

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

# Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

**SENATE**

Friday, April 11, 1941

The Senate was called to order by the President.

Prayer by the Reverend Andrew T. McWhorter of Augusta.

Journal of yesterday read and approved.

**House Committee Reports  
Ought Not to Pass**

The Committee on Claims on "Resolve in Favor of the Town of Norridgewock," (H. P. 1072) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the City of Portland for the Support of Albert Mattson, and his Wife Ruth Mattson," (H. P. 766) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the City of Portland for the Support of Theodore Powers and Family," (H. P. 780) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Raymond Warren, of Milbridge," (H. P. 758) reported that the same ought not to pass.

The same Committee on "Resolve in favor of the City of Gardiner," (H. P. 1091) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Thomas Fournier, of Eagle Lake," (H. P. 15) reported that the same ought not to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Attorney-General," (H. P. 1464) (L. D. 740) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Relating to Taxation of Certain Motor Vehicles for Transporting Passengers for Hire," (H. P. 1651) (L. D. 1003) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

**Ought to Pass**

The Committee on Public Utilities on Bill "An Act to Incorporate the Presque Isle Water District," (H. P. 860) (L. D. 352) reported the same in a new draft (H. P. 1865) (L. D. 1082) under the same title and that it ought to pass.

Which report was read and accepted in concurrence, the bill in new draft read once and under sus-

pension of the rules was read a second time and passed to be engrossed in concurrence.

From the House:

The Committee on Taxation on Bill "An Act Imposing an Additional Gasoline Tax," (H. P. 1475) (L. D. 615) reported that the same ought not to pass.

In the House, bill substituted for the report and passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending acceptance of the report and especially assigned to the next legislative day.

**Divided Reports**

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to the School Committee for Town of Mt. Desert," (H. P. 1170) (L. D. 477) reported that the same ought not to pass.

(Signed) Senators:

SANBORN of Cumberland  
MORSE of Waldo

Representatives:

SOUTHARD of Augusta  
SYLVIA of Danforth  
SHESONG of Portland  
SLOSBERG of Gardiner  
DONAHUE of Biddeford  
DWINAL of Camden

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed) Senator:

DOW of Oxford

Representative:

LaFLEUR of Portland

In the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Sanborn of Cumberland and by a viva voce vote the Majority Report "Ought not to pass" was accepted in concurrence.

The Majority of the Committee on Legal Affairs on Bill "An Act Creating a State Lottery," (H. P. 113) (L. D. 61) reported that the same ought not to pass.

(Signed) Senators

SANBORN of Cumberland  
MORSE of Waldo  
DOW of Oxford

## Representatives:

SHESONG of Portland  
SOUTHARD of Augusta  
SLOSBERG of Gardiner  
LaFLEUR of Portland

The Minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 1860) (L. D. 1074) under the same title and that it ought to pass.

(Signed) Representatives:

SYLVIA of Danforth  
DWINAL of Camden  
DONAHUE of Biddeford

In the House, the Majority Report was read and accepted.

In the Senate:

Mr. DOW of Oxford: Mr. President, I move the acceptance of the Majority Report "Ought Not to Pass" in concurrence.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and report were laid upon the table pending acceptance of the Majority Report in concurrence, and especially assigned for the next legislative day.

#### Senate Committee Reports Ought Not to Pass

Mr. Dow of Franklin from the Committee on Claims on "Resolve in Favor of Searsport Water Company of Searsport," (S. P. 185) (L. D. 218) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Harvey from the Committee on Judiciary on Bill "An Act Relating to Cruelty to Animals," (S. P. 370) (L. D. 679) reported the same in a new draft (S. P. 552) under the same title and that it ought to pass.

Mr. Farris from the same Committee on Bill "An Act Creating and Establishing a Body Corporate and Politic to be Designated and Known as the Maine State Office Building Authority," (S. P. 250) (L. D. 401) reported the same in a new draft (S. P. 553) under the same title and that it ought to pass.

Which reports were severally read and accepted, and the bills in new draft laid upon the table for printing under the joint rules.

#### First Reading of Printed Bills

Bill "An Act Relating to the Game Sanctuary in the Town of

Standish in the County of Cumberland." (S. P. 548) (L. D. 1133)

Bill "An Act Relating to the Taking and Sale of Clams in the Town of Georgetown." (S. P. 549) (L. D. 1132)

Which bills were severally read once, and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Creating a State Board of Eugenics," (S. P. 295) (L. D. 528) reported that the same ought to pass as amended by Committee Amendment "A".

(signed) Senators:

LAUGHLIN of Cumberland  
FARRIS of Kennebec

Representatives:

HINCKLEY of South Portland  
GRUA of Livermore Falls  
WILLIAMS of Bethel  
PAYSON of Portland  
BRIGGS of Hampden  
MILLS of Farmington

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed) Senator:

HARVEY of York

Representative:

McCLAUFLIN of Portland

On motion by Mr. Harvey of York, the bill and report were laid upon the table pending acceptance of either report and especially assigned to the next legislative day.

