

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Tuesday, March 27, 1945.

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

Prayer by the Rev. Paul Muder of North Anson.

Journal of the previous session read and approved.

Papers from the Senate
Senate Reports of Committees
Ought Not to Pass

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Taxation of Express Companies" (S. P. 350) (L. D. 899) as it is covered by other legislation.

Came from the Senate read and adopted.

In the House, read and adopted in concurrence.

Ought to Pass

Report of the Committee on Salaries and Fees reporting "Ought to pass" on Bill "An Act relating to the Salary of the Judge of Western Somerset Municipal Court" (S. P. 266) (L. D. 621)

Report of the Committee on State Prison reporting same on Bill "An Act relating to the State Prison" (S. P. 221) (L. D. 464)

Came from the Senate the Reports read and adopted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Banks and Banking on Bill "An Act relating to the Duties of Directors and Trustees of Banks and Directors of Loan and Building Associations, regarding Insurance upon Mortgage Property" (S. P. 85) (L. D. 128) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate the Report read and adopted and the Bill passed to be engrossed as amended by Committee Amendment "A".

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

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

Committee Amendment "A" to S. P. 85, L. D. 128, Bill "An Act Relating to the Duties of Directors and Trustees of Banks and Directors of Loan and Building Associations, Regarding Insurance upon Mortgage Property."

Amend said Bill by striking out the last sentence of section 1 thereof and inserting in place thereof the following: "Any charge for insurance not paid by the mortgagor, if paid by the mortgagee, shall become a part of the mortgage debt and shall bear interest at the same rate as the lowest rate of interest provided for in any of the notes secured by said mortgage on such real and personal property."

Committee Amendment "A" was adopted, and the Bill was assigned for third reading tomorrow morning.

Non-Concurrent Matter

Bill "An Act Permitting the Highway Commission to Provide for Proper Traffic Control Signals, etc." (H. P. 872) (L. D. 514) which was passed to be engrossed in the House on March 20th.

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

In the House, on motion by Mr. Peirce of Augusta, the House voted to reconsider its action whereby it passed this Bill to be engrossed.

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

Senate Amendment "A" to H. P. 872, L. D. 514, Bill "An Act Permitting the Highway Commission to Provide for Proper Traffic Control Signals, etc."

Amend said Bill by adding at the end of section 1 thereof 3 new paragraphs to read as follows:

Provided, however, that nothing herein contained shall be construed to apply to the installation or maintenance of signals, devices, signs, lights or warnings at approaches to railroad crossings.

The issuance of any order or rule and regulation may be proved by submitting a copy thereof signed by any member of the commission and duly notarized.

Whoever violates any order or rule and regulation of the Commission issued under authority of this section shall be punished by a fine of not more than \$100, or by

imprisonment for not more than 90 days, or by both such fine and imprisonment.'

On further motion by Mr. Peirce, Senate Amendment "A" was adopted, as the Bill was passed to be engrossed as amended in concurrence.

Non-concurrent Matter

Bill "An Act relating to the Duties of the Department of Health and Welfare and the Inspection and Licensing of Institutions and Boarding Homes for the Aged" (H. P. 357) (L. D. 122) which was passed to be enacted in the House on March 22nd and passed to be engrossed on March 14th.

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

In the House on motion by Mr. Ward of Millinocket, the House voted to reconsider its action whereby it passed this Bill to be enacted on March 22nd; and on further motion by the same gentleman the House voted to reconsider its action whereby it passed the Bill to be engrossed on March 14th.

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

Senate Amendment "A" to H. P. 357, L. D. 122, Bill "An Act Relating to the Duties of the Department of Health and Welfare and the Inspection and Licensing of Institutions and Boarding Homes for the Aged."

Amend said Bill by striking out in the 7th line of section 2 thereof the underlined words: "over 16 years of age" and inserting in place thereof the underlined words: '16 years of age or over'.

On further motion by Mr. Ward Senate Amendment "A" was adopted, and the Bill was passed to be engrossed as amended in concurrence.

Non-concurrent Matter

Report of the Committee on Appropriations reporting "Ought not to pass" on Bill "An Act relating to State Aid for Agricultural Societies" (S. P. 301) (L. D. 848) which was recommitted to the Committee on Appropriations and Financial Affairs in the House on March 21st.

Came from the Senate that body voting to adhere to its former action whereby the Report was adopted.

In the House, on motion by Mr. Bowker of Portland, the House voted to recede and concur with the Senate in the acceptance of the Committee Report.

Orders

On motion by Mr. DeSanctis of Madison, it was

ORDERED, that Rev. Gilman Lane of Madison, be invited to officiate as Chaplain of the House on Tuesday, April 3rd.

House Reports of Committee Leave to Withdraw

Mr. Dicker from the Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation as to Definitions" (H. P. 1251) (L. D. 876) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Berry from the Committee on Federal Relations reported "Ought not to pass" on Bill "An Act Amending the Unemployment Compensation Law as to Collection of Contributions" (H. P. 1306) (L. D. 957)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Berry from the Committee on Federal Relations reported "Ought not to pass" on Bill "An Act Amending the Unemployment Compensation Law as to Disqualification for Benefits" (H. P. 1234) (L. D. 860)

(On motion by Mr. Renouf of Biddeford, tabled pending acceptance of Committee Report and specially assigned for Thursday, March 29th)

Tabled and Assigned

Mr. Haskell from the Committee on Federal Relations reported "Ought not to pass" on Bill "An Act Amending the Unemployment Compensation Law as to Disqualification for Benefits" (H. P. 1235) (L. D. 861)

(On motion by Mr. Renouf of Biddeford, tabled pending acceptance of Committee Report and specially assigned for Thursday, March 29th)

Mr. Jennings from the Committee on Federal Relations reported "Ought not to pass" on Bill "An Act Amending the Unemployment Compensation Law as to Coverage" (H. P. 1233) (L. D. 859)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Legard from Committee on Federal Relations reported "Ought not to pass" on Bill "An Act Amending the Unemployment Compensation Law as to Disqualification for Benefits" (H. P. 1236) (L. D. 862)

(On motion by Mr. Renouf of Biddeford, tabled pending acceptance of Committee Report and specially assigned for Thursday, March 29th.

