

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

Friday, April 6, 1945.

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

Prayer by the Rev. Mr. Sanford of Farmingdale.

Journal of the previous session read and approved.

Papers from the Senate
Senate Reports of Committees
Final Reports

Final Report of the Committee on Indian Affairs.

Final Report of the Committee on Maine Publicity.

Final Report of the Committee on University of Maine.

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Ought Not To Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve to Create a Special Joint Committee of Inquiry to Investigate Baby Homes, Nursing Homes, Old Age Homes and Boarding Homes of Children, Invalids and Aged (S. P. 315) (L. D. 835)

Report of same Committee reporting same on Bill "An Act relating to Evidence of Death or Other Status" (S. P. 285) (L. D. 724) as it is covered by other legislation.

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Resolve to Provide Funds for Eradication of Bang's Disease, Tuberculosis, and Other Infectious and Contagious Diseases (S. P. 126) (L. D. 331) reporting same in a new draft (S. P. 420) (L. D. 1103) under same title and that it "Ought to pass"

Report of the Committee on Judiciary on Bill "An Act relating to Complaint in Cases of Neglect of Children" (S. P. 56) (L. D. 25) reporting same in a new draft (S. P. 421) (L. D. 1105) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Relief During the Emergency for Businesses in Financial Distress Because of War-time Conditions" (S. P. 284) (L. D. 726) reporting same in a new draft ((S. P. 422) (L. D. 1104) under same title and that it "Ought to pass"

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 9th, 1945, at 4:30 o'clock in the afternoon. (S. P. 430)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on Salaries and Fees on Bill "An Act to Increase Salaries of Somerset County Officials" (S. P. 267) (L. D. 620) which was recommended reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report was read and accepted in concurrence and the Bill read twice.

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

Committee Amendment "A" to S. P. 267, L. D. 620, Bill "An Act to Increase Salaries of Somerset County Officers."

Amend said Bill by changing line ten to read as follows:

'Somerset, ~~\$2,300~~ \$2,800.'

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

Bill Substituted for Report

Report of the Committee on Salaries and Fees reporting "Ought not to pass" on Bill "An Act to Increase Salary of Sheriff of Kennebec County" (S. P. 263) (L. D. 624)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A".

In the House, Report of the Committee was accepted in non-concurrence and sent up for concurrence.

**Ought to Pass in New Draft
Senate Amendment Added**

Report of the Committee on Salaries and Fees on Bill "An Act relating to Clerk Hire in the County Offices in Knox County" (S. P. 71) (L. D. 61) reporting same in a new draft (S. P. 418) (L. D. 1101) under same title and that it "Ought to pass"

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

In the House, Report was read and accepted in concurrence and the Bill read twice.

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

Senate Amendment "A" to S. P. 418, L. D. 1101, Bill, "An Act Relating to Clerk Hire in the County Offices in Knox County".

Amend said Bill by striking out all of the last sentence and by adding the following:

"This act shall remain in force until 90 days after the end of the first regular session of the legislature which shall convene after the termination of the war. It is the intent of the Legislature to change the present statute for such a period, after which period the present statute shall return to full force and effect."

Senate Amendment "A" was adopted in concurrence, and the bill was assigned for third reading the next legislative day.

Non-Concurrent Matter

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Oxford County to Fred L. Edwards, of Bethel (H. P. 1008) (L. D. 556) which was passed to be engrossed in the House on March 21st.

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

In the House, on motion by Mr. MacKinnon of Mexico, 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. 1008, L. D. 556, "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Oxford County to Fred L. Edwards, of Bethel."

Amend said Resolve by adding at the end thereof, before the period, the following:

'for the sum of \$853.25'.

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

Non-Concurrent Matter

Bill "An Act relating to Exception to the Licensing of Steam Engineers and Firemen" (H. P. 830) (L. D. 435) which was passed to be engrossed in the House on February 23rd.

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

In the House:

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

Mr. PAYSON: Mr. Speaker, I move that the House insist on its former action. In support of my motion I wish to say that I do not want the House to be deprived of the brilliant scintillating humor of the gentleman who has introduced Senate Amendment "A". I will read it:

Amend said Bill by adding in the sixth line, following the enactment clause, after the word "required", the following words: 'and where the source of energy is by direct radiation from the sun',

Rare gems of this sort should not be passed by without being given sufficient consideration. This bill, which pertains to the city of Portland, is the only one we have had in a great many years, and they are asking to make this amendment to it. This is a good bill, and, in my five years' experience, this is the first time I ever saw a man attempt to make fun of a serious and a good bill, and a bill which the people who introduced it thought was sound. Therefore I move that the House insist.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House insist. Is this the pleasure of the House?

The motion prevailed.

**Non-Concurrent Matter
Tabled**

Bill "An Act to Increase the Salary of the County Treasurer of Cumberland County" (H. P. 1402) (L. D. 1073) which was passed to be engrossed in the House on April 2nd.

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

In the House:

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

Mr. HASKELL: Mr. Speaker, I move that the House do insist on its former action.

The SPEAKER: The gentleman from Portland, Mr. Haskell, moves that the House do insist on its former action. Is this the pleasure of the House?

The Chair recognizes the gentleman from Baldwin, Mr. Sanborn.

On motion by Mr. Sanborn, the matter was tabled pending the motion of Mr. Haskell that the House insist.

Non-Concurrent Matter

Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse the city of Biddeford (H. P. 622) (L. D. 285) on which the House substituted the Resolve for the Report on April 3rd and passed the Resolve to be engrossed on April 4th.

Came from the Senate with the Report adopted in non-concurrence.

In the House, on motion by Mr. Donahue of Biddeford, the House voted to insist on its former action and ask for a Committee of Conference.

The Chair appointed as Conferees on the part of the House:

Messrs. DONAHUE of Biddeford
RENOUF of Biddeford
POULIN of Rumford.

The SPEAKER: The Chair recognizes the gentleman from Lakeville Plantation, Mr. Dicker.

Mr. DICKER: Mr. Speaker and Members of the House: Distributed upon your desks this morning is a statement which I wish read by the Clerk of the House.

The SPEAKER: The gentleman from Lakeville Plantation, Mr. Dicker, requests that the Clerk of the House read a statement. Is there objection?

The Chair hears none, and the Clerk will read.

April 6, 1945.

To Members of the House:

Yesterday morning I was denied unanimous consent to introduce a Resolve, **Authorizing the Forest Commissioner to Grant Permits for Setting and Maintaining Poles and Wires on a Public School Lot in Webster Plantation.**

I acknowledge as correct your desire to hasten the end of this session but I am hopeful that you will again, this morning, permit me to repeat my request. The essential facts are these:

1. In Webster Plantation in northern Penobscot County there are five farm homes without electric service. Our Kingman R. E. A. wants to serve them but to do it we must set 5 poles on State Land.