#### Passed to be Enacted

Bill "An Act Relating to Veterinary Surgeons." (S. P. 106) (L. D. 147)

Bill "An Act Relating to the Teachers' Retirement System." (S. P. 398) (L. D. 633)

Bill "An Act to Apportion Representatives to Congress." (S. P. 528) (L. D. 1091)

Bill "An Act Concerning the Teachers' Retirement System." (H. P. 1247) (L. D. 529)

Bill "An Act to Define Internal Combustion Engine Fuel." (H. P. 1483) (L. D. 610)

Bill "An Act Relating to Registration of Motor Vehicles and Trailers." (H. P. 1891) (L. D. 1106)

Bill "An Act Relating to Teachers' Retirement System." (H. P. 1187) (L. D. 462)

Bill "An Act Relating to Farm Tractor Trailers." (H. P. 1893) (L. D. 1108)

(On motion by Mr. Libby of Cumberland the bill was laid upon the table pending passage to be enacted and was especially assigned to the next legislative day.)

#### Finals Passed

"Resolve Dividing the State into Senatorial Districts." (S. P. 526) (L. D. 1093)

"Resolve for the Purchase of One Hundred Copies of 'Sesquicentennial History of Greene.'" (H. P. 105) (L. D. 1111)

"Resolve to Repeal a Resolve Providing for a State Pension for Elizabeth McNaughton of Bangor." (H. P. 107) (L. D. 1112)

"Resolve in Favor of the Town of Farmington." (H. P. 924) (L. D. 1110)

#### Emergency Measure

Bill "An Act to Incorporate the Carmel School District." (S. P. 515) (L. D. 1092)

Which bill being an emergency measure and having received the affirmative vote of 32 members of the Senate, and none opposed was passed to be enacted.

#### Orders of the Day

On motion by Mr. Friend of Somerset, the Senate voted to take from the table, bill, An Act Relating to Androscoggin County Law Library (H. P. 1340) (L. D. 797) tabled by that Senator on April 10th pending adoption of House Amendment "B"; and on further motion by the same Senator, House Amendment "B" was adopted in concurrence; and under suspension of the rules, the bill as amended was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Hinman of Somerset, the Senate voted to take from the table, bill, An Act Relating to Payment of Wages (H. P. 1432) (L. D. 749) tabled by that Senator on April 10th pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take

from the table, bill, An Act Relating to the Inheritance Tax Law (H. P. 1285) (L. D. 551) tabled by that Senator on April 3rd pending adoption of Senate Amendment "B"; and that Senator yielded to the Senator from Cumberland, Senator Sanborn.

Mr. SANBORN: Mr. President, some time ago there was an informal meeting of the committees on Taxation, Appropriations and Financial Affairs, and Education, at which the situation so far as it relates to the general school fund was discussed. At that meeting it was made to appear first, that the general school fund, as probably most of the Senators are aware, by statutory provision was made up of several factors. The first is the interest accruing from invested funds which have been received from the sale of public lands for school purposes. Second, a certain mill tax which is based upon real estate valuations. Third, one half of the proceeds of the taxes assessed against certain corporations, banks, as I recall it, trust companies, possibly something else.

During the last seven or eight years the amount accruing to school funds from these sources has very substantially decreased and you will readily see the reason why. Interest rates have fallen, and consequently the income from invested funds has shrunk. Real estate value throughout the State have fallen off markedly so that proceeds from a mill tax have materially lessened and taxes assessed against these corporations have been very much less than in previous years. The net result of it all is that there is available annually for this general school funds \$500,000 less than it was in 1933. If it were a matter of a few thousand it would not be serious. \$500,000 cut off from the general school fund is a serious handicap.

We are all aware of the fact that our Constitution especially emphasizes the duty of the legislature to foster our schools and educational system and no one can be heard to raise a voice against the wisdom of doing all in our power for the benefit of our public schools.

It seemed to the committee on Education, at least, and I have no question that that sentiment was shared by the members of the other committees who met with us, that

some provision ought to be made to restore these funds to its former amount as it was back in 1933. This amendment is calculated to assist in that direction. It may or may not appeal to you as the right method. Certainly if a taxation bill could be reported out which would provide revenues of substantial amount so that the Committee on Appropriations could report out bills which would restore this, well and good. It is questionable whether this can be accomplished.

This amendment simply adds to those statutory provisions which call for one half of the assessment against banks and trust companies, one third of the amount received from inheritance taxes. That is what the amendment seeks to accomplish and all it seeks to accomplish. It would not produce anything like \$500,000 needed, but as far as it goes, and of course the amount is purely speculative, perhaps \$150,000—probably not more than that.

It is for you to say whether such an amount might properly be earmarked as a contribution toward a very desirable end. I hope that it will appeal to this body as a judicious move.

Mr. CHAMBERLAIN of Penobscot: Mr. President, no member of the Senate is so sensitive as I am in offering to oppose the eminent Senator from Cumberland, Senator Sanborn, but in this case it seems I might say something to you that would be of use in determining this question. The real pith of the matter is contained, I believe, in one of the last sentences that Senator Sanborn uttered, that it was "very speculative" as to the amount that would come from this inheritance tax in the way of this amendment. The amount that is needed to restore partially to the schools is a lot. To restore in good faith, it ought to be more than \$500,000. But this inheritance tax will not render any such sum. In fact, I have been told that the bill we are considering, that is, the inheritance tax bill, will not yield, in addition to what has been found from such a matter, more than \$200,000 or \$225,000. I have also been told it would raise \$500,000. It is very speculative.

On general principles I do not like allocating state money for special purposes. It binds us hand and foot. I know there are exigencies

that demand such things be done. I know it sometimes seems necessary to carry out the idea and allocate large sums for a special purpose. On general principles I do not like it.