Mr. Meloon from the Committee on Federal Relations reported "Ought not to pass" on Bill "An Act Amending the Unemployment Compensation Law as to Employers' Coverage" (H. P. 1242) (L. D. 867)

Mr. Anderson from the Committee on Inland Fisheries and Game reported same on Bill "An Act to Prevent the Destruction of Fish in East Machias Waters" (H. P. 1130) (L. D. 677)

Mr. Stillings from the Committee on Motor Vehicles reported same on Bill "An Act to Authorize the Secretary of State to Issue Operators' Licenses for One, Two, Three or Five Years' Validity" (H. P. 1203) (L. D. 704)

Mr. Bird from the Committee on Salaries and Fees reported same on Bill "An Act relating to Salary of Sheriff in Penobscot County" (H. P. 852) (L. D. 453)

Mr. Sanborn from same Committee reported same on Bill "An Act relating to Salary of the County Commissioners of Penobscot County" (H. P. 849) (L. D. 450)

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. Jordan from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Tax of Intangibles by Authority of Article XXXVI of the Constitution of Maine" (H. P. 550) (L. D. 218)

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

Mr. ROLLINS: Mr. Speaker, I

wish to table this Bill pending acceptance of the Committee Report.

The SPEAKER: Does the gentleman care to assign a time?

Mr. ROLLINS: Mr. Speaker, I prefer not to assign a time because I have being drawn now a request to the Supreme Court for a ruling, to which I would like to have an answer.

Thereupon, the Bill was tabled pending acceptance of the Committee Report.

Mr. Warren from the Committee on Taxation reported "Ought not to pass" on Bill "An Act to Abolish Taxation of Intangibles" (H. P. 1009) (L. D. 530)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Bird from the Committee on Salaries and Fees on Bill "An Act to Increase the Salary of the Judge of the Municipal Court of Dexter" (H. P. 848) (L. D. 449) reported same in a new draft (H. P. 1368 under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Salary of Clerk of Courts and Clerk Hire in Office of Clerk of Courts in Penobscot County" (H. P. 851) (L. D. 452) reported same in a new draft (H. P. 1399) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to the Salary of the Recorder of the Old Town Municipal Court" (H. P. 213) (L. D. 82) reported same in a new draft (H. P. 1370) under same title and that it "Ought to pass"

Mr. Haskell from same Committee on Bill "An Act relating to the Salary of the Judge of the Old Town Municipal Court" (H. P. 441) (L. D. 169) reported same in a new draft (H. P. 1371) under same title and that it "Ought to pass"

Mr. Sanborn from same Committee on Bill "An Act to Increase Salaries of Judge and Recorder of the Millinocket Municipal Court" (H. P. 739) (L. D. 407) reported same in a new draft (H. P. 1372) under same title and that it "Ought to pass"

Mr. Ward from same Committee on Bill "An Act to Increase Salary of Judge of Probate and Clerks in Office of Register of Probate in

Penobscot County (H. P. 991) (L. D. 591) reported same in a new draft (H. P. 1373) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to the Salary of the Register of Probate of Kennebec County and Clerk Hire in Such Office" (H. P. 105) (L. D. 36) reported same in a new draft (H. P. 1374) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Salary of Register of Deeds and Clerk Hire in Office of Register of Deeds in Penobscot County" (H. P. 1002) (L. D. 602) reported same in a new draft (H. P. 1375) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bill

Mr. Haskell from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to Salaries of Clerks in County Offices in Penobscot County" (H. P. 1150) (L. D. 729)

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Haskell from the Committee on Salaries and Fees on Bill "An Act relating to Salary of County Attorney and Clerk Hire in Office of County Attorney in Penobscot County" (H. P. 855) (L. D. 456) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 855, L. D. 456, Bill "An Act Relating to Salary of County Attorney and Clerk Hire in Office of County Attorney in Penobscot County."

Amend said Bill by adding at the end thereof the following: "and such additional amount as may be

authorized by the County Commissioners."

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

On motion by Mrs. Roberts of Westbrook, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking. (Applause)

First Reading of Printed Bills Tabled

Bill "An Act relating to Tax on Street Railroad Corporations and Street Railways" (H. P. 1367) (L. D. 1027)

(On motion by Mr. Rollins of Greenville, tabled pending first reading)

Resolve for Repairing Fish Screen at Outlet of Messalonskee Lake (H. P. 1366) (L. D. 1026)

Resolve was read once, and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to the Salary of the Treasurer of Kennebec County" (S. P. 95) (L. D. 137)

Bill "An Act relative to Open Season on Woodcock" (S. P. 136) (L. D. 341)

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

Tabled

Bill "An Act relating to the Salary of the County Attorney of Knox" (S. P. 156) (L. D. 360)

(Was reported by the Committee on Bills in the Third Reading, read the third time, and on motion by Mr. Ward of Millinocket, tabled pending passage to be engrossed.)

Bill "An Act relating to the Salary of the Judge of the Lewiston Municipal Court" (S. P. 163) (L. D. 366)

Bill "An Act Increasing the Salary of the Judge of the Rockland Municipal Court" (S. P. 167) (L. D. 370)

Bill "An Act relating to Salary of Recorder of Rockland Municipal Court" (S. P. 218) (L. D. 466)

Bill "An Act relating to Liquor Licenses to Hotels, Restaurants and Clubs" (S. P. 295) (L. D. 716)

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

Tabled

Bill "An Act relating to Transfer of Liquor Licenses" (S. P. 296) (L. D. 715)

(Was reported by the Committee on Bills in the Third reading, and on motion by Mr. Ward of Millocket, tabled pending third reading and specially assigned for Thursday, March 29th.