2. For 6 weeks, now, the Attorney General has had the problem and up until day before yesterday he had indicated to me that legislation was not necessary. Now he says that this Resolve must be passed if these people are to have service.

3. I have asked the Senate and House Chairman of State Lands what the bill would do to their schedule. Each of them told me that the Committee meets on other subjects early next week and that your acceptance of this bill, by unanimous consent, will not delay their final report.

Considering these facts, I am very hopeful that you will permit the introduction of this bill.

EUGENE DICKER,
Lakeville Plantation.

Forest commissioner authorized to grant certain permits. Resolved:

That the forest commissioner is hereby authorized to grant a permit to Kingman Electrical Company to set and maintain such poles and wires on the public school lot in Webster Plantation, in the county of Penobscot, being located on the southwest side of the Webster-Springfield state aid highway, as may be necessary to enable Kingman Electrical Company to furnish electric service to the occupants of land on the Pickle Ridge road in said plantation, upon such terms and conditions as he may prescribe.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I shall not take up much of your time on this matter, but I wish to say that the Committee on State Lands and Forest Preservation, of which I am House Chairman, have voted by unanimous vote that they will take up this matter, if you wish to present it to them, at a hearing which they have scheduled for Monday afternoon at three o'clock. If unanimous consent is granted to introduce this bill, I shall move to send it forthwith to the Senate, and it will be possible to hear that bill at that time. So I hope the House will give unanimous consent for the introduction of this bill, and, if you do, it will go along to the stage where it will not cause one moment of delay in the adjournment of the House. I thank you.

The SPEAKER: The gentleman from Lakeville Plantation, Mr. Dicker, asks unanimous consent to introduce a resolve. Is there objection? The Chair hears none, and the Clerk will read the resolve, by title only.

"Resolve, Authorizing the Forest Commissioner to Grant Permits for Setting and Maintaining Poles and Wires on a Public School Lot in Webster Plantation." (H. P. 1455)

On motion by Mr. Dicker, the resolve was referred to the Committee on State Lands and Forest Preservation, and on motion by Mr. Williams the resolve was ordered sent forthwith to the Senate.

The SPEAKER: The Chair recognizes in the hall of the House Lieutenant Zwecker, U. S. Army Nurse, and requests the gentleman from Brownville, Mr. Ross, to introduce her.

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

The SPEAKER: The gentleman needs none. He may proceed.

Mr. ROSS: Mr. Speaker and Members of the House and Guests: I ask you to pause in your deliberation to pay honor to a State of Maine girl who has just recently returned after an experience in the Philippines, which comes to only a few.

Needless to say, this Army Nurse comes from Brownville, and those of us who know her are not surprised that her life has been in accordance with the best traditions of our glorious state. She was at

Corregidor when it fell and was administering to our boys as only an American girl can. She was taken prisoner and spent thirty-nine months in a Japanese prison camp and had no communication with her folks or they with her. She is now restored to her devoted family and friends, for which we are thankful. And, Ladies and Gentlemen, as Representative from Brownville, in the county of Piscataquis, I ask for the privilege of presenting Miss Alice Zwecker of Brownville, United States Army Nurse.

The SPEAKER: The Chair appoints the gentleman a committee to escort the nurse to the rostrum.

Mr. Ross then escorted Miss Zwecker to the rostrum, amid prolonged applause of the House, the members rising.

SPEAKER BARNES: Lieutenant Zwecker: The story of the heroic and courageous stand of our boys on the Peninsula of Bataan and the Fortress of Corregidor is not only history; it is legendary. You played a part in that story, and you honor us by coming to visit us.

House Reports of Committees Divided Report

Majority Report of the Committee on Ways and Bridges reporting "Ought not to pass" on Bill "An Act relating to Snow Removal in Unorganized Territory" (H. P. 1221) (L. D. 771)

Report was signed by the following members:

Messrs. DORR of Oxford
HALL of Franklin
—of the Senate.

DOW of Eliot
BOULIER of Stacyville
COLE of West Gardiner
DEAN of So. Portland
MORRISON of Winter Harbor
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. BROWN of Aroostook
—of the Senate.
LACKEE of Addison
—of the House.

On motion by Mr. Dow of Eliot, the Majority Report "Ought not to pass" was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Ways and Bridges reporting "Ought not to pass" on Bill "An Act relating to Snow Removal" (H. P. 1157) (L. D. 732)

Report was signed by the following members:

Messrs. DORR of Oxford
HALL of Franklin
BROWN of Aroostook
—of the Senate.
DOW of Eliot
LACKEE of Addison
BOULIER of Stacyville
DEAN of So. Portland
COLE of W. Gardiner
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. WOOD of Webster

The Majority Report, "Ought not to pass" was accepted and sent up for concurrence.

On motion by Mrs. Lord of South Portland, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Divided Report**Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Creating a Board of Examiners for Electricians" (H. P. 1303) (L. D. 948)

Report was signed by the following members:

Messrs. DOW of Oxford
DUNBAR of Washington
Miss CLOUGH of Penobscot
—of the Senate.
Messrs. PERKINS of Boothbay Harbor
WILLIAMS of Auburn
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1453) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. CONNELLAN of Portland
PEIRCE of Augusta
HASKELL of Portland
WARD of Millinocket
—of the House.

(On motion by Mr. Connellan, the two reports, with accompanying

papers, were tabled pending acceptance of either report, the new draft ordered printed, and specially assigned for Wednesday, April 11th.)

Leave to Withdraw

Mr. Peirce from the Committee on Judiciary on Resolve Permitting Fox & Ginn, Inc. to Sue the State of Maine (H. P. 1308) (L. D. 959) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Inexpedient

Mr. HAMILTON from the Committee on Education on Bill "An Act relating to Teachers' Pensions" (H. P. 1192) (L. D. 751) reported legislation inexpedient as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act relating to Apportionment to Towns for Teaching Positions" (H. P. 934) (L. D. 538)

Mrs. Roberts from same Committee reported same on Bill "An Act relating to Apportionment to Towns for Teaching Positions" (H. P. 1177) (L. D. 739)

Mr. RUSSELL from same Committee reported same on Bill "An Act relating to Apportionment to Towns for Teaching Positions" (H. P. 935) (L. D. 569)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bird from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the town of Newport for Supplies Furnished Fannie Norton of Newport (H. P. 930) (L. D. 568)

Mr. Cobb from same Committee reported same on Resolve in favor of the town of Fort Fairfield (H. P. 921) (L. D. 561)

Mr. Knight from same Committee in favor of the town of Albion (H. P. 1257)

Mr. DeSanctis from same Committee reported same on Resolve in favor of the George Green Estate (H. P. 492) (L. D. 243)

Mr. Hamilton from same Committee reported same on Resolve to Reimburse the town of Lubec for the Funeral Expenses of Merton Rice (H. P. 1123)

Same gentleman from same Committee reported same on Resolve in

favor of the city of Bath for Loss of Taxes (H. P. 746) (L. D. 395)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Close Time on Deer in the counties of Hancock and Washington" (H. P. 113) (L. D. 678)

(On motion by Mr. Morrison of Winter Harbor, tabled pending acceptance of Committee Report and specially assigned for Wednesday, April 11th.)