The Senator from Cumberland, Senator Sanborn, has said that if we could find the money from some other source or some other way it would be apparent it would not be needed from this source, and he particularly mentioned a certain committee. I would like to say to the members of the Senate that the Taxation Committee have in their hands bills yet to be reported that would furnish money for this purpose, but even though we should report favorably, the money might not be obtained as the legislature might not support the Taxation Committee—so again it is problematical. I really believe this amendment should not be adopted by this Senate.

Mr. SANBORN: Mr. President, lest the other senators share in a bit of confusion which crossed my mind, I want to make clear one differential. The pending bill purports to make certain changes in the rates of taxation calculated to produce some increase in the total amount received from inheritance taxes. The amendment which is pending does not relate to that increase but relates to the total amount received from inheritance taxes.

Now, as I understand it, for the past several years the amount received from inheritance taxes has run from five to seven or eight hundred thousand dollars. If the bill before us passes, it would tend to increase that total amount. Query, whether it would increase it by \$150,000 more or less is what is problematical, but the total amount to be received, as I understand it, if it falls below \$500,000 would be a marked decrease from what has been customary.

I merely wanted us to be clear in our minds as between the proposed increase suggested by this bill and the total amount received.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment "B".

Mr. FRIEND of Somerset: Mr. President, I ask for a division.

The PRESIDENT: All in favor of the adoption of Senate Amendment "B" will rise and stand until counted.

A division of the Senate was had. Fifteen having voted in the affirmative and fourteen opposed, Senate Amendment "B" was adopted, in non-concurrence.

Thereupon, the bill as amended by Senate Amendment "A" and by Senate Amendment "B" was passed to be engrossed in non-concurrence. Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table bill, An Act to Appropriate Monies for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943 (S. P. 488) (L. D. 1014) tabled by that Senator on April 2nd pending passage to be engrossed; and that Senator presented Senate Amendment "B" and moved its adoption:

"Senate Amendment 'B' to S. P. 488, L. D. 1014, bill, An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943. Amend said bill by striking out where they appear in said bill the following: 'Fish and Game, Department of Inland; Departmental operations \$127,000.00. \$127,000.00.'"

Miss LAUGHLIN: Mr. President, of course this \$127,000, every cent of it comes out of the general fund, if it is appropriated. In other words, it comes out of the already overburdened taxpayers on taxes on real estate and personal property. By just so much as we give money from the general fund to the Fish and Game Department by just so much is the tax burden on these taxpayers increased. Last year the Fish and Game Department spent \$570,000.—a trifle more. I have left off the odd figures, but it was \$570,217. The state appropriation gave them, from the taxpayers, \$125,000. They got \$2900 from the contingent fund. They showed up with a deficit of \$16,000. It seems to me and I am speaking merely about taking away the money that is given from the general funds, that comes from the already overburdened taxpayers. I believe that department should be self-supporting and that those who benefit by it, namely, the hunters and fishers, should pay for its support. I do not believe all the taxpayers should be further burdened for the benefit of the sportsmen.

As I say, we know what burden there is on the taxpayers. We have heard over here how burdened by taxes they are. I said to a man in the hearing, "I do not have much patience with you people who claim to be overburdened if you vote to give \$127,000 to the Fish and Game Department." He said, "I do not believe in it either." It is my position that it is not very consistent to say they are overtaxed and then take \$127,000 from those taxes to support the Fish and Game Department. Last year it amounted to over \$133,000 taken from the taxpayers for the Fish and Game Department.

I am not going to discuss whether the Fish and Game Department is run efficiently or not. I have any number of complaints from very substantial business men that it is not run efficiently, that there is terrific waste and terrific extravagance. But I am not going to talk on that. I have said, "Take your complaints to the Research Committee which has been provided by this legislature. That is the place to present your complaints."

The position I take is that the department should be self-supporting. I find the general public isn't aware of the fact that part of the taxpayers' money goes to support this department. When people come to me with complaints and I say that we are taking from general tax funds to support the Fish and Game department, they say, "I didn't know that". I find, in general, they are opposed to it. I have mentioned the matter in a good many meetings and without exception there is spontaneous applause that no money should be taken from the general fund to support the Department of Fish and Game.

I believe in the general principle of government that those who benefit should pay; and those who benefit are those who operate under the conservation of deer and other game animals and fish. I think they should pay.

We hear the argument that this brings money to the state. My guess is as good as theirs and there is no check on it; but I will guess and more than guess that the value of the deer which the outside hunters take out of the state is far more than all the money they bring into the state. As a matter of economy, the state should take that many

deer and sell them and get more money than the hunters bring to the state. You can buy deer meat in Canada and Massachusetts. What some of these hunters do is run down here for one day and get their deer and go home. They said up at the Standish Game Preserve they could find eight or ten cars parked, waiting for the deer that wandered out of the preserve. It has been stated, and I cannot vouch for it, that they have people go in and scare them so they come out and are able to be shot. All they have to do is park near the Standish game preserve, get their deer and then go back to Massachusetts. I am told they go back and sell them in Massachusetts. You cannot buy venison in Maine. They used to sell to a butcher when a deer was killed inadvertently or some way not offending the laws, and they were allowed to sell it, but the Inland Fish and Game Department has stopped it now. So hardly anyone in this state has an opportunity to taste deer or catch trout. I carry a license for that but I am told by everyone that you cannot catch trout unless you go up to Allagash, so not one can have deer and trout unless they have friends to give it to them. Most of us do not taste it, and yet all the taxpayers, if this appropriation should pass, are contributing to that department for the benefit of those who hunt and who are able to go to the Allagash and catch a trout, if there are any. I understand they don't get them in Moosehead any more. Anyway, they are expected to contribute for the benefit of the sportsmen, and that is, I say, contrary to all fairness.