Bill "An Act relating to Licenses for Consumption Sale of Liquor" (S. P. 297) (L. D. 714)

Bill "An Act to Increase the Salaries of the County Commissioners of Knox County" (S. P. 349) (L. D. 900)

Bill "An Act relating to School Age and Kindergartens" (S. P. 388) (L. D. 996)

Bill "An Act relating to State Land in Augusta as a Public Park" (H. P. 669) (L. D. 320)

Bill "An Act Creating the Caribou Utilities District" (H. P. 1362) (L. D. 1020)

Bill "An Act to Extend the Charter of Kingman Water Power Company" (H. P. 1363) (L. D. 1021)

Resolve in favor of J. R. Collins, South Portland, Maine (S. P. 132) (L. D. 337)

Resolve relating to Fishing in Goose Pond in Hancock County (S. P. 313) (L. D. 337)

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

**Passed To Be Enacted
Emergency Measure**

An Act Amending the Unemployment Compensation Act as to Employer's Experience Rating Classifications (H. P. 950) (L. D. 606)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed To Be Enacted

An Act Governing the Handling of Pasteurized Milk (S. P. 186) (L. D. 493)

An Act relating to Soil Conservation (S. P. 187) (L. D. 494)

An Act Regulating the Labeling of Fresh Eggs for Sale (S. P. 188) (L. D. 492)

An Act relating to Registration or Renewal of Registration of Dealers in Securities (S. P. 302) (L. D. 847)

An Act relating to the State School for Girls (S. P. 337) (L. D. 814)

An Act relating to Fish Weirs (S. P. 342) (L. D. 927)

An Act to Provide for the Election of a Superintending School Committee for the town of Caribou (S. P. 382) (L. D. 982)

An Act Authorizing the Conveyance of "Greenleaf Cemetery Lot" to the "Milton Plantation Cemetery Association" (H. P. 21) (L. D. 10)

An Act relating to Greeley Institute (H. P. 317) (L. D. 100)

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.

Tabled

An Act relating to Ferry Between Indian Island and Old Town (H. P. 319) (L. D. 141)

(On motion by Mr. Bowker of Portland, tabled pending passage to be enacted)

An Act Authorizing the Governor to Appoint Special Officers to Enforce Police Regulations Among the Indian Tribes of the State (H. P. 320) (L. D. 142)

An Act relating to Insurance for Children by Fraternal Beneficiary Societies (H. P. 341) (L. D. 119)

An Act to Provide a Town Council and Manager Form of Government for the town of Mechanic Falls, in the county of Androscoggin (H. P. 426) (L. D. 189)

An Act relating to the Issuance of Licenses for the Carrying of Concealed Weapons (H. P. 525) (L. D. 256)

An Act relating to Returns by Highway Commission to Municipal Officers (H. P. 864) (L. D. 517)

An Act relating to Assessments in Deorganized Towns in re Highways (H. P. 865) (L. D. 518)

An Act Providing for Installa-

tion of Certain Culverts on Highways (H. P. 868) (L. D. 511)

An Act relating to Roads in Indian Township (H. P. 869) (L. D. 520)

An Act relating to Using Bond Issue Funds to Match Federal Funds for Highway and Bridge Projects (H. P. 870) (L. D. 512)

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.

Tabled and Assigned

An Act Amending the Unemployment Compensation Law as to Charges Against Employers' Experience Rating Records (H. P. 948) (L. D. 604)

(On motion by Mr. Renouf of Biddeford, tabled pending passage to be enacted and specially assigned for Wednesday, March 28th)

Tabled and Assigned

An Act Amending the Unemployment Compensation Law as to Filing Pay Roll Reports and Penalty (H. P. 949) (L. D. 605)

(On motion by Mr. Renouf of Biddeford, tabled pending passage to be enacted and specially assigned for Wednesday, March 28th)

An Act relating to the Prevention of Forest Fires (H. P. 1006) (L. D. 552)

An Act relating to Acquiring Wharf by city of Rockland (H. P. 1080) (L. D. 773)

An Act relating to Retiring Allowances or Life Insurance for Officers and Employees of Savings Banks (H. P. 1163) (L. D. 700)

An Act Amending the Unemployment Compensation Law as to Employer Coverage (H. P. 1241) (L. D. 866)

An Act Amending the Unemployment Compensation Law as to Court Review of Commission Decisions (H. P. 1243) (L. D. 868)

An Act Amending the Unemployment Compensation Law as to Employer's Experience Classifications (H. P. 1249) (L. D. 874)

An Act Amending the Unemployment Compensation Law as to Employer's Experience Classifications (H. P. 1250) (L. D. 875)

Were reported by the Committee on Engrossed Bills as truly and

strictly engrossed, signed by the Speaker and sent to the Senate.

Tabled

An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers (H. P. 1268) (L. D. 901)

(On motion by Mr. Crosby of Farmington, tabled pending passage to be enacted)

An Act relating to Dumping of Waste Potatoes (H. P. 1285) (L. D. 932)

Resolve in favor of Noncontributory Pension Status of Anna F. Crowley of Biddeford (S. P. 111) (L. D. 231)

Finally Passed

Resolve relating to Printed Vital Records (S. P. 255) (L. D. 629)

Resolve relating to Old Printed Laws (S. P. 256) (L. D. 628)

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

Tabled

Resolve providing for Purchase of Land and Buildings for the State Reformatory for Women (S. P. 273) (L. D. 614)

(On motion by Mr. Brewer of Presque Isle, tabled pending final passage)

Resolve Authorizing Kennebec Towage Company to Bring Suit at Law Against the State of Maine (H. P. 331) (L. D. 146)

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

Tabled

Resolve relating to a Central Heating Plant at State School for Girls in Hallowell (S. P. 336) (L. D. 815)

(On motion by Mr. Williams of Clifton, tabled pending final passage)

Resolve in relation to Teacher-Pension Status of Carrie M. Wight of Bethel, Maine (H. P. 725) (L. D. 397)

Resolve in favor of the National Guard Association (H. P. 1087) (L. D. 777)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Piscataquis County to Bertha M. Blanchard, of Greenville (H. P. 1294) (L. D. 940)

Resolve Designating Hospital Building at State School for Girls as "Stevens Building" (H. P. 1327) (L. D. 971)

Resolve relating to Dipping of Alewives in Machias River (H. P. 1336) (L. D. 987)

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

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Senate Report, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relating to Transfer of Inmates from the Reformatory of Men to the State Prison and the State School for Boys" (S. P. 139) (L. D. 344). In the Senate Majority Report "Ought to pass" accepted and the bill passed to be engrossed; in the House tabled on March 23rd by the gentleman from Boothbay Harbor, Mr. Perkins, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker and Members of the House: I move the acceptance of the minority report "Ought not to pass." This is Legislative Document No. 344 in the books, and I wish you would turn to it in order that you may clearly understand what I may be talking about.