Mr. Perkins from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to Revise the Fire and Safety Laws" (H. P. 816) (L. D. 429)

Mr. Plummer from the Committee on Motor Vehicles reported same on Bill "An Act relating to Operators' Licenses" (H. P. 1206) (L. D. 707)

Mr. Morrison from the Committee on Ways and Bridges reported same on Resolve for the Maintenance and Repair of Roads and Bridges (H. P. 1161) (L. D. 733)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Tabled and Assigned

Mr. Knight from the Committee on Agriculture on Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer" (H. P. 1116) (L. D. 668) which was previously reported in a new draft (H. P. 1338) (L. D. 989) and then recommitting, reported same in the same new draft under same title and that it "Ought to pass"

(On motion by Mr. Dorsey of Fort Fairfield, tabled pending acceptance of Committee Report and specially assigned for Tuesday, April 10th.)

Mr. Knight from the Committee on Claims on the following Resolves:

S. P. 89, L. D. 132. Resolve in Favor of the Central Maine General Hospital of Lewiston

S. P. 127, L. D. 332. Resolve in Favor of Hospice Marcotte of Lewiston

H. P. 144. Resolve to Reimburse the Town of Prospect for Hospitalization and Medical Aid for Mrs. John Burke

H. P. 309. Resolve to Reimburse the Town of Etna for Supplies and Medical Aid Furnished to Arthur Clewley and Family

H. P. 311. Resolve in Favor of Elias E. Tucker, of Mechanic Falls

H. P. 313. Resolve to Reimburse the Town of Sherman for Pauper Bills of Inhabitants of Silver Ridge Plantation

H. P. 315. Resolve to Reimburse the Town of Millinocket for Support of Mrs. Florence Griffin and Family

H. P. 316. Resolve to Reimburse the Town of Millinocket for Pauper Assistance Furnished Mrs. Eva Blackstone

H. P. 415. Resolve in Favor of George E. McDonald, of Portland

H. P. 623, L. D. 286. Resolve in Favor of the Town of Lisbon for Support of Arthur Pulk and Carroll Pulk

H. P. 626. Resolve to Reimburse the Town of Frankfort for Funeral Expenses of State Charges

H. P. 798. Resolve to Reimburse the Town of Masardis for Hospitalization of Lindley Chase

H. P. 799. Resolve in Favor of the Town of Portage Lake for Medical Aid Furnished to David Coty Family

H. P. 922, L. D. 562. Resolve in Favor of the City of Eastport for the Care of William Price

H. P. 924, L. D. 537. Resolve in Favor of the Eastern Maine General Hospital of Bangor

H. P. 1049, L. D. 656. Resolve to Reimburse the City of Bangor for Supplies Furnished Various Individuals

reported a Consolidated Resolve (H. P. 1448) under title of "Resolve Providing for the Payment of Certain Pauper Claims" and that it "Ought to pass"

Mr. Hamilton from the Committee on Education on Bill "An Act relating to Membership in the Maine Teachers' Retirement System" (H. P. 822) (L. D. 426) reported same in a new draft (H. P. 1449) under title of "An Act relating to the Forwarding of Contributions in the Maine Teachers' Retirement System" and that it "Ought to pass"

Mr. Anderson from the Committee on Inland Fisheries and Game on Resolve Opening Squa Pan Lake in Castle Hill, Masardis and Town-

ship 11, Range 4, to Ice Fishing H. P. 513) (L. D. 203) which was re-committed, reported same in a new draft (H. P. 1450) under title of "Resolve relating to Fishing in Aroostook and Piscataquis Counties" and that it "Ought to pass"

Mr. MacKinnon from same Committee on Bill "An Act relating to Open Season for Hunting" (H. P. 945) (L. D. 574) reported same in a new draft (H. P. 1451) under same title and that it "Ought to pass"

Mr. Ward from the Committee on Judiciary on Bill "An Act relating to Vital Statistics" (H. P. 1216) (L. D. 851) reported same in a new draft (H. P. 1454) under same title and that it "Ought to pass"

Mr. Allen from the Committee on Motor Vehicles on Bill "An Act to Promote Public Safety with Snow Removal Equipment" (H. P. 1292) (L. D. 938) reported same in a new draft (H. P. 1452) under title of "An Act to Promote Public Safety with Snow Removal or Sanding Equipment" and that it "Ought to pass"

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

Ought to Pass

Mr. Cobb from the Committee on Claims reported "Ought to pass" on Resolve to Reimburse Wallgrass Plantation for Support of the Family of Edward Berube (H. P. 498)

Mr. Knight from same Committee reported same on Resolve in favor of Fox and Ginn, Inc. (H. P. 1314)

Same gentleman from same Committee reported same on Resolve in favor of Catherine A. Nason of Round Pond (H. P. 194)

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

Ought to Pass Printed Bills

Mr. DeSanctis from the Committee on Claims reported "Ought to pass" on Resolve in favor of the town of Smyrna (H. P. 1228) (L. D. 852)

Mr. Peirce from the Committee on Judiciary reported same on Bill "An Act to Confer Concurrent Jurisdiction on the Probate Court and Superior Court in Matters Concerning Custody and Support of Minor Children" (H. P. 818) (L. D. 506)

Mr. Judkins from the Committee on State Lands and Forest Preservation reported same on Resolve Authorizing Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to George Emile Daigle and Adrian Daigle (H. P. 348) (L. D. 155)

Mr. Boulrier from the Committee on Ways and Bridges reported same on Resolve in favor of town of Greenville to Correct Height of Overpass of the Canadian Pacific Railroad at Greenville Junction (H. P. 1312) (L. D. 961)

Reports were read and accepted and the Bill and Resolves, having already been printed, under suspension of the rules, the Bill was read twice, the Resolves read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Haskell from the Committee on Judiciary on Bill "An Act to Establish the Western Oxford Municipal Court" (H. P. 515) (L. D. 204) which was re-committed, 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" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 515, L. D. 204, Bill, "An Act to Establish the Western Oxford Municipal Court".

Amend said bill by striking out in Sec. 2 thereof, everything after the heading; and inserting in place thereof the following: "This court shall have jurisdiction over all other matters, civil and criminal, in the county of Oxford in accordance with the provisions of law which govern municipal courts in this state."