We have had members of the legislature and many others argue here that we should not pass any tax bill here. Of course, that is impossible and absurd, but I do believe if we save in this department and in some others, we won't have to raise so much money. In saying that, I wish every member would go to the Treasurer's office and look over vouchers and see how a lot of money of the state was spent, going to the World's Fair by various departments. Take a look at it. I think you will see that we can save. I think what we can save will provide at least one-third of the money we need to meet the needs of this state. We would have to rest by other taxation not more than

two-thirds. I think one of the first things to do is go to the departments to save money, and I think this is a mighty good place to begin.

Mr. HINMAN of Somerset: Mr. President, I have great respect for the intent of the lady from Cumberland, Senator Laughlin, but it seems to me that in her proposed amendment we are treading on rather dangerous ground when we assume that an appropriation that has been dealt with by your designated committee and considered as carefully as they were able to consider it, and by their best judgment it has been determined that we shall make an appropriation to carry on certain departmental work, I doubt very much that we, in wisdom, can ignore entirely their recommendation and say that we will cut out the whole amount of the appropriation. When it comes to the taxpayer, I do not think there is any question but what any sentiment of the taxpayers of this state will show conclusively that they are determined if there is any activity in this state that shall not be curtailed, it is that of the department of Inland Fisheries and Game. I hope the amendment will not be adopted.

Mr. CHASE of Washington: Mr. President, I feel quite sure that the members of the Committee on Appropriations and Financial Affairs would like to see the day when the Department of Inland Fisheries and Game is self-supporting and I feel quite sure that a majority of the members of that committee felt that that time will be reached eventually but we could not see how the appropriation could be discontinued this year, and honestly feel that the appropriation set up in this document is essential to carry on the work of this department.

Miss LAUGHLIN: Mr. President. I ask for a division.

Mr. BISHOP of Sagadahoc: Mr. President, I have spent a little time down in the Controller's department, going over some of the expenses of various state departments. I have in my hand a detailed expense account for the Fish and Game department for 1939 and 1940 and this includes only expenses outside the state, and includes all employees, department heads or anyone pertaining to the department. It includes expense of clerks, wardens, artists, engineers and the commis-



sioner, himself. The amount for 1939 and 1940, which is for expenses outside the state was \$5,803.75.

Mr. HILDRETH of Cumberland: Mr. President, I would just like to go on record as the Senator from Washington, Senator Chase, has. The Appropriations Committee feels strongly, I think, that the time should come when the department should be self-supporting. Fundamentally, this is correct. I appreciate that my colleague from Cumberland, Senator Laughlin, is one of the busiest persons here. I feel it is regrettable that this issue should not have been raised more clearly before the Appropriations Committee so that both sides could be fully heard, but at this time I cannot help but feel it would be unwise to adopt this amendment.

Mr. EMERY of Hancock: Mr. President, two years ago an attempt was made to increase the amount of money necessary to buy hunting and fishing licenses, with the thought in mind that that would be an attempt to make this department more nearly self-supporting and as result, a very well attended committee hearing expressed themselves quite forcibly on the committee which heard it at the time. The majority of the people interested in this measure still felt that they were paying all they should pay for licenses. Therefore, this attempt was not successful, and I agree with the Senator from Washington, Senator Chase, that apparently under the existing conditions, this appropriation is necessary.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion to adopt Senate Amendment "B". The Senator from Cumberland, Senator Laughlin, has asked for a division.

A division of the Senate was had. Eight having voted in the affirmative and twenty-one opposed, the motion to adopt Senate Amendment "B" did not prevail.

Thereupon, Miss Laughlin presented Senate Amendment "C" and moved its adoption:

"Senate Amendment 'C' to S. P. 488, L. D. 1014, bill, An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943. Amend said bill by striking out in the 1st and 2nd columns of

figures, the figures '170,000' where they appear opposite the words 'Departmental Operations' under the heading of 'Development Commission' and substituting in place thereof the figures '150,000.'

Miss LAUGHLIN: Mr. President, I was in this legislature when we started this. We called it the Maine Development Commission, but even under the statutes it is not a "development" commission at all. It is an advertising commission, and I do not criticize that fact because the statutes do not make it a real development commission. I would like to see a development commission, in the true sense of the word; I do not know if we have deposits of aluminum in Lubec, as Dexter Cooper has said. I know the government has cut off the use of aluminum because of the shortage, and if we have the deposits of aluminum in Lubec as Dexter Cooper has said, it would be a good idea to have it developed. I do not criticize calling it "Development Commission" because the statutes call it that, but it is set up to do advertising. I do say that "development" is not the proper name for it and I do know it would not have the power to really develop. I was in this legislature when the first money was appropriated from public money, the taxpayers' money, to advertise this state. It was \$25,000. It has been increasing every year and is like the camel who got his head in the tent and kept on.

But here is the point: In 1935 and 1936 the amount appropriated for the Maine Development Commission was \$100,000 a year. In the session of 1937 they came here and said they wanted \$100,000 more—\$50,000 to advertise potatoes and other agricultural products and \$50,000 a year for the World's Fair. If you will read their report you will see they spent the whole appropriation for the World's Fair, \$100,299.46 for the World's Fair.