The present law provides that "any person committed to the Reformatory for Men whose presence therein may be seriously detrimental to the well-being of the institution or who wilfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared an incorrigible." The present law goes on to say, in substance, that upon complaint to the municipal court the incorrigible, so-called, may be bound over to await the action of the grand jury, and, if an indictment

is found and upon that indictment the respondent or incorrigible is found guilty, he may be sentenced from one to five years in the State Prison at Thomaston as an incorrigible, and he does not have to serve any more of his sentence in the Men's Reformatory.

Now this bill purports to take from the courts of our State and place in the hands of the Superintendent of the Reformatory and the Commissioner of Institutions the power to transfer from the Men's Reformatory at Windham to the State Prison at Thomaston. What does the statute that they propose to pass and the amendment say? "Such person" — meaning the incorrigible — "may be transferred from such institution" — that is the Men's Reformatory — "to the state prison at Thomaston on recommendation of the superintendent of the reformatory duly approved by the commissioner of institutional service."

Now that means that this institution requests this Legislature to give to the superintendent and the Commissioner of Institutional Service more power than our courts have. I submit to you, Mr. Speaker and Members of the House, that the only power that can legally and constitutionally commit to our State Prison at Thomaston is our courts.

I assume that quite a few of the members of this House may at some time or other have served as deputy sheriffs; and we know that when an individual is sentenced by our court to the Men's Reformatory at Windham, a mittimus is issued by the Clerk of Courts, a copy of which is given to the Superintendent of the Men's Reformatory, and that copy of that mittimus is the authority under which the Superintendent of the Men's Reformatory at Windham retains in his custody the prisoner who is sentenced there by the Judge of our Superior Court.

Now this amendment of the law seeks to place in the hands of the Superintendent of the Men's Reformatory and the Commissioner of Institutional Service more power — and the Lord knows that some of these institutions are seeking out and reaching for all kinds of power, and it is time it stopped, especially when they seek to exercise powers which can only properly be exercised by our courts. They transfer him to Thomaston — and I ask you what authority the warden of the State Prison has to receive

that prisoner? He was sentenced by the court to the Men's Reformatory, and they seek, without any warrant or authority from anybody—because they may not like the color of his eyes or do not care for the individual—to transfer him to the State Prison at Thomaston. This, Mr. Speaker and Members of the House, violates every right that any individual may have, and I ask you to vote in favor of the minority report. If this man is incorrigible or violates the rules, they can, under the present law, take him into court, and, if the grand jury indicts him, they may then transfer him to Thomaston, but he is transferred under a new sentence.

Now the Governor of this State, together with the Executive Council, has the power to pardon, but he and the Executive Council have no power to increase a sentence. And I think it is fair to state to you that if an individual is sentenced to the Men's Reformatory at Windham that if you transfer him to the State Prison at Thomaston you have increased his sentence. It is true, I believe, that a boy or anybody may be sentenced to the Men's Reformatory at Windham for a misdemeanor. A misdemeanor is something for which you cannot sentence anyone to Thomaston; but they would have the apparent power—not the constitutional power—under this new statute to transfer this prisoner to Thomaston; and no one can be incarcerated in Thomaston unless he is sentenced for more than a year, and he thereby becomes a felon.

I ask you, Mr. Speaker and Members of the House, to vote to accept the minority report, because the Superintendent at Windham and the Commissioner of Institutional Service are seeking here power which no man should have.

What does the statute already say? "Any person committed to the reformatory for men whose presence therein may be seriously detrimental to the well-being of the institution"—that leaves to them the sole power to judge that—"or who wilfully and persistently refuses to obey the rules and regulations of said institution, may be deemed and declared an incorrigible."

Now this amendment takes from the court the power to declare who is an incorrigible; and if he is indicted and found guilty as an in-

corrigible by the Superior Court of Cumberland County he may be sentenced to the State Prison at Thomaston. The Superintendent at Windham and the Commissioner of Institutional Service under this bill seek to be the municipal court to bind them over, the grand jury to indict, and the Superior Court to sentence. I say to you, Mr. Speaker and Members of this House, that they have and can have no such power under the Constitution of our State. I think it violates every concept of right and justice that such power should be conferred upon the head of any institution in this State, and I hope my motion to accept the minority report "Ought not to pass" will prevail.

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

Mr. WARD: Mr. Speaker, as one of the members who signed the majority "Ought to pass" report, I wish to call the members' attention to what this bill attempts to do.

In the first place, it attempts to facilitate the transfer of incorrigibles from the Reformatory to Thomaston.

In the second place, it attempts to facilitate the transfer of boys from the Reformatory to the Boys' State School. Now both of these transfers would be accomplished as the gentleman from Boothbay Harbor, Mr. Perkins, has pointed out, upon the recommendation of the Superintendent at the Reformatory and upon approval of the Commissioner.

Now what is the situation under the present set-up? If you have over at the Reformatory a hardened criminal who is wise to all the different procedures and he becomes an incorrigible and they wish to transfer that man over to Thomaston, it is first necessary for them to enter this complaint in the Municipal Court, have him bound over and await the action of the Grand Jury. If he is indicted, he has to wait again until he goes on trial, and if he is not convicted then they continue along with him at the Reformatory and he continues to upset the morale of the place and be a general nuisance in there.

If they have a boy there who is worthy of being transferred over to the Boys' School, they are unable to transfer him under our present law.

Now at the Reformatory we can send over there any person through

the age of sixteen to thirty-six. Those people can be sent there upon conviction for a misdemeanor or upon conviction of a felony. Consequently, many times a young boy who is sentenced for a misdemeanor is sent over to the Reformatory and thrown into constant contact with some hardened criminal who is in there on a felony. This is to facilitate the work at the Reformatory.

Now the gentleman from Boothbay Harbor, Mr. Perkins, has raised the question of placing this power in the hands of the Superintendent at the Reformatory. Let's see what we can do at the present time under our present law. In the first place, according to Section 85 of Chapter 23 of the Revised Statutes, a boy committed to the State School for Boys, and who is an incorrigible, can be transferred over to the Reformatory upon the recommendation of the Superintendent at the Boys' School. Section 32 of the same chapter provides that inmates of the State Prison may be transferred to the county jails under certain circumstances, upon authorization of the Governor and Council. Going back to Section 14 of the same chapter, we find that inmates of the State Prison, upon approval of the Governor and Council, may be transferred to the State Sanatorium when it is for the welfare or safety of the inmates at Thomaston.