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

First Reading of Printed Bills

Bill "An Act relating to Fishing in Certain Rivers, Lakes and Ponds in Oxford County" (H. P. 1440) (L. D. 1130)

Bill "An Act to Amend the Employees' Contributory Retirement System" (H. P. 1441) (L. D. 1131)

Bill "An Act relating to the Sanitary Water Board" (H. P. 1442) (L. D. 1132)

Bill "An Act relating to Reporting by Drivers Involved in Accidents" (H. P. 1444) (L. D. 1133)

Bill "An Act to Provide a Town Council and Manager Form of Government for the town of Limestone in the county of Aroostook" (H. P. 1445) (L. D. 1134)

Bill "An Act relating to Public Safety Commission for Rumford Falls Village Corporation" (H. P. 1446) (L. D. 1135)

Bill "An Act relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 1447) (L. D. 1136)

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

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

Mr. JALBERT: Mr. Speaker, I move that Item 3, Bill "An Act relating to the Sanitary Water Board" (H. P. 1442) (L. D. 1132) lie on the table and be specially assigned for Monday afternoon.

The SPEAKER: The Chair will state that the matter is already assigned for its third reading on Monday afternoon.

Mr. JALBERT: Mr. Speaker, may I table it on Monday?

The SPEAKER: The gentleman may table it on Monday.

Passed to be Engrossed

Tabled and Assigned

Bill "An Act Governing the Production of Milk and Cream" (S. P. 393) (L. D. 1016)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Williams of Clifton, tabled pending third reading and specially assigned for Monday, April 9th)

Bill "An Act to Correct Typographical and Clerical Errors in the Revision" (S. P. 414) (L. D. 1100)

Bill "An Act relating to Powers of County Commissioners" (S. P. 415) (L. D. 1099)

Bill "An Act relating to the Excise Tax on Motor Vehicles" (S. P. 417) (L. D. 1102)

Bill "An Act relating to the Recorder of the Bath Municipal Court" (H. P. 642) (L. D. 295)

Bill "An Act relating to Supplementary Assessments of State, County and Forestry District Taxes" (H. P. 1376) (L. D. 1028)

(Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed, and sent up for concurrence.)

Tabled and Assigned

Bill "An Act relating to Limitation of the Financial Responsibility Law" (H. P. 1409) (L. D. 1109)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Weston of Farmingdale, tabled pending third reading and specially assigned for Monday, April 9th.)

Bill "An Act relating to Salary of Register of Probate in Sagadahoc County" (H. P. 1431) (L. D. 1114)

Bill "An Act relating to the Salary of the Judge of the Municipal Court of Bath" (H. P. 1432) (L. D. 1115)

Bill "An Act relating to Salary of the Judge and the Recorder of the Waldo County Municipal Court" (H. P. 1433) (L. D. 1116)

Bill "An Act relating to Clerk Hire in County Offices in Sagadahoc County" (H. P. 1435) (L. D. 1117)

Bill "An Act Authorizing Towns to Cooperate with Highway Commission in Maintaining Town Roads" (H. P. 1437) (L. D. 1118)

Bill "An Act relating to State Employees' Retirement System" (H. P. 1438) (L. D. 1119)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to Donald L. Haskell, of Old Town (S. P. 412) (L. D. 1098)

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

Amendment Offered—Tabled

Resolve to Create a Commission to Study the Atlantic Salmon (H. P. 1436) (L. D. 1120)

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

Mr. Williams of Clifton offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1436, L. D. 1120, "Resolve to Create a Commission to Study the Atlantic Salmon."

Amend said Resolve by striking out in the next to the last line of the printed Resolve the amount "\$7,500" and inserting in place thereof the amount '\$5,000'.

Further amend said Resolve by striking out in the last line of the printed Resolve the words "general fund" and inserting in place thereof the words 'unappropriated surplus'

(On motion by Mr. Bowker of Portland, tabled pending adoption, and specially assigned for Monday, April 9th)

Amended Bill

Bill "An Act Regulating the Use of Automatic Firearms (H. P. 687) (L. D. 305)

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

Passed to Be Enacted Emergency Measure

An Act relating to Compensation of Fire Wardens (S. P. 265) (L. D. 622)

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. 111 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.

Emergency Measure

An Act relating to the Payment of Taxes by Domestic Insurance Companies (H. P. 1419) (L. D. 1091)

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. 112 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 relating to Salary of the Recorder of the Municipal Court of the city of Biddeford (S. P. 155) (L. D. 359)

An Act relating to State Normal School and Teachers' College Board (S. P. 283) (L. D. 727)

An Act relating to Culverts Crossing Under Roads, Streets and Ways (S. P. 361) (L. D. 903)

An Act relating to the Salaries of the Judge and the Recorder of the Bangor Municipal Court (S. P. 399) (L. D. 1039)

An Act to Increase the Amount to be Paid for Clerk Hire in the Office of Register of Deeds in the county of Cumberland (H. P. 191) (L. D. 57)

An Act relating to Clerk Hire in the Office of Clerk of Courts, Cumberland County (H. P. 214) (L. D. 97)

An Act relating to Yearly Fees for Boxers (H. P. 355) (L. D. 121)

An Act relating to the Salary of the Recorder of the Brunswick Municipal Court (H. P. 546) (L. D. 215)

An Act relating to Tuition to be Paid by Towns (H. P. 803) (L. D. 560)

An Act relating to Salary of Clerks in the Office of Register of Deeds in Hancock County (H. P. 1000) (L. D. 600)

An Act to Increase the Salaries of the Judge and the Recorder of the Westbrook Municipal Court (H. P. 1151) (L. D. 730)

An Act relating to Towns Having No Free High Schools (H. P. 1382) (L. D. 1044)

An Act relating to Permits for Truck Loads Upon Designated Roads (H. P. 1386) (L. D. 1047)

Finally Passed

Resolve Regulating Fly Fishing in Tributaries of Richardson Lake (H. P. 324) (L. D. 145)

Resolve Granting Additional Pension for Burtis F. Fowler, of Augusta (H. P. 1103) (L. D. 787)

Resolve relating to Belgrade Stream (H. P. 1183) (L. D. 744)

Resolve in favor of Roy Marshall of Sanford (H. P. 1389) (L. D. 1053)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to

be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: The Chair lays before the House the first matter of unfinished business, House Report "Ought not to pass" of the Committee on Aeronautics on Bill "An Act Relating to Town Air Fields" (H. P. 915) (L. D. 607) during the consideration of which the House adjourned, the pending question being the motion of the gentleman from Cumberland, Mr. Sweetser, to substitute the bill for the report; and the Chair recognizes that gentleman.

Mr. SWEETSER: Mr. Speaker and Members of the House: As you know, I have been up in the air ever since yesterday about one o'clock, looking for a landing strip, and I am just about out of gas, so I won't take too much time.