Again I urge you to go down and look at the vouchers in the Treasurer's office. See that the head of one department in one lick got \$1,000 to go to the World's Fair with whom he chose to take. Now, there is no World's Fair this year. So that argument for an additional \$50,000 has certainly disappeared; but because the Commission got \$200,000 when they were going to spend, and did spend \$50,000 for the World's Fair, they of course, came

with the idea of getting as much as they got before, although there was no World's Fair to spend the other \$50,000 for. Of course it was reduced to \$170,000 each year. But it seems to me since the World's Fair has gone, this is merely an excuse and camouflage and possibly a deception to the legislature, by saying "We get less than we did two years ago," but \$50,000 was for the World's Fair. As I say this is merely for advertising. As the fair is over, they will spend all that for advertising and I do not believe that we need all that advertising. You cannot pick up a magazine or story where people are going on a vacation that you do not find that "they are going to Maine." Everyone knows about it so far as scenery goes, so we do not need that advertising. It seems here is another \$20,000 that might be saved to the taxpayers of the state. As I say, it was raised from \$100,000 to \$150,000 for the World's Fair.

The PRESIDENT: The question is on the adoption of Senate Amendment "C".

Miss LAUGHLIN: Mr. President, I ask for a division.

A division of the Senate was had. Twenty-six having voted in the affirmative and four opposed, Senate Amendment "C" was adopted, and the bill as amended by Senate Amendment "A" and by Senate Amendment "C" was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Bridges of Washington, the Senate voted to take from the table, House Report from the Committee on Ways and Bridges, "Ought to Pass" on bill, An Act Creating the Maine Turnpike Authority (H. P. 1601) (L. D. 917) tabled by that Senator on April 9th pending acceptance of the report; and that Senator yielded to the Senator from Somerset, Senator Friend.

Thereupon, on motion by Mr. Friend of Somerset, the report of the committee was accepted in concurrence and the bill was given its first reading. Under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Judiciary, Ma-

jority Report "Ought to Pass"; Minority Report, "Ought Not to Pass" on Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Secretary of State by the Governor with the Advice and Consent of the Council, for a term of Four Years (S. P. 354) (L. D. 669) tabled by that Senator on April 10th pending consideration; and on further motion by the same Senator, the Senate voted to insist on its former action, whereby the bill was passed to be engrossed, and asked for a committee of conference.

Thereupon, the President appointed as members of such committee, the Senator from Kennebec, Senator Farris; the Senator from Cumberland, Senator Laughlin; the Senator from York, Senator Harvey.

On motion by Mr. Bridges of Washington, the Senate voted to take from the table bill, An Act to Incorporate the Reef Point Gardens Corporation (H. P. 481) (L. D. 998) tabled by that Senator on April 9 pending passage to be enacted.

Mr. BRIDGES of Washington: Mr. President, being just a layman I have considerable misgivings in asking to indefinitely postpone a report that came out, as I believe, unanimously from the Committee on Judiciary "Ought to Pass" and yet I feel that with what information has come to me in the last few days I couldn't square myself with what I conceive to be my legislative duty if I did not make this motion. And my misgivings are relieved somewhat, Mr. President, because of the fact that I have conferred with some members of the Judiciary Committee that brought out the ought to pass report and from several of them I have the impression—I have more than that, I have word—that they would be perfectly satisfied if this were thrown into the wastebasket.

This bill is 998, members of the Senate, and inasmuch as I am about to refer to some of the language incorporated in the bill it may be well for you to turn to the bill. This is a bill by means of which several estimable people who live on Mt. Desert Island and probably all in the town of Bar Harbor seek to incorporate themselves into a corporation, a body politic, as a charitable and educational corporation. And if this bill receives passage at our hands that means that what-

ever property may come into the possession of that corporation will be exempt from taxation in the state of Maine.

We have this morning been discussing saving taxpayers the burden of more taxes and I suppose we can save taxpayers taxes by getting from all taxpayers what they ought to pay as well as by cutting down appropriations which taxpayers have to meet.

In Chapter 70 of the Revised Statutes we have provisions for incorporations of this kind, or corporations of this kind, charitable, benevolent, scientific, intellectual, including lodges, hospitals and what have you. It is an exceedingly broad statute. It represent the public policy of the state of Maine. It has been on the statute books for years, passed by the legislature of this state and under it many individuals have incorporated themselves. It is a fine statute.

But those men of wisdom who passed that statute knew that all those who incorporated under it escaped taxation and so they very wisely put a ceiling on the amount of property which such corporation might have free from taxes. And I find in Section 5 of that Chapter 70 these words: "Such corporations may take and hold by purchase, gift, devise or bequest personal or real estate in all not exceeding in value one hundred thousand dollars owned at any one time." That was the ceiling that those who first passed this bill put upon it.

Now, the legislature said, "That is all right up to a certain limit and let's make a hundred thousand that limit and when they go over that limit let them pay like anybody else and stand their just burden of taxation." That was a fair law, fair to those who had to pay and fair to those who wanted to incorporate for charitable, benevolent, scientific and educational purposes—a fair compromise.

Now this bill, 998, constantly refers in its language to Chapter 70 although it is not seeking to be incorporated under Chapter 70 because they would not have to come to us for that purpose; they could file papers in the Attorney General's office under the general law. But these people want a special dispensation from the legislature of the state of Maine. And, while all the

time referring to Chapter 70 and using that as a sort of anaesthetic to dull our senses, they ask for some things that Chapter 70 certainly would not condone. And what are those things?