In addition to that, although Thomaston is a place where usually we send men who are convicted of felonies and who are sentenced to serve a term in excess of one year, yet it is possible to send a man there who has not yet even been convicted of a criminal offense. This is possible when a man is in jail awaiting action of the Grand Jury and the sheriff of that particular jail believes him to be a dangerous person and, by going through a certain procedure, he can have that man transferred to Thomaston even though ultimately he might be found not guilty of any indictment returned against him.

In addition, I would like to call your attention to Section 6 of Chapter 136 of the Revised Statutes, which reads as follows: "When a convict is sentenced to imprisonment and labor in any of the work-jails, the court or magistrate may in addition sentence him to the other punishment provided by law for the same offense, with the condition that if such convict

cannot be received at the work-jail to which he is sentenced, or if at any time before the expiration of said sentence, in the judgment of the inspectors of jails, he becomes incorrigible or unsafe, they may order that he suffer such alternative sentence or punishment; and if said alternative sentence is to the state prison, the sheriff of the county where such convict is imprisoned shall forthwith, upon receiving the order of said inspectors, cause said convict to be conveyed to the state prison ****" and so forth.

Those are the present conditions which we have. This measure is attempting only to facilitate the Superintendent in working out a good program at the Reformatory. I do not believe they have any intention of committing men right and left to the State Prison. If you have a hardened criminal over there and he knows that the Superintendent has the authority to transfer him and that he is not going to be able to get away with these things behind the back of the Superintendent, I think it will tend toward better conditions at the Reformatory. I hope the motion of the gentleman from Boothbay Harbor, Mr. Perkins, does not prevail.

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

Mr. WILLIAMS: Mr. Speaker, as a member of the Judiciary Committee, I am in favor of the majority report of the committee, and therefore hope that the motion of the gentleman from Boothbay Harbor (Mr. Perkins) does not prevail. Some of the points that I might have mentioned have already been covered, and I will endeavor to be brief, but I would like to call a few matters to your attention.

At the present time we are now making transfers between institutions without any new sentence by the court. We transfer from the State School to the Reformatory; we transfer from the Reformatory to the State Prison for assaulting an officer or for escape. This bill would broaden those powers we already have granted. It would allow boys under 17 to be transferred back from the Reformatory to the State School and would allow a man to be transferred from the Reformatory to the State Prison.

Now it has been said that we can do that by bringing a fellow into

court and sentencing him; but just let us look at that for a moment.

Our South Windham reformatory is an open type correctional institution where the men have a maximum amount of freedom: there are no walls; the guards carry no arms of any kind. We are making an attempt there to handle those fellows and rehabilitate them so they can be released to society. And we must face the fact that no matter what a man goes there for, we do have to accept him back into society. If we can educate that man and improve his condition, his outlook at life, to the extent where he will come back and make a law-abiding member of the community, we have fulfilled the purpose for which that institution was created. If we allow conditions to exist that hamper that work, that allow some men who should be transferred to remain there and destroy the morale of the institution, we may be handicapping very seriously the purpose we are attempting to accomplish.

I would like to mention the State Prison. As you know, the State Prison is a walled prison and is a maximum custody institution. Now what happens if we transfer this man? There is no new sentence; it is merely a transfer of custody to this other institution. If he has two years more to serve at the reformatory he would have two years to serve at the State Prison. One alternative to that might be to attempt to establish and maintain in connection with the reformatory a maximum custody institution and keep him there, but that is not practicable to try to maintain the two together. So this man is in custody no longer; he would only serve the two years.

Under our incorrigible law where they are sentenced, there are certain things that hamper the operation of that purpose for the best interests of the other inmates. One is that it takes a considerable amount of time, and we are not merely transferring the custody but we are sentencing the man for an entirely new crime.

From the inmates of the reformatory sent there from the Superior Court, sixty per cent are for felonies, therefore you can appreciate that the Superintendent must have rules and regulations that will back him up in maintaining order and preserving conditions there that would help in bringing these men

to a point where they may be released.

The question of constitutionality has also been raised. I do not, for the most part, look with too much favor on the discussion of the laws of other jurisdictions. If we did, we would not maintain, perhaps, the type of institution we have at South Windham. There is only one other such open-door reformatory in the country, but we can draw some illustrations from the other jurisdictions.

Our Federal prison system is based upon this transfer of inmates, to place the inmate in the particular type of institution where he will fit best. Numerous states have adopted such legislation, and, in some of those, for instance, in Connecticut, Kansas, Massachusetts, Minnesota, New Jersey, New York, Ohio, Rhode Island, Washington, Wisconsin and Wyoming, the courts have held that such a transfer did not violate the Constitution of the State. Although this particular point may not have been adjudicated by our court, I would call your attention to the fact that we are now making some transfers, and that these decisions would give our court some precedent on which to base a decision should this matter be brought up for their consideration.

I do believe that this would aid in maintaining the high level on which this institution now stands and help to rehabilitate the prisoners so that they can be safely returned.

I hope the motion of the gentleman from Boothbay Harbor, Mr. Perkins, does not prevail.

The SPEAKER: The question is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, that the House accept the minority "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Members of the 92nd Legislature: You have heard three lawyers discuss this bill. I have no doubt that the bill has merit because I have faith in the men and more saw fit to sign the majority report than the minority report, but I want to give you my reaction as a layman to this bill. It seems to me that any good which might be obtained is overshadowed by one fact. That fact is that the Commissioner of

Institutions or the Superintendent of the institution, he, and he alone, has the say in determining these incorrigibles, so to speak, if he sees fit to change them from the Men's Reformatory.

It has been my pleasure to go through the Maine State Prison and talk with Warden Welch—not on this particular bill—and I know the greatest concern today of Warden Welch is having these young boys committed to his institution and mingling with hardened criminals. That is just the thing I do not want to see done under this set-up. In other words, it would not be men; it would be mostly boys that would be committed to the institution. The Warden would have no recourse; the boys would have no recourse. I do not believe there is anybody in this Legislature who does not want some set-up whereby the individual might at least have his cause heard.