I do want to review two or three statements which I made yesterday. I do this because I have heard some discussion in the lobby and in various places around Augusta, and I would like to remind the House that I presented yesterday definite statements concerning the use of gas tax money in the construction of these air strips. No funds from this source would be used in the provisions of this bill. The State-aid roads mentioned in the bill would be constructed or have been constructed, and will remain exactly as is called for under the State Highway use of funds. The proposal, so far as construction is concerned, is to use the black surface road and its shoulders as a nucleus for the landing strip. The rest of the area, going to the boundaries of the highway, which in most instances would be a total of four rods, including the used highway area, would thus make a strip the complete width of the area now owned and controlled by the town.

The second point which I wish to review has to do with the objection which was raised by public utilities concerning the practice of eminent domain as provided for in Section 23-C of the bill. I would like to refer, if I may, to the law, Chapter 21, in which definite provision is made for the public utilities to be heard in all instances provided for in Section 20. I will read from that section as it is written in the law.

" . . . No property, rights or easements of a public utility shall be taken under the provisions of sections 17 to 23, inclusive, without the approval of the public utilities commission after hearing and upon such notice to the public utility affected thereby as said commission may order."

And the amendment which I will propose later covers that by referring to that section, stating that we will amend said bill by inserting after the underlined word "prevailed" in the 15th line thereof the underlined words "and to be exercised in accordance with the provisions of section 20." That provision is what I have just read you.

Now one other item which has been called to my attention as being something that should be clarified has to do with the control of traffic during the time when an airplane would be landing or rising.

Now I recognize the fact that we might have such an air strip in a town, and it would be used by only one or two individuals for perhaps some little time. Later it might be used quite frequently, and I call your attention to the fact that we have obstructions in our highways in the form of draw bridges, which to my belief would give you a similar condition. Some of those draw bridges are only used at wide intervals. No regular tender is provided. When a boat wants to go through, some arrangement is made for the tender to be present, and of course where those draw bridges are in frequent use, a regular tender is there for the purpose of tending to the signals.

So I believe it can be arranged in much that same fashion. We have very few indications on record of an automobile ever having run into a ship. I think we can believe we would have very few indications on record of an airplane and an automobile colliding under these conditions.

I will remind the members of the House again that I am making the motion for the substitution of the bill for the report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Gay.

Mr. GAY: Mr. Speaker and Members of the House: I think this bill has some merits. I am interested in the future of Maine as we all are, and I think we all realize and appreciate that at the

time when this conflict has ceased, that unquestionably aviation is to be one of the main factors of transportation and a recreational benefit to our State.

Now as Mr. Sweetser has pointed out, there will be a certain designated strip of highway in the community assigned for this purpose. That four-rod width, I think we all can appreciate, is far greater than the present black surface which is now used for our present methods of transportation.

Another thing which I would like to mention at this time—and I believe due consideration should be given to it—is that the small communities which cannot afford at the present time to construct a separate air strip and maintain it, will benefit by it. As I understand, if I am not mistaken, the opportunity of acquiring these strips will give the town an opportunity to have that particular designated piece of highway or highway area, so that that will make it impossible for a restricted building area, which might ruin the location, and if that did take place, naturally they would lose their location. That is probably more or less of a selfish thought upon my part because I have in my home town a certain area which has been picked, adjacent to the highway, already, and we are trying to get control over that particular strip to prevent exactly what this bill is asking for—to prevent the possibility of it becoming a restricted building area. If that took place in my home town, business would suffer. It is a small community with small businesses, and small business is the economic structure of the State of Maine, and we appreciate and realize that in the aviation future, if we lose out in my town down there, we are going to lose a great many of our summer residents. They come down in airplanes—they have been down there year after year, looking for a place to land, and I know some of our summer residents have already moved to adjacent towns where they will have facilities for landing.

I sincerely hope, Mr. Speaker and Members of the House, that we will give this particular bill a lot of serious consideration and vote to oppose it.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. True.

Mr. TRUE: Mr. Speaker and Members of the House: As a member of the Aeronautics Committee, I wish to tell the members of the House why we had to pass this bill out "Ought not to pass".

We were a new committee; we had a lot of time to devote to what few bills we had. We were in favor of anything that would further aviation, so we gave this particular bill a lot of time, as we did all the others.

There were several reasons why we just could not pass it out the way we would have liked to have done. If you will notice Section 23-B, that looked very dangerous to the committee—six people in any town could call a special town meeting and vote to lay out and designate an air strip. The committee could not very well see that.

One of the other items which I think you should know about is the diversion of the gas tax money. I do not see how you are going to get away with taking a strip of highway which gas tax money has been laid out upon and use it for anything else. While we might like to do it, I am quite sure it would be unconstitutional. Another serious matter is the policing. I am not going into any rebuttal with Mr. Sweetser on his draw-bridge stuff. I do not know who would tend it anyway. Of course it is not feasible.

I do not want to keep the members of the House here too long, on this, and I am not going to say any more. I have told you the reasons why we had to pass it out "Ought not to pass," and I hope the motion of the gentleman from Cumberland, Mr. Sweetser, does not prevail.

The SPEAKER: The question is on the motion of the gentleman from Cumberland, Mr. Sweetser, to substitute the bill for the report of the committee.

The Chair recognizes the gentleman from Bucksport, Mr. Sargent.

Mr. SARGENT: Mr. Speaker and Members of the House: I believe we all recognize that the one handicap to the development of air transport in the next few years, which we all expect, is the lack of proper landing strips.

Now this bill does not go very far toward providing landing facilities, but it does permit towns, where conditions are suitable, to provide a landing strip of sorts which will perhaps be of some ben-

eft. I cannot see in the bill anything that places the control of the landing strip in the hands of six men. We have a provision in the bill that six citizens may call a town meeting, but that does not mean that six citizens are going to vote to allow a landing strip to be designated. If the people of the town are not sufficiently interested to attend town meeting, it is their hard luck.

It seems to me this is an opportunity to provide the small towns with a possible means of furnishing a landing strip to those who need it in starting perhaps a small aviation enterprise and for those who may wish to commute. I hope the motion of the gentleman from Cumberland, Mr. Sweetser, will prevail.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I will not take much of your time, but, being a member of the Aeronautics Committee, I will supplement what the Chairman, the gentleman from Rangeley, Mr. True, has told you on the diversion of the highway funds and policing powers in the use of the highway strip. I will add to that, there was also the question of maintenance.

The highway is maintained out of highway funds, and you have got an obligation there. In addition to that, each town in this State now, under the prevailing law, has ample power to build an air strip. There are several of them in the State. There is one down in Brunswick below here that is perhaps not fifty feet from the highway, but there is a connecting link of highway to the strip. There is all kinds of power now to do that: any town can set up such a strip.