Section 2 of 998. I will read. "The corporation may for its purposes and from any source acquire property, including property to be held in trust or otherwise, and may take and hold by purchase, grant, gift, devise or bequest or in any other manner, except by eminent domain, real property in all not exceeding one hundred thousand dollars". Real property!

Chapter 70 says "real or personal" not exceeding one hundred thousand, "real property not exceeding a hundred thousand dollars owned at any one time" Now, I am not personally acquainted with the excellent, splendid people who seek to be so incorporated I don't know them personally but somewhere in that group or behind that group there is an astute legal mind because these words are added, another anaesthetic: "figured upon the value of the property at the time of acquisition." Ah! Those are the weasel words! Not the value when the assessors come around to put on the taxes but the value when acquired, at depreciative prices. And then, no matter how much the value may appreciate, from fifty to five hundred thousand, they can still hold it, because it was bought in, at fifty. "The time of acquisition." Say, wouldn't you like to be paying taxes on the value that you paid for your property? Those are the words! So much for the real estate ceiling. They have got it down to a hundred thousand figure at the time of acquisition.

What about the personal property? Do you wonder that they wanted to get away from Chapter 70? Let's read it. You talk about the tax payers of the state of Maine needing some help and I can still hear the echo of voices here in this room asking us to protect the tax payers. And yet out of that committee came this thing: "and personal property in any amount." In excess of any limitation. Great God! Have we come to this?

They can have five billion dollars worth of personal property and not pay a cent of taxes on it. Why prate about protecting the tax pay-

ers if we are going to give that thing the green light.

Now I might say that I spoke to some of the Senators and Representatives from the interested section about an amendment, about fixing a ceiling. And I received from an honorable member of the House the information that they wanted it to stand or fall just as it was—no ceiling at all. Now they can own property, buy property, sell property, not only on Mt. Desert Island but in Hancock County or anywhere in the state of Maine or anywhere outside the state of Maine.

What is this corporation that seeks to be formed? It is a corporation that is going to deal in landscape architecture, grows shrubbery, trees, bushes, plants of various kinds that they get from other parts of Maine and see if they can naturalize them on Mt. Desert, go anywhere on the island and develop these plants. Just to develop them? Oh no! To sell them? Oh, yes! Because one of the incorporators is a landscape architect? She comes to somebody's estate in Bar Harbor and says, "Now you put that bush right there; that is where it fits into the whole picture; it will make just a living, breathing thing—\$20.00, please. And it is the wealth of that particular individual that is forming the nucleus of this corporation which they seek to have the clothing put on, at your expense. Why? The cottage in which she lives, occupying an acre and a half or two acres of land, is assessed for taxation purposes \$40,000.—and every cent of it will be lost if this goes through.

Now, they want to buy and to sell real estate for the purposes of the corporation. They see a nice little piece of land right next to this particular estate and they say, "We would like to enlarge it; we want to put in some bushes that we got from South America and we need more space. Let's buy it." Now it so happens that some of the folks here are interested in a bank and I think the astute mind behind this is the bank's attorney and the bank has—and I am reliably informed of what I am saying—the bank has a lot of property which they have taken in foreclosure proceedings and one of those is the Mt. Desert Nursery. That is pretty close to

being two peanuts in the shell for these kind of purposes

Now, I wonder if it is violating the limits of imagination to think they would like to buy in this corporation, the Mt. Desert Nursery, at the price of acquisition, so as to get that whole piece of bank property out of the tax payers hands so the assessors will have to pass that by on the other side and you don't suppose, do you, that these folks are interested in some of this property—I don't know so much about them—but you don't suppose that they are holding it at a loss and that they want to put it into this corporation so as to avoid paying taxes on it, do you? Would that be breaking the imagination point? Well, I have been told, by those who live right there, that that is the scheme.

Now, they want to buy and sell. If these astute people see a piece of land that is needed to carry on this museum and raise these plants why in the name of common sense do they want to sell it? Let us see. They will first put it in the corporation to avoid taxes and then when the time has come that they can sell it for four times what they paid, why, it will go. They won't need it any more for bushes and shrubbery.

Now, no limit, escape taxation! I believe that bill ought to be indefinitely postponed. When we go to those people and say, "Look, granted that you have a good object in mind, granted that the children down on the Island ought to learn something about shrubbery"—although if we live long enough all they will see down in my county will be bushes—"don't you think a fair ceiling ought to be put on this, say half a million?" They say, "nothing doing; the sky is the limit; we want the whole of it; we don't want to pay taxes; we want to shirk taxes."

Are you going to put your stamp of approval upon that kind of a bill? Well, if you do, don't go back and tell the tax payers of this state that you tried to protect them here, because you aren't doing it.

Miss LAUGHLIN of Cumberland: Mr. President, this bill came before the Judiciary Committee, was exhaustively discussed, every argument presented by the Senator from Washington (Senator Bridges) was presented, the bill was redrafted into a new draft, the selectmen of Bar Harbor who have the interests of the tax payers there came here to

support this bill, and I don't know of any bill that was longer discussed. And, after all that discussion the Judiciary Committee reported unanimously that it ought to pass, the Senate passed the bill, it went to the House, was tabled, some of these arguments were to have been presented—whether they were or not I don't know—but the House passed the bill also and it has come back here for engrossing.