As I say, I do not think this is a good bill. I hope you will consider, when you vote on this bill, the fact that you are allowing the heads of the institutions to take the place of your judges, your courts, the vehicle whereby we now have a way of transferring those boys. In other words, they are asking to be above all this machinery we always have had. I do not believe it is wise. I do not believe it is just. I would ask you to consider the point that his cause may be heard when you vote on this bill. I hope the motion of the gentleman from Boothbay Harbor, Mr. Perkins, will prevail.

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

Mr. BROWN: Mr. Speaker, I would like to ask a question of the gentleman from Millinocket, Mr. Ward. I would like to inquire, if an incorrigible is brought before the municipal court and bound over to the grand jury, is he remanded to jail awaiting action by the grand jury, or is he returned to the reformatory?

The SPEAKER: The gentleman from Unity, Mr. Brown, asks a question through the Chair of the gentleman from Millinocket, Mr. Ward. The gentleman may answer if he sees fit.

Mr. WARD: Mr. Speaker, I do not know what they do, whether

they take them to the county jail or to the reformatory.

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

Mr. SOUTHARD: Mr. Speaker and Members of the House: I am not a lawyer, but it does seem to me that, when we give any one man the power to send a boy, who has been put in the reformatory perhaps for stealing an automobile, to send that boy to State Prison and mix him in with murderers and robbers and that class, we had better learn to hold our hand up with the palm outward and holler "Heil Hitler!"

The SPEAKER: The question is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, to accept the minority report.

The Chair recognizes the gentleman from South Portland, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, when the vote is taken, I ask for a division.

The SPEAKER: The gentleman from South Portland, Mr. Jordan, asks for a division.

All those in favor of the motion of the gentleman from Boothbay Harbor, Mr. Perkins, to accept the minority "Ought not to pass" report of the committee 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.

Ninety-four having voted in the affirmative and seventeen in the negative, the motion prevailed and the minority "Ought not to pass" report of the committee was accepted in non-concurrence and sent up for concurrence.

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

Mr. JACOBS: Mr. Speaker, I would ask unanimous consent to address the House.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, asks unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. JACOBS: Mr. Speaker and Members of the House: Yesterday afternoon you had placed on your desks an incomplete financial set-up of the appropriations pending in this Legislature. If all of these bills

are passed and become a law, we shall go into the red about four million dollars. I do not believe that any member of this House wishes that to happen.

As House Chairman of the Committee on Appropriations, we felt it our duty to present this statement this morning in regard to this financial set-up. Bear in mind, Members of the House, that this Appropriations Committee is not dictatorial and has no power except to advise this Legislature as to the proceedings of appropriations which come before us.

Unfortunately, not all bills carrying appropriations for money are presented to our Appropriations Committee, hence we have no authority except they are placed before you for your consideration and final enactment. If the bills, as presented, are passed, it will increase our State mill tax from seven and a quarter mills to thirteen and a quarter mills, which is something for the past several years — and I have been here quite a while, — that has never happened, and I do not believe that you, as Members of this House, want this to happen.

Of course the State mill tax is not a sacred institution. It can be changed, but bear in mind, too, that you people represent the taxpayers and the voters of the State of Maine, and they send you here to legislate for them, and if perchance, you let all these bills carrying appropriations go by, and you go back to your respective homes and they ask you what you have done for them, and you tell them that you have raised the State tax six mills or over four million dollars in cash, will they think that you have done a good job? I doubt it.

On your desks there is a list of these appropriations which require, in my judgment, careful consideration on your part. I was a member of the Budget Committee of three members to assist the Governor-elect on the budget for the next two years. For five weeks, three days a week in October and November, we heard all the heads of the Departments in the State of Maine as to their needs and requirements to satisfactorily handle the business of this State, and when we got through, we found that we were over a million dollars in the

Carefully reviewing the situation we were within the budget estimate of the income from several sources in the State, but since then matters have come a little different, and you will find, on page 3, appropriations requested by departments are in excess of the budget recommendations. I will not go over the lists, but they total for 1945 and 1946, over \$247,000, and, too, if another bill passes, relative to the employees of the State of Maine, which is, in round numbers, about thirty-five hundred — and they are asking \$200 apiece—that makes \$700,000, or equal to one mill tax additional to the State tax.

We have before us some ninety bills carrying money of over \$8,000,000, and that, too, must receive your careful consideration. Many bills carrying money, as you have noticed, have been placed on the table by request of our committee, in order that each person or each individual bill may receive careful attention and not have this bill and that bill passed and become a law, and others, perhaps equally as worthy, be thrown out the window. These things, Members of the House, we must solve, and we must not allow our State tax to be increased six mills or five mills or even one mill, if possible.

Someone said to me this morning: "Oh, well, we are living in a different age. We must have more money to do this and that and the other." Very true, but the income of the State has increased also in the past few years and with it increased expenses. The liquor business produces six million dollars in revenue—I do not commend it, but it is there just the same—and that, too, has been taken care of from time to time by bills and appropriations covering expenses of the State.

So we have this report briefly—it may change from day to day. I have no specific recommendations from the committee—I have not that power, but let's consider these carefully in the last closing days of the Legislature, so when we go home to our people we will be able to say to them that we have used economy in our decisions in this Legislature and have tried to keep the taxes where they are, because the people at home pay all the bills that we appropriate here, and I hope that every member of this

House will carefully study this prepared statement by the Chairman of the Committee on Appropriations, and govern yourselves accordingly.

On motion by Mr. Weeks of Waterville, the House voted to take from the table the tenth 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 relating to Taxation of Real Estate on Leased Land" (H. P. 96) (L. D. 41) tabled on March 13th by that gentleman pending acceptance of either report; and the chair recognizes that gentleman.

Mr. WEEKS: Mr. Speaker, I move the acceptance of the majority "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Waterville, Mr. Weeks, moves acceptance of the majority "Ought not to pass" report of the committee.

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

Mr. PAYSON: Mr. Speaker and Members of the House: This is a simple little bill. I know you are not going to pass this bill, because the railroads are opposed to it, and, when the railroads oppose something, it just does not go through. This is a little bill. I sometimes wish the railroads would not draw with so tight a rein: I wish they would let us maintain the delusion we are free and independent representatives.

This is a simple proposition: the question of assessment of taxes on buildings on leased land.