This committee is unanimously in favor of the furtherance of aeronautics in the State of Maine, but it did not feel it was justified in passing out this bill regardless of how much they liked it and regardless of how much they sympathized with Mr. Sweetser's support for it.

I therefore hope that the motion of the gentleman does not prevail.

Mr. SWEETSER: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SWEETSER: May I have permission to speak again?

The SPEAKER: The gentleman from Cumberland, Mr. Sweetser, asks unanimous consent to address the House for a third time on this matter. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. SWEETSER: I would like to say, Mr. Speaker and Members of the House, that the present law does provide for municipal airports, but the advantage of this bill is that the town already owns and controls the land in the highway. Under the law which is on your statutes, it becomes necessary, first of all, to go out and buy a piece of land suitable for this airport, and it is quite likely that it would run into several farms to get a satisfactory location. It might not be quite fair to make the comparison, but I happen to know one airport that has been built in this State that cost us \$380,000. Now those figures are way beyond any expense that the town can hope to go to for many years.

I further would like to call attention to an item which I presume was received by you in your mail this morning — there is no particular reason why I should have received it. It comes from The Air Transport Association of America. I would just like to read this paragraph:

"Today a host of travellers await the war's end promise of convenient, rapid and relatively inexpensive travel by air. The fulfillment of this promise will be governed largely by the State legislature. If they make legislation too tough, citizens of these states are going to look up in the sky and watch the passenger planes make non-stop flights over their inhospitable commonwealths."

When the vote is taken I ask for a division.

The SPEAKER: The gentleman from Cumberland, Mr. Sweetser, moves that the bill be substituted for the "Ought not to pass" report of the committee, and the gentleman asks for a division.

All those in favor of the motion that the bill be substituted for the "Ought not to pass" report of the committee will rise and stand in their places until counted and the monitors have made and returned their count.

A division of the House was had. Twenty having voted in the af-

firmative and 51 in the negative, the motion did not prevail.

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The **SPEAKER**: The Chair now lays before the House the second matter of unfinished business, Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals" (H. P. 1427) (L. D. 1107) tabled on April 3rd by Mr. Berry of Livermore Falls, pending assignment for second reading; and on motion by Mr. Berry the resolve was assigned for second reading Monday, April 9th.

The **SPEAKER**: The Chair now lays before the House the third matter of unfinished business, Bill "An Act Relating to Teachers' Retirement System" (H. P. 423) (L. D. 165) In the House, on April 2nd, Committee Amendment "A" was read and adopted, and tabled on April 3rd by Mr. Jordan of Saco pending motion of Mr. Payson of Portland, to reconsider adoption of Committee Amendment "A"; and the Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. **JORDAN**: Mr. Speaker and Members of the House: Last Tuesday, when the gentleman from Portland, Mr. Payson, put the motion to reconsider adoption of Committee Amendment "A" he made the statement that this was another discriminatory measure in favor of the teachers. Now that statement would lead the members of this House to a misconception: it would make everyone here think that the Education Department put this bill in and favored it. The truth of the matter is I did put this bill in for the Education Department, but the amendment on which the statement was based was made by myself, and I had no idea of discriminating against any other department, but I did think that there was a discrimination in its own class, and I did not like the bill.

I think it would be well if you looked at your Legislative Document No. 165, so you can perhaps understand better what I am talking about. I would like the privilege of telling you I do not like the bill because I never like double-talk. This law started big and ended small; it starts in with a generous

mood and ends watching the purse-strings; says one thing in the language appropriate for something else.

To show you what I mean, I am going to read from L. D. 165, beginning at the second sentence: "During such service, in addition to its own share the state shall contribute such amounts as the member would have been required to contribute if he had been teaching within this state during his service in the said military or naval forces, in the same capacity as that in which he was teaching at the time he joined the service."

Now that sounds big and very generous. But let us look at the next sentence: "If the aforesaid member shall withdraw from or becomes separated from the association, he may not withdraw any of the contributions made by the state under this subsection."

Now this means in plain English that if a member of the Retirement Association went to war, and was lucky enough to return in good enough condition to be taken back as a teacher, and actually did return to the system, then the State would not only contribute its own contribution but also the particular member's contribution.

As a specific case; A teacher who received \$1500 would ordinarily pay in \$75 per year and would receive from the State that sum times the years in service when he returned to the profession of teaching within the time limit set. This certainly puts a premium on staying alive.

Now according to the law, the State has to contribute at each period the amount which the man in service would have contributed. Generally, to lose something which has been contributed to you, a person has to do something himself which disqualifies him from receiving this benefit, but not in this law. A soldier teacher who has fought two years has, in round figures, \$150 contributed by the State as his share that he would have had to pay if he had been required to contribute as a teacher. He is killed in action, fighting for us. The State, under this law, immediately withdraws the above \$150: he has become separated from the system.

I think this law must have been passed on April Fool's Day. A man who comes back and who can protect himself gets paid by the State, while a man who dies doing his

duty—but who nevertheless is dead and therefore of no use to the State—receives nothing.

There you have the reason why I put in the amendment, Filing No. 121, and that is the reason why the Judiciary Committee passed it out unanimously "Ought to pass."

I will read Filing No. 121. It starts at the end of the third sentence and says: "Amend said bill by adding at the end of the last sentence of subsection III, before the deleted sentence, the following words: 'except that if the aforesaid member dies while in service in the said military or naval forces, his estate shall be entitled to receive the contributions made for him by the state as hereinbefore provided.'

Now I have no objection to the study of the entire pension system, in fact I think it is a good thing; but I cannot follow the reasoning whereby we should not correct an error when found because there is the same error in other laws.

The first paragraph of this law makes it possible for a teacher entering the service to retain his membership in the system, so there was no need for the State to pay out this money unless they so desired. This body, two years ago, decided to do so, however, and it is my contention that if we are to pay those who return we should also pay those who died so that others could return.

I hope the motion of the gentleman from Portland, Mr. Payson, does not prevail, and, when the vote is taken, I ask for a division.

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

Mr. PAYSON: Mr. Speaker and Members of the House: I think you will recall that I said merely that this bill was discriminatory. The gentleman from Saco, Mr. Jordan, has read a lot into that when he states that I implied that the Department of Education was trying to load something in favor of the department. I simply stated that the law was discriminatory, and it is.

Very briefly, this is all the bill does. The State is going to give away some money to the estate of a teacher who dies in the service. Now if you want to give away money to the estate of every man and woman in this State who dies in the service, that is o. k. with me, but I do not believe in picking

out the teachers and giving it to their estate. Furthermore, it is rather unusual to pay a bonus to the estate of a deceased serviceman anyway. The usual procedure is to pay the bonus to the serviceman himself. But, to show you how clear-cut this discrimination is — this is a rather broad proposition — but here are the two things that can happen: If a teacher goes into the service, gets his feet wet in training camp and dies of pneumonia in the hospital, his estate will get the money the State has paid in to keep the pension system sound. If any other employee of the State happens to go into the Marines, and, after two years service, gets into action at Iwo Jima and is killed, his estate does not get any money at all. That is what I call rank discrimination, and that is why I am opposed to this amendment.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Payson, that the House reconsider its action whereby it adopted Committee Amendment "A". The gentleman from Saco, Mr. Jordan, has asked for a division. All those in favor of the motion to reconsider 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. Fifty-seven having voted in the affirmative and four in the negative, the motion prevailed.

Thereupon, on further motion by Mr. Payson, Committee Amendment "A" was indefinitely postponed, and the bill had its third reading and was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the fourth matter of unfinished business, House Amendment "B" to Bill, "An Act Relating to Inheritance Taxes" (H. P. 1385) (L. D. 1046) tabled on April 4th by the gentleman from Portland, Mr. Bowker, pending adoption, and the Chair recognizes that gentleman.

Mr. BOWKER: Mr. Speaker and Members of the House: This House Amendment "B", presented by the gentleman from Boothbay Harbor, Mr. Perkins, involves a lot of money. It would amend the tax law on inheritance taxes put on the books in 1941. The amendment, in my opinion, is not good. We need all

the money that this State can get. Therefore, Mr. Speaker, I move the indefinite postponement of House Amendment "B."

The SPEAKER: The gentleman from Portland, Mr. Bowker, moves indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: This bill should not be considered as a taxation measure. The object of House Amendment "B" is to put the law back where I understood it was in 1941. In 1933, Chapter 148, Section 3, this law appeared at the time a reenactment was made in the inheritance tax law. In 1941, Chapter 304, Section 3, the Legislature saw fit to double the rate of taxation on inheritance taxes, and, at the same time, they incorporated in the law in 1933 these words: "a child or children of a deceased child by representation." Now representation means where it descends down—if my son were dead his share would go to his son.

The Inheritance Tax Department interpreted that law to mean that if one took without a will, if the grandchildren took without a will, that is, by right of representation, he got a full exemption of ten dollars, but if he took under a will—if I left my grandchild in a will a certain amount of money, he only got an exemption of \$500.

I settled several estates upon that basis, they not being large enough to take an appeal. But an appeal was taken from one decision of the Inheritance Tax Commissioner and an opinion was rendered by Mr. Justice Hudson of our Supreme Court, in which he held that the Legislature of 1933 did not make any change or any distinction whether they took by representation or under a will.

Now the object of this Amendment "B," in the first instance, is to put the law back where we supposed it was in 1941.

I am opposed to the bill which is now pending before the House for other reasons — Legislative Document 1046. Down at the end of the first page, they provide in this bill that if there is one grandchild he will have an exception of \$10,000. I do not care what the exemption may be, but I want all my grandchildren to share alike. They say

there should be only one exemption of \$10,000. If I should be fortunate enough to have four grandchildren instead of one, it means my grandchildren would only have an exemption of \$2500 each, the total exemption to my grandchildren being \$10,000, whereas if my neighbor only had one grandchild his grandchild would get a full exemption of \$10,000. I think that is unfair, and I think it is inequitable.

Just let us see one thing more. This bill was passed in 1941, before we were at war. They doubled the taxes on estates right straight down the line. I submit to you, Mr. Speaker and Members of the House, that our grandchildren will have taxes enough to pay without us increasing them at the present time. It is a bad policy, I think, on the part of our State to increase inheritance taxes at all where we doubled them four years ago.

I come from a section of the State where a great part of my business and a great part of the business of other citizens of my section comes from people who move in here from outside the State and do leave substantial estates, and if we keep on increasing our inheritance taxes and if that is the policy of our State, some of our citizens will just move to a state where they do not have them. We doubled them four years ago, and, Mr. Speaker and Members of the House, I think we have done enough.

The State will not lose a great deal of money under this bill: the loss will be very small if anything at all. But let us assume that they might: I do not want them to take it out of my grandchildren.

I hope the motion of the gentleman from Portland, Mr. Bowker, will not prevail. I am trying to put this law back where we thought it was in 1941.

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

Mr. BOWKER: Mr. Speaker and Members of the House: It seems as though this House in the past two weeks has passed a lot of measures calling for revenue. This money has got to come from some place: we just cannot pass laws that are going to decrease our current income. A fair estimate of the loss under this amendment, in my opinion, would be close to \$100,000. It would be hard to determine just what that amount would be. But there are a great many measures

that members of this House want passed, and I feel it would be a mistake to pass that amendment.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, I am neither an opponent or proponent, but I think as a member of the Taxation Committee I should explain the reason why the Taxation Committee put on that limitation of \$10,000.

As you know, this only applies to children of the deceased. If descendants of the grandchildren are alive, they are in another class and that person is only entitled to an exemption of \$10,000. So it seemed fair to the Taxation Committee that if the grandchildren came in they should only receive the amount that was due the parent if she were alive.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: There is one other point in this bill I would like to call to your attention, and that is the third line at the bottom of the first page. It speaks of a grandchild who is issue of deceased child. I do not think that particular clause is equitable or fair, for two reasons: If the child in this case married another party who had children, so that they had stepchildren, even though they might adopt those children, they would be treated differently than the man's own children. That limits it to issue. Then there is also the question of adopted children that might arise here. You and I know that the number of adopted children is increasing rather rapidly, and many of these children are adopted when a very few weeks old, and, in some instances, they do not know they are adopted children. Now if the time comes when they are to inherit under these provisions, they would be discriminated against to the extent their exemption would be \$500, whereas the others would be \$10,000.

It seems to me we are creating unnecessary complications. So far as the revenue is concerned, this proposed amendment does not change the increase in the rate of tax in Section 4 where it is changed from five to eight per cent. That is where the largest part of your increased revenue would come. The revenue under this other section

would, in my judgment, be very slight, because the rate is only two per cent on that small difference under \$10,000. I hope the motion does not prevail.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Bowker, to indefinitely postpone House Amendment "B".

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

Mr. DOWNS: Mr. Speaker and Members of the House: I do not want to inject any remarks of mine into this bill, but this thought occurs to me. It has been frequently said here that people came here to Maine from the larger centers and located here quite largely because of the fact that we had a very fair inheritance tax. As one who lives in a small town which has been brought from very near a stage of bankruptcy to a state of prosperity because of the influx of these summer residents, as we are pleased to call them, I would certainly be much opposed to any bill which would tend to drive them away from us, and I certainly fear such a result if the motion of the gentleman from Portland prevails, therefore I certainly hope it does not.

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

Mr. HASKELL: Mr. Speaker and Members of the House: The measure we are now considering is, in my judgment, of real importance to this Legislature. If passed, I am informed that it involves about \$300,000 to the State of Maine. You have just heard it stated by several different speakers that they do not feel it is time now to further raise the rates on inheritance taxes. That is an issue I think we have got to face. We have got to find some way, it seems to me, to raise a little more money, or some of the measures now pending in this House cannot be passed because there will not be any way to finance them.

Now this bill here asks only a normal increase from five to eight percent on shares of certain beneficiaries of estates. I think that is reasonable enough and that it is entirely proper. When you trace the history of the law of descent and distribution, you will find in the old days a person had no right to leave anything at all; it all went to the State. Now this is not a very great change, and I think, from the matter of revenue, it is well worth it.

Now in regard to the point of the grandchildren, which seems to disturb some members of the House, I cannot quite see why it is not perfectly fair and perfectly just to limit the share that comes down to the grandchild when its parent is not alive to the same identical share which the parent would have had if living.

In other words, let me give you this example, if I may. There are two sons in the family. One of these sons is not living, and he has three children. If the amendment as proposed by the gentleman from Boothbay Harbor (Mr. Perkins) were to be adopted, it would mean that those three children would each have an exemption of \$10,000, or a total of \$30,000. Now, on the other side of the fence, the son who is alive and who may have children to educate, only gets \$10,000. That is the only exemption he has. It seems to me, when you boost those three children by a law, stepping them up into the same place that their father would have had if he had been living, it is only just that you give them jointly and not individually the same treatment the father would have had if he were alive.

That is about all there is to this proposition. I think it is very simple. I think the real issue on this case is whether we, as members of the Legislature, want to pass a measure that will involve a loss of \$300,000 to the State. That is the issue here and that is what has got to be decided. I therefore hope that the motion of the gentleman from Portland (Mr. Bowker) to indefinitely postpone House Amendment "B" will prevail.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, let me make one thing clear, if I may. House Amendment "B", which I offered, only applies to Section 1 of Legislative Document 1046. The increase in taxation is in Section 2, which is not covered by my amendment at all, and does increase the tax from five to eight per cent, where it goes to brothers and sisters, and has no bearing upon the present issue. My House Amendment "B" applies only to Section 1 of the Bill.

Now if a man dies and he leaves three children—he had three children, and one of these children is dead, if there is no will, they take

one-third each and the one-third descends to the grandchildren, and if there is one grandchild, he takes the entire share his father or mother would have taken.

The point I am making is that if there are three grandchildren or four, they want to divide that up, and I think it is unfair, unjust and inequitable. Of course, if a man leaves a will, he can leave his property in any way he sees fit, but I think it is most unjust to make a distinction between our grandchildren under this bill.

As far as revenue is concerned, I cannot see any question or revenue involved when it is only a question of how you are going to divide this among the grandchildren.

The SPEAKER: At this time the Chair would like to remind the members of the House that although the printed amendment appears on your desks as House Amendment "A", the filing is No. 148, and it should be House Amendment "B".

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

Mr. WARD: Mr. Speaker and Members of the House: I believe there is a matter of revenue involved here. To take an illustration of the previous speaker: A man dies and he originally had three children and one of these children predeceased him, and we will say that child left three children; in the distribution of that estate, an intestate estate, assuming the man had an estate of \$90,000, the two sons would each have \$30,000 coming to them; they would have an exemption of \$10,000, and at two per cent, they would have a tax of about \$400 that they would have to pay. The three grandchildren, if they were each entitled to a \$10,000 exemption, their net would be zero, and they would have nothing to pay. In that situation, on that one estate, the State of Maine would lose the sum of \$400.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I am not going into any long discussion of this, because I believe that the gentleman from Portland, Mr. Haskell, and the gentleman from Millinocket, Mr. Ward, have shown to you the fact that we do lose revenue if this amendment is passed, but I do want to speak on the point

of view that we need this revenue at the present time.

This is a tax measure, there is no question about that. Just how much revenue we will lose from this amendment no one can tell. It is according to just what folks die during the period of time this is in force. But you all have on your desks a statement issued by the Appropriations Committee of how we stand financially. If you go through that list, you will find that all the things which two weeks ago we thought might possibly be passed to raise revenue has been cut out, one at a time, until this one bill is left as the real hope. You will recall that a week ago today a lot of the pet bills of this House, one after another the members of the Appropriations Committee took them off the table and moved their adoption. And we did that to a great extent under the understanding this bill was coming out of the Taxation Committee "Ought to pass" and would pass. Maybe we were assuming too much, but, anyway, we took that assumption and put them through because members were interested in their pet bills.

Now there has developed the old fight of whether we should have an inheritance tax in Maine. You have heard it said here that the inheritance tax was doubled. It was in most cases, but not in this bracket, for the simple reason that one member of a branch of this Legislature that I am not able to speak of today put up such a fight that that branch did not have the courage to go out and enact a tax measure. It is my belief, Members of the Legislature, that when money is needed you should enact a tax measure. How much money you are going to lose if this amendment is adopted, I cannot say, but I think it has been proven you are going to lose money. If we want to pass these pet bills of ours for things which you and I believe are progressive legislative ideas, I believe it is necessary that we have the backbone to pass a tax measure. We have thrown out everything else; this is the last measure. I hope the motion of the gentleman from Portland, Mr. Bowker, prevails.

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

Mr. BREWER: Mr. Speaker, I will take but a moment of your time.

as I analyze this thing, I too am concerned with the revenue and our financial picture and how we must apportion money to various things that you see fit to demand of us. There are only two things that I can see you have to decide on in regard to this amendment: One is, whether we should have the money, and the second is, whether we should get it before the Federal government does. Just keep those two points in mind and make your decision accordingly. I hope the motion of the gentleman from Portland, Mr. Bowker, does prevail.

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

Mr. WILLIAMS: Mr. Speaker, I rise for the purpose of keeping the record straight on this matter. I want to say this tax was reduced from one per cent to two per cent at the time the other rates went up, so it has definitely been increased in this bracket. The amount of revenue that could be raised under Section 1 is very small. Your real revenue will come from Section 2, which has not been amended, and, if it is revenue that is desired, I think the lowering of your exemption here will be a more equitable manner than it would be to discriminate between members of the same family.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Bowker, that House Amendment "B" be indefinitely postponed, and a division has been requested. All those in favor of the motion to indefinitely postpone will rise and stand in their places until counted and the monitors make and return the count.

A division of the House was had.

Fifty-four having voted in the affirmative and 29 in the negative, the motion prevailed and House Amendment "B" was indefinitely postponed.

Thereupon, Mr. Tozier of Fairfield, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1385, L. D. 1046, Bill "An Act relating to Inheritance Taxes."

Amend said Bill by adding at the end of the third line of Sec. 3 thereof (printed Bill) the word 'stepchild,'

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

On motion by Mr. Ward of Millinocket,
Adjourned until Monday, April 9th, at 4:30 P. M.