton, the House voted to take from the table the nineteenth tabled and unassigned matter, Bill "An Act relating to Fees of Referees" (H. P. 102) (L. D. 57) which was passed to be engrossed in the House on March 21st. In the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence, and in the House tabled by Mr. Williams on March 31st pending further consideration.

On further motion by the same gentleman, the House voted to recede from its former action whereby it passed this bill to be engrossed and to concur with the Senate in the adoption of Senate Amendment "A" and the passage of the bill to be engrossed as amended by Senate Amendment "A".

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

The Chair will state that it now seems probable there will be a session Saturday morning of this week.

On motion by Mr. McKeen of Paris,

Adjourned until ten o'clock tomorrow morning.