Under the present Supreme Court decisions of our State, if a person owns a building on somebody else's land, that building has got to be taxed to the owner of the land. Under this amendment, it can be taxed either to the owner of the building or the owner of the land.

Now the reason back of this proposition is just this: Supposing your assessors assess a tax on a building and suppose the owner of the building does not pay it, your tax collector has the alternative of taking a lien or selling it under the sales method. Then what do you get? You get a building on somebody else's land and probably the right to go in, tear it down and move it

off. You have not got anything you can collect your tax on, nothing of that sort at all.

This bill is a proposition which gives a slight advantage to the towns and cities in the collection of their taxes. I sometimes think that we too often consider ourselves representatives of the people in our town and too infrequently consider ourselves as representatives of the municipal corporations which is our little home government. The people in our town vote; the municipal corporation does not vote.

I remember a great many years ago, in Portland, a rather famous old character was a member of our city council; he was also famous in the House of Representatives down here. They had a municipal picnic, and, in those days, it used to be a pretty good picnic, with cigars and liquor, even though prohibition was on the books. When the bill came in for cigars and liquor, the city auditor would not pay it. The gentleman from the council went to the city auditor and says, "What is the matter with the bill?" The city auditor said, "The city does not drink." The old fellow says, "Well, the bill will be paid just the same." About two months later, the city auditor says to him, "I haven't seen your bill paid yet." "No," the old fellow says, "you haven't seen it paid, but did you see that bill for two tons of hay for the fire horses that was passed and paid the other day?" (Laughter)

Municipal corporations do not vote and do not smoke and do not drink, but sometime they pay the bill.

This bill is not applicable to camps up in the unorganized territory. The railroads argued that proposition before the committee, that it might disturb camp owners up in the wild land areas. This bill does not touch that proposition. The legislative agent of the big land owners in the State checked with his people and did not appear against the bill at all. One of the railroad legislative agents raised that question before the committee, but the legislative agent for the wild land owners did not raise it and was instructed not to bother with it because it did not affect them.

Now here is the situation you have: There is no necessity for the ownership of this building being recorded anywhere so that your as-

sessors can find out about it. In the case I tried, there were forty-one buildings on leased land, and only one of those buildings had a recorded lease and the rest of them were unacknowledged as well as unrecorded.

Here is a specific proposition that might be put up to your assessors and was put up to mine. I would like to know how you would determine to whom to assess this particular tax. The Casco Mercantile Trust Company, about fifteen years ago, built a building on the corner of St. John and Congress streets in Portland. It is a bank building, a branch bank. They had a lease allowing them to build this building and use it for banking purposes and have storage vaults for such storage as banks are accustomed to use. They had to use it for these purposes; they could not assign or sublet; if they made a composition with their creditors the lease was terminated.

Let us look at the situation. The Casco Mercantile Trust Company, when the banks crashed in 1933, went into conservatorship, and the building was later hired by the State of Maine as a liquor store and liquor was stored there, which is not the type of material usually stored in a bank. It is now used by the O. P. A. Ration Board No. 3, I think it is. To whom would you assess the taxes on that building at this moment with all those conditions in the lease?

I tell you an unfair burden is placed upon assessors and upon municipalities. There is nothing unusual about the law. I had supposed, and many other municipal attorneys in Maine had supposed this was the law. It was the law in Massachusetts; but our Supreme Court decided Massachusetts was not the right state to follow, so they reversed their proposition, but there is nothing unusual about this. It does put a little burden upon the railroads who own the land. But just look at the railroads for a moment and see how they play ball with the municipal officers. In the first place, railroads are statutory non-residents. That may not mean anything to you unless you happen to be an assessor. If you are a resident of a town, in order to get any abatement for over-valuation on your property, you have got to go in and file a complete list of all your property

with the assessors and submit yourself to examination before a certain date. If you are a non-resident, you do not have to do it. The railroads are non-residents.

That little proposition came up a couple of years ago, when some fool-hardy person who still sits in this House tried to strike out that non-resident proposition of the railroads. How their hearts bled before the committee! "This statute requires the railroads to bring in on a certain date a list of all their properties and submit themselves to examination. The Maine Central Railroad does business in 410 towns in this State"—or some, such number. "We cannot send a responsible official to 410 municipalities on a certain date, and yet the statute says we must bring in our lists."

I was a little bit deceived. I thought I saw a way to resolve the situation. I said, "Would it be all right, sir, if we changed the statute so you could send in your lists?" You should have seen him go through the roof. They just do not want to bother with these things.

Another advantage they have is that their four-rod right of way is tax-exempt. Some of these buildings on leased land are on tax-exempt land, and—showing the kindness of the railroads toward municipalities—they tried, through the Public Utilities Commission, eleven years ago, to include practically all of their land in a city or town in the right of way. The Public Utilities Commission in general went along with them, but the Supreme Court said only the four-rod strip was exempt from taxation. So that thing did not amount to very much. It was a smart attempt, but it did not work out.

They say it is unfair to make them a collection agency for their tenants for buildings they do not own—they said so in committee. If they think that is so unfair, why don't they put their shoulders to the wheel and relieve the petroleum industry? It is not the retailer who collects and pays the tax to the State on gas sales; it is the Maine petroleum industry, the wholesale division, that has that burden, and it is a great burden with all the records they have to keep up. If they really mean there is something about the landlord collecting taxes from his tenants—and he is the only man who can collect them—why

don't they try to help the petroleum industry and go the whole distance on it.

So I say to you: I favor the passage of this bill as giving a slight advantage to the municipality which I think the municipality should have. You know as well as I do that you tax-paying citizens have to pay taxes for those people who escape paying their taxes by hook or by crook. This is just another loophole I would like to see plugged up. It does not compel the assessors to assess the tax to the owner of the land; it allows them to, in cases where it is necessary for the town to collect its taxes, and that is why I am opposing the motion of the gentleman from Waterville, Mr. Weeks.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker, I believe that the motion of the gentleman from Waterville, Mr. Weeks, should prevail, not because I am interested in the railroads but I think the municipalities themselves prefer the present arrangement. I think that in some cases it would work a hardship on certain individuals. There is just one instance I would like to cite. The University of Maine a few years ago tore down a building they called the University Inn which was in the town of Orono and was not on the campus. They leased this land to a real estate operator who in turn leased it to an oil company and they built a filling station on it. This filling station represented ten or twelve thousand dollars of property. Under the proposed bill, the municipality could tax the owner of the land, the University of Maine. This is not used for educational purpose and so could be taxed as I understand it, which would include this filling station. If they could not collect from the owner of the filling station, they would not have any redress by lien but could bring a civil suit against that company. It seems to me that would work a hardship in this instance on the University of Maine.