Now, I am not going to try this morning to prove that all the mare's nests which the Senator from Washington (Senator Bridges) has discussed do not really exist, but I will say just this: The Senator need not worry as to the fact that the tax payers would be mulcted in this bill because as a matter of fact the personal property is not in this state and never will be in this state unless it is brought here for the purpose of establishing this foundation which is to be for the protection of wild flowers, because the person who is putting up the money for this is not a resident of this state, does not pay taxes in this state on personal property. She is a summer resident of Bar Harbor and does not propose to invest that personal property in this state except for these purposes. So the tax payers will not lose anything.

But as I said, I am not going to discuss this exhaustively, unless I am obliged to, because this has been through the committee after an exhaustive discussion, it has passed both branches and somehow I think that probably is a very good argument for it.

Mr. BRIDGES: Mr. President, the issue has been joined and we might as well go through with it. I had assumed that Mrs. Beatrix Farrand, one of those who seeks to be incorporated is the party who is to turn over considerable property to the state.

I wonder if I may ask, through the Chair, of the Honorable Senator from Cumberland, Senator Laughlin, if that is the truth?

Miss LAUGHLIN: Yes.

Mr. BRIDGES: I thank the Senator. And now, Mr. President and members of the Senate, we have just been told by the Honorable Senator from Cumberland (Senator Laughlin) that Beatrix Farrand is not a citizen of the state of Maine. As a matter of fact, she is a legal citizen of the state of Maine and a voter in the state of Maine and

all the property she owns in the state of Maine is owned by her as a citizen of the state of Maine and she votes in Bar Harbor. Of course she came down here. When we tried to pass an income tax they say "Don't do that; these wealthy people in Bar Harbor and Kennebunk come down here to escape high income taxes." And that is what she came for and she is trying to perpetuate that taxation exemption for the rest of her life—and while she is in heaven, God bless her! That is what she is trying to do with this bill.

Now, of course they go back to Chapter 70 again. That is a wonderful chapter to get in on but as soon as you get in, forget the chapter. It is like the negro who signed a note as a guarantor for the purchase of a horse and when the purchaser failed to pay and they came to him as the guarantor and said, "Rastus has failed to pay and we look to you for payment," he said, "Why I just went as guarantor to buy the horse, not to pay for it."

Now then, they go back to Chapter 70 again, and want to make you think that this is just a poor and simple charitable institution. They say, "No officer, member or employee of this corporation shall receive or be lawfully entitled to any pecuniary profit." That sounds like charity. Yessir! It begins at home. But look at the next clause. It says, "except reasonable compensation for services." Isn't that all you farmers get, you storekeepers; reasonable compensation for services?

Now I am asking the Senate to indefinitely postpone that bill. Let's bury it. If the time is come when we won't fix the ceiling on these things, I want to know it, but I am not going to subscribe to it and I couldn't go back to my constituency and admit that I voted not to put a ceiling on such things as that.

Mr. HODGKINS of Hancock: Mr. President, I would not at this time undertake to oppose the Senator from Washington (Senator Bridges) but I would like to have this matter laid upon the table until next Tuesday so that I may get the sentiment of the people of Bar Harbor on this.

The PRESIDENT: The Senator from Hancock, Senator Hodgkins,

moves that the bill lie upon the table pending the motion to indefinitely postpone and that it be especially assigned for Tuesday of next week. That motion is not debatable. Is the Senate ready for the question?

A viva voce vote being doubted

A division of the Senate was had. Nineteen having voted in the affirmative and eleven opposed, the bill was laid upon the table pending motion to indefinitely postpone and especially assigned for next Tuesday.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act to Provide Higher Standards of Education by Securing to Teachers Greater Permanency of Employment (S. P. 537) (L. D. 1095) tabled by that Senator on April 10 pending assignment for second reading; and that Senator presented Senate Amendment A and moved its adoption:—“Senate Amendment A to L. D. 1095. Amend said bill by adding after the word ‘that’ in the 3rd line of Section 2 thereof the following: ‘The superintendent of schools and’.

“Further amend said bill by striking out the word ‘vote’ in the 3rd sentence of Section 2 and inserting in place thereof the word ‘agreement’.

“Further amend said bill by striking out in the first 4 sentences of Section 2 thereof wherever they appear the figure ‘3’ and inserting in place thereof the figure ‘4’ and by striking out the figure ‘4’ where it appears in said sentences and inserting in place thereof the figure ‘5’.

“Further amend said bill by striking out the 5th and 6th sentences of said Section 2.

“Further amend said bill by inserting after the word ‘teachers’ in the 7th sentence of Section the following: ‘who have already served 4 years within a municipality.’”

Mr. CHAMBERLAIN: of Penobscot: Mr. President, that we may thoroughly understand just the meaning of this amendment, I move that it lie upon the table until the next legislative day.

Thereupon, the bill and amendment were laid upon the table pending motion to adopt Senate Amendment A and was especially assigned for the next legislative day.

On motion by Mr. Chamberlain of Penobscot the Senate voted to

take from the table bill An Act Increasing the Powers of the City of Brewer High School District (S. P. 551) tabled by that Senator on April 10 pending assignment for second reading.

Mr. CHAMBERLAIN: Mr. President, I now move that the bill be given its second reading. I have been asked if this bill is properly drawn. It is, as far as we who live in Brewer are concerned and it is as far as the city solicitor of Brewer is concerned. It concerns wholly the people of the city of Brewer and is accompanied by a referendum that will be held at a special election, and I believe it is suitable to be passed by this legislature.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. SANBORN of Cumberland: Mr. President, I ask unanimous consent to address the Senate.

