

# 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

Monday, April 9, 1945.

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

Prayer by the Rev. Mr. Washburn of Hallowell.

Journal of the previous session read and approved.

### Papers from the Senate Senate Reports of Committees Placed on File

Remonstrance of F. L. Gould of Fairfield and 163 others (S. P. 424) against Bill "An Act relating to Registration of Motor Vehicles" (S. P. 206) (L. D. 478)

Came from the Senate ordered placed on file.

In the House, read and ordered placed on file in concurrence.

### Inexpedient

Report of the Committee on Education on Bill "An Act relating to Teachers' Pensions" (S. P. 287) (L. D. 850) reporting legislation inexpedient as covered by other legislation.

### Refer to Next Session

Report of same Committee on Bill "An Act to Encourage the Improvement of School Facilities" (S. P. 308) (L. D. 841) reporting that the same be placed in the custody of the Secretary of the Senate until the next regular or special session of the Legislature.

Came from the Senate, read and adopted.

In the House, read and accepted in concurrence.

Report of the Committee on Welfare on Bill "An Act relating to General Public Assistance" (S. P. 299) (L. D. 713) reported same in a new draft (S. P. 429) under the same title, and that it be placed in the custody of the Secretary of the Senate until the next Regular or Special Session of the Legislature.

Came from the Senate read and adopted.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Thorndike.

Mr. THORNDIKE: Mr. Speaker, I have been asked to read a short

report by the Welfare Committee on this bill, giving their reasons for referring it to the next special session.

"In recommending this bill for referral to any Special Session of this Legislature, the Welfare Committee wishes to indicate its approval of the basic objective of this measure which is to prepare the way for simplification of welfare administration in the State through administration of all assistance programs by local officials. The crowded war industry and military cities and towns, which face an uncertain future, make it seem unwise to consider this bill further at this time. On the other hand, the possibility of receiving Federal grants in and for general relief before another Legislature convenes makes it seem wise to refer this bill for future action by this Legislature."

I would like to make a motion that this report be referred in concurrence with the Senate to another session of this Legislature.

The SPEAKER: The gentleman from Bar Harbor, Mr. Thorndike, moves that the report of the Committee be accepted in concurrence.

Is this the pleasure of the House?

The motion prevailed, and the report of the committee was accepted in concurrence.

### Ought to Pass in New Draft Amended

Report of the Committee on Legal Affairs on Bill "An Act relating to Pari Mutuel Pools" (S. P. 324) (L. D. 827) reported same in a new draft (S. P. 416) (L. D. 1111) under same title and that it "Ought to pass"

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

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

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

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

House Amendment "A" to S. P. 416, L. D. 1111, Bill, "An Act Relating to Pari Mutuel Pools."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

"Sec. 1. R. S., c. 27, §16, amended. The 1st sentence of section 16 of chapter 27 of the revised statutes is

hereby amended to read as follows: "There shall be appropriated annually from the state treasury a sum of money not to exceed 2c per inhabitant of the state and an additional sum of money equal to 5% of the amount contributed under the provisions of section 16 of chapter 77, which shall be known as the state stipend for aid and encouragement to agricultural societies and hereafter designated as the "stipend."

**Sec. 2. R. S., c. 77, §18, amended.** Section 18 of chapter 77 of the revised statutes is hereby amended to read as follows:

**'Sec. 18. Records.** Every person, association, or corporation conducting a race or race meet under the provisions of this chapter shall so keep its books and records as to clearly show the total number of admissions and the total amount of money contributed to every pari mutuel pool on each race separately and the amount of money received daily from admission fees, and within 60 days after the conclusion of every race meeting shall submit to the commission a complete audit of its accounts certified by a public accountant qualified to practice in this state and approved by the commission which books and records shall be subject to audit at any time by the state department of audit."

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

#### Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Resolve relating to Retirement Pension for Percy E. Averill of Thomaston (S. P. 207) (L. D. 477)

Report of the Committee Public Health reporting same on Bill "An Act relating to Contagious Diseases" (S. P. 210) (L. D. 474)

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

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

#### Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Simplify the Financial Structure of the State" (S. P. 192) (L. D. 489) reporting "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 was read and accepted in concurrence and the Bill read twice.

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

Committee Amendment "A" to S. P. 192, L. D. 489, Bill "An Act to Simplify the Financial Structure of the State."

Amend said Bill by striking out sections 13 and 14 thereof and renumbering sections 15 to 19, inclusive, to be sections 13 to 17, inclusive.

Further amend said bill by striking out sections 20, 21 and 22 thereof and renumbering sections 23 to 28 inclusive, to be sections 18 to 23, inclusive.

Further amend said Bill by striking out sections 29 and 30 thereof and renumbering sections 31 to 36, inclusive, to be sections 24 to 29, inclusive.

Further amend said Bill by renumbering section 37 to be section 30, and by adding at the end thereof the following: **'Provided, however, that there shall always be available for old age assistance state moneys in an amount not less than the revenue derived from the cigarette tax.'**

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

Report of the Committee on Public Health on Bill "An Act Amending the Control of Venereal Diseases" (S. P. 211) (L. D. 473) reporting "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, on motion by Mr. Perkins of Boothbay Harbor, the Bill and Amendment were tabled pending acceptance of Committee Report in concurrence, and specially assigned for Wednesday, April 11th.

#### Non-Concurrent Matter

Bill "An Act to Create a Legislative Research Committee" (H. P.

1272) (L. D. 915) on which the House accepted the Minority Report of the Committee on Judiciary reporting "Ought to pass" on April 3rd and passed the Bill to be engrossed as amended by House Amendment "B" on April 4th.

Came from the Senate with the Majority Report of the Committee reporting "Ought not to pass" adopted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Members of the House: I move simply that we adhere to our previous action.

Due to the decidedly adverse vote referred to in the Journal, I think it would serve no purpose to carry on this matter further at this time, but, while I am on my feet, I must express my sincere appreciation for the two to one favorable vote of this House. It was to me like a breath of tonic air to see a vote of thirty-five to one in favor of it in this section of the House. I have no regrets in presenting this measure and I believe it to be constructive. I believe some future Legislature will adopt this measure or some similar measure.

The SPEAKER: The gentleman from Bridgton, Mr. Rankin, moves that the House adhere to its former action. Is this the pleasure of the House?

The motion prevailed.

#### Non-concurrent Matter

Resolve in favor of the town of Smyrna (H. P. 1229) (L. D. 853) which was indefinitely postponed in the House on April 5th.

Came from the Senate that body voting to insist on its former action whereby it was passed to be engrossed, and asking for a Committee of Conference.

In the House, on motion by Mr. Ward of Millinocket the House voted to recede and concur with the Senate.

#### Non-concurrent Matter

Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses" (H. P. 940) (L. D. 570) which was indefinitely postponed in the House on April 3rd.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker, I move that the House recede and concur with the Senate.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker, due to the confusion which this bill could cause, and due to conditions which might arise even with these amendments, I move that we adhere to our former action whereby we indefinitely postponed this bill.

The SPEAKER: There are two motions before the House. The motion of the gentleman from Mapleton, Mr. Webber, has precedence. Is it the pleasure of the House that we recede from our former action?

The motion prevailed.

Miss DEERING: Mr. Speaker, I move that we reconsider our action whereby we just moved to recede and concur.

The SPEAKER: The gentlewoman from Bath, Miss Deering, moves that we now reconsider our action of a moment ago whereby we voted to recede and concur with the Senate. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker, I now move that we adhere to our former action.

The SPEAKER: The gentlewoman from Bath, Miss Deering, now moves that we adhere to our former action.

All those in favor of the motion will say yes; those opposed no.

A viva voce vote being taken, the motion prevailed.

#### Communication

The following Communication:

STATE OF MAINE  
SUPREME JUDICIAL COURT  
PORTLAND

April 5, 1945.

Gentlemen:

I have the honor to transmit herewith the Answer of the Justices of the Supreme Judicial Court

to the Question relating to an Act to Abolish Taxation of Intangibles which on March 29, 1945 was submitted.

Very respectfully,  
(Signed) GUY H. STURGIS  
Chief Justice.

The Honorable House of Representatives, Augusta, Maine.

To the Honorable House of Representatives of Maine:

The undersigned Justices of the Supreme Judicial Court have the honor to submit the following answer to the question propounded to us bearing date of March 28, 1945, relating to the taxation of intangibles.

#### Question.

Would H. P. 1009, L. D. 530, "An Act to Abolish Taxation of Intangibles" if enacted by the Legislature in its present form be constitutional?

#### Answer.

A reading of Legislative Document H. P. 1009, L. D. 530 leaves no doubt that the real intention and purpose of the framers of this legislation is to exempt all intangible property from taxation. That the enactment of this bill would accomplish that result is apparent. Under existing statutes all real property within the state and all personal property tangible and intangible of inhabitants of the state, and within specified limitations of other persons, subject only to exemptions expressly defined and enumerated, is taxable. R. S., Chapter 81, Sections 2-5 et seq. By providing that "personal estate for the purpose of taxation shall include only tangible, physical goods, or chattels, and effects, wheresoever they are, and all vessels at home or abroad," with direct or amendatory repeal of related provisions inconsistent therewith, intangible property is withdrawn from taxation and all other real and personal property left with the entire burden thereof except as relieved by exemption of express statutory mention. As the question propounded is presented our only concern is whether the proposed exemption of intangible property from taxation is constitutional and the pending bill in its details needs no consideration.

It is settled in this State that full power over taxation is vested in

the Legislature including that of determining upon what kinds and classes of property taxes shall be imposed and what shall be exempt from taxation and is limited only by the positive requirements and prohibitions of the Constitution. It is a fundamental principle that no act of the Legislature shall be adjudged unconstitutional unless it is plainly forbidden by some plain provision of the Constitution. And the wisdom and policy of prescribing that upon certain kinds and classes of property taxes shall be imposed while others shall be exempted is for the determination, not of the Judiciary, but of the Legislature. **Whiting v. Lubec**, Me., 121; **Opinion of Justices**, 102 Me., 527; **Opinion of Justices**, 123 Me., 573; **Opinion of Justices**, 133 Me., 525.