I believe the municipalities are very well satisfied with the present set-up and I hope the motion of the gentleman from Waterville, Mr. Weeks, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Blake.

Mr. BLAKE: Mr. Speaker, I am not at all concerned about the railroads, but I am wondering how far reaching this matter might be for us as individuals. We will suppose, for instance, that I own a piece of land on the shore of a lake. A friend of mine wishes to build a cottage on this lake and asks me to sell him some land. I do not wish to sell the land but I want to accommodate my friend, so I give him a lease of a cottage lot, and he builds a cottage on this leased land. Now under this bill would I be held for the taxes on this cottage? It seems to me that I would be so liable.

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

Mr. DONAHUE: Mr. Speaker and Members of the Legislature: This bill gives the option to the assessors on taxing a building on leased land to the owner of the building or to the owner of the land. That is an optional method. If any of you are acquainted with the preparation of tax liens you know when the description of a building on leased land is put into a lien in order to make it effective it must likewise include a description of the land, yet, after the eighteen months redemption period has gone by and, where in other instances, you would have a valid lien, you have only the right to go in and tear this building down. That accomplishes nothing but destruction and does not get your taxes for you.

The owner of the land is the man who, in the first instance, creates this situation. The last speaker referred to the situation where he permitted, by leasing a lot of land, the erection of a building thereon, on which the assessors are charged with the duty, under the Constitution, of levying a tax in equal proportions on that particular building with all other property in the town; yet they know at the time they do it that that tax cannot be effectively collected, and therefore they are assessing a tax there, and they are asking the tax assessor to collect a tax they know he cannot collect unless the owner of the building wants to pay it. In the final analysis, you get a tax lien that is not worth the paper it is written on. The option is in the alternative.

I believe we have sufficient faith in the assessors in our various towns to know that in instances where

they have no trouble in collecting the tax against the owner of the building that they will not exercise this option, but where, through a situation that has been created by the owner of the land, he has complicated the situation so that the buildings will go Scot-free, so far as taxes are concerned, and the other residents of the community probably the next year, through additional assessments, will have to make up the tax which cannot be collected.

This bill prevents a transfer of the burden of the taxpayers who pay their taxes from the shoulders of the one who has built a building on leased land to the owner who is acquainted with all the facts, who collects the rent, and who, in practically in every case, has a provision in the lease that if he is required to pay any taxes he has a right under the lease to terminate it.

It has been said that the owner of the land would have no recourse. Practically every lease I ever saw contains a provision that, in the event the taxes were not paid on the leased building, the owner of the land, in leasing his land for the purpose of having a building put on it, could include that provision in the lease. I say he is the man who has created the situation and he is the man who should see that the taxpayers in the town should not be called upon to pay the taxes of the owner of the building on the leased land.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Weeks.

Mr. WEEKS: Mr. Speaker and Members of the House: I believe I am more or less of a quiet individual. I have been sitting in this position since sometime the first of January and the only way I can explain it is that I must have been affected by some kind of vocal bacteria which has passed through a period of incubation and is now coming forth a full fledged disease.

I am very much pleased with my seat here in the House. On my right I have one lawyer and on my left I have two. The advice which I receive on my right does not always agree with the advice which I receive on my left. You heard evidence of that this morning. So sometimes I am in somewhat of a confused state.

It seems to me, however, in con-

sidering any piece of legislation, that there are three factors: First, the underlying philosophy of the legislation; second, the technical details which may be involved; and third, the question of administration.

I have not been sitting here long enough to absorb enough of the technical details of the administration to compete with the gentleman from Portland, Mr. Payson, so I must confine myself to the first proposition, the underlying philosophy of this particular bill.

First, however, I would like to clear myself by saying that I am not a director of any railroad; I do not own any stock; the only connection I have is the transportation between here and Waterville, for which I pay fifty-one cents when I go by train and fifty-two cents when I go by bus.

Now the gentleman from Portland, Mr. Payson, has said this is a simple bill. It has been explained to you in detail. To me the words "tax" and "taxation" are rather rich in their historical association. We hear about them in the Bible. We have heard, ever since we heard anything, that there were two things we could not escape—death and taxes. We have heard many times that the power to tax is the power to destroy. We have fought a war under the slogan that "Taxation without representation is tyranny." I hope we are not going to add a rather sinister tax slogan "Taxation without ownership" which is to me an underlying philosophy in this particular case. I hope it cannot be said of this 92nd Legislature that it slipped when it divorced taxation from ownership.

The SPEAKER: The question is on the motion of the gentleman from Waterville, Mr. Weeks, that the House accept the majority "Ought not to pass" report of the committee.

All those in favor of the motion of the gentleman from Waterville, Mr. Weeks, will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Fifty-three having voted in the affirmative and sixty-one in the negative, the motion did not prevail.

Mr. PAYSON: Mr. Speaker, I move acceptance of the minority "Ought to pass" report.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves acceptance of the minority "Ought to pass" report. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the minority "Ought to pass" report was accepted.

This being a printed bill, under suspension of the rules, it was given its two several readings and tomorrow assigned.

On motion by Mr. Sargent of Bucksport, the House voted to take from the table the thirteenth tabled and unassigned matter, Bill "An Act relating to the Digging or Taking of Clam-Worms" (H. P. 195) (L. D. 58) tabled on March 14th by the gentleman from Bucksport, Mr. Sargent pending passage to be engrossed.

Mr. Sargent offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

House Amendment "B" to H. P. 195, L. D. 58, Bill "An Act Relating to the Digging or Taking of Clam-Worms."

Amend said Bill by adding after the underlined word "Clam-worms" in the 6th line thereof the underlined words 'for resale'

House Amendment "B" was adopted, and the bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "B" and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the day. If there is no further business, the Clerk will read the notices.

On motion by Mr. Conant of Etna,

Adjourned until ten o'clock tomorrow morning.