Unanimous consent was granted to the Senator from Cumberland, Senator Sanborn to address the Senate.

Mr. SANBORN: Mr. President, I do this, I will admit, holding my breath and with my fingers crossed. But I have a really serious matter to offer to the Senate.

In the city of Portland the hospital accommodations are far less than are needed. Increasing demands for hospitalization have not been met by an expansion of hospital plants and in comparatively recent times one of the larger hospitals, St. Barnabas Hospital, met with a misfortune and was forced to go out of business.

The Roman Catholic people, a few years ago, undertook to supply this need by installing a new hospital but their plant was restricted to some buildings which had been purchased and which were formerly used for residential purposes.

Realizing the increasing need, a need which is bound to increase much more, having in mind the increased population that is imminent in that section on account of the ship building industry, they conceived the idea of establishing a new hospital. For that purpose they have arranged for the purchase of a piece of property known as the Milliken property on State Street which belongs, and has for a num-

ber of years belonged, to the Emmanuel Baptist Church.

I make this observation in connection with a thought which might occur to many of you, suggested by the recent discussion. This property is not taxed and its acquisition for hospital purposes would not take out of taxation any property.

If this new hospital is built it will enable them to dispose of the buildings now in use and return them to private ownership where they may be the subject of taxation so that the entire matter apparently is in favor of the tax payers of the city of Portland.

This move was contemplated to be made by St. Joseph's Convent and Hospital, a corporation already existing by statute. Plans were all made for the purchase, plans for the new plant were made and they were practically ready to let contracts when they discovered—and you may I presume say, "Why wasn't it discovered previously?"—it was discovered that under their charter they are limited to a holding of \$350,000 worth of property and their present property, the convent out in the Deering section, pretty well measures up to that amount.

Now, if this hospital is to be built, which, as I say, will be in addition to the hospital facilities of Portland and will not only not restrict but will increase taxable property there, if it is to be built, it is necessary that their limit of property which they may hold shall be increased.

And I am asking unanimous consent to introduce a bill and in order that there may be no misunderstanding, it is only one brief paragraph and I will read it. It is an act relating to St. Joseph's Convent and Hospital which would amend Chapter 76 of the Private and Special Laws of 1913 to read as follows—and as you listen to this reading, bear in mind that it is keeping the existing law, word for word until it changes the \$350,000 to the sum of \$1,000,000. It reads as follows: "St. Joseph's Convent and Hospital, a corporation organized under the laws of this state and located in Portland, County of Cumberland, which organization is hereby ratified, confirmed and declared to be legal and valid, is authorized and empowered for the purposes of its organization to receive, take and

hold, by deed, devise, bequest, or otherwise, property, personal and real, to the amount of \$1,000,000 including all gifts, conveyances, bequests and devises heretofore made to said corporation."

And it is to be borne in mind that when this proposed hospital is built the ceiling will be practically reached. In other words this is not, as might be said, a camouflage to raise their million, build a small hospital and then have four or five hundred thousand dollars which they can expend in other directions. The hospital will exhaust the capacity given by the measure.

I have examined it quite carefully, consulted with some Portland people and I can find no reason why it shouldn't be given your favorable attention. It will be noticed that if it should be given its readings and passed to be engrossed without reference, as I am suggesting, it will not delay our legislative proceedings. I should be very loathe to offer anything that I thought might protract our stay here in Augusta.

Mr. FRIEND of Somerset: Mr. President, through the Chair I would like to ask the Senator from Cumberland, Senator Sanborn, a question.

The PRESIDENT: The Senator may ask his question through the Chair of the Senator from Cumberland, Senator Sanborn, who may answer if he wishes.

Mr. FRIEND: As I understand it, Mr. President, this bill would cost the state nothing and there would be no credit on the part of the state against the bill. Is that correct?

Mr. SANBORN: As I understand it, yes, Mr. President.

Mr. CHAMBERLAIN of Penobscot: Mr. President, may I ask the Senator from Cumberland a question through the Chair?

The PRESIDENT: The Senator may ask his question through the Chair and the Senator from Cumberland, Senator Sanborn, may answer if he wishes.

Mr. CHAMBERLAIN: Mr. President, I understood the Senator to say that they can hold property up to \$350,000?

Mr. SANBORN: That is correct.

Mr. CHAMBERLAIN: That means that the hospital would cost in the neighborhood of \$650,000?

Mr. SANBORN: Something in

that neighborhood, yes. Of course it may cost more than they anticipated.

The PRESIDENT: The Senator from Cumberland, Senator Sanborn, asks unanimous consent to introduce a bill. Is that the pleasure of the Senate? The Chair hears no objection. Unanimous consent is given. The Senator from Cumberland also asks that the bill be given its several readings at this time without reference to a committee.

Thereupon, bill, An Act Relating to St. Joseph's Convent and Hospital, was introduced by unanimous consent and under suspension of the rules was given its two several readings without reference to a committee and passed to be engrossed.

Sent down for concurrence.

**Joint Order**  
(Out of Order)

On motion by Mr. Friend of Somerset, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 14th, at 4:00 o'clock in the afternoon. (S. P. 554)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

On motion by Mr. Friend of Somerset

Adjourned until Monday afternoon, April 14, 1941, at 4:00 o'clock.