The only limitation upon the exercise of the legislative power of taxation in this State appears in Amendment XXXVI to Section 8 of Article IX of the Constitution and reads:

"All taxes upon real and personal estate assessed by authority of this state shall be apportioned and assessed equally, according to the just value thereof; but the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property."

As to taxes upon real and personal estate in general it has long been accepted that this provision of the Constitution does not require the Legislature to impose taxes upon all property within the State but only that any tax which shall be lawfully imposed upon any kind or class of real or personal property shall be apportioned and assessed upon all such property equally. Exception by amendment only is that taxes levied on tangible and intangible personal property may vary as to rate. We are of opinion that the Legislature still has the power to determine what kinds and classes of property shall be taxed and what kinds and classes shall be exempt from taxation. **Brewer Brick Company v. Brewer**, 62 Me., 62, 73, 74; **Opinion of Justices**, 102 Me., 527; **Opinion of Justices**, 133 Me., 525.

Finding no constitutional limitation upon the power of the Legislature to exempt intangible property

from taxation we answer this question in the affirmative.

Very respectfully,

(Signed)

Guy H. Sturgis  
Sidney St. F. Thaxter  
James H. Hudson  
Harry Manser  
Harold H. Murchie  
Arthur Chapman  
Justices of the Supreme  
Judicial Court.

April 5, 1945.

The communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Ela.

Mr. ELA: Mr. Speaker and Members of the House of Representatives: About ten days or two weeks ago a disaster occurred in the town of Norridgewock when a fire leveled their entire school facilities to the ground. It was a consolidated schoolhouse, holding between 350 and 400 pupils. They lost not only the schoolhouse; they lost every facility in the schoolhouse: desks, chairs, books, records, every last shred of school property. In order to rebuild, they must have an enabling act permitting them to borrow more money than they are now permitted to do under the statutes. They did have \$13,000 insurance on the building that will be used. They did have about \$29,000 available under their constitutional debt capacity. That will be used. But, to rebuild the schoolhouse to house 400 pupils, they must have more credit.

On the statutes at the present time, there is a school district in the town of Norridgewock. It was put on the books in 1933 to enable them to obtain funds to repair and increase the capacity of this building which burned. The limitation of borrowing power under that act was \$12,000. Obviously they need that increase. The bill which I hope you will permit me to introduce simply does that one thing in the articles of the school district: it permits them to increase their borrowing capacity to \$60,000.

If I am permitted to introduce this act, I think it can be sent to the Committee on Legal Affairs, who assure me through their House Chairman that it can be acted upon

in such a manner that it should not delay the closing of the Legislature.

With that explanation, I ask unanimous consent to introduce this bill.

The SPEAKER: The gentleman from Anson, Mr. Ela, asks for unanimous consent to introduce a bill. Is there objection? The Chair hears no objection, and the Clerk will read the bill by title only.

"Bill 'An Act Amending the Charter of the Town of Norridgewock School District.'" (H. P. 1469)

On motion by Mr. Ela, the bill was referred to the Committee on Legal Affairs, ordered printed, and sent forthwith to the Senate.

The following paper from the Senate was taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that Bill "An Act Amending the Unemployment Compensation Law as to Unemployment Compensation Fund (H. P. 1253) (L. D. 878) be recalled from the Governor. (S. P. 439)

Came from the Senate, read and passed on April 9th.

In the House, the Order received passage in concurrence.

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

#### House Reports of Committees Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Amending the Law relating to State Employees' Retirement System to Include Public School Teachers" (H. P. 819) (L. D. 507)

Messrs. DOW of Oxford  
DUNBAR of Washington  
Miss CLOUGH of Penobscot  
—of the Senate.  
Messrs. WILLIAMS of Auburn  
WARD of Millinocket  
HASKELL of Portland  
CONNELLAN of Portland  
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1462) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. PERKINS of Boothbay Harbor  
PEIRCE of Augusta  
PASCUCCI of Sanford  
—of the House.

(On motion by Mr. Peirce of Augusta, both reports were tabled pending acceptance of either report, and specially assigned for Thursday, April 12th)

#### Leave to Withdraw

Mr. Rollins from the Committee on Banks and Banking on Bill "An Act to Incorporate the 'Guardian Finance Co.'" (H. P. 793) (L. D. 431) reported leave granted to withdraw.

Report was read and accepted and sent up for concurrence.

#### Ought Not to Pass

Mr. Sanborn from the Committee on Salaries and Fees reported "Ought not to pass" on Bill "An Act relating to Salaries of All Municipal Court Judges" (H. P. 1215) (L. D. 766)

Mr. Ward from same Committee reported same on Bill "An Act relating to the Payment of Fees to Sheriffs, Deputy Sheriffs, State Police Officers and Police Officers" (H. P. 854) (L. D. 455)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass In New Draft

Mr. Thompson from the Committee on Banks and Banking on Bill "An Act to Incorporate the 'Guardian Loan Co.'" (H. P. 794) (L. D. 432) reported same in a new draft (H. P. 1456) under same title and that it "ought to pass"

Mr. Wright from same Committee on Bill "An Act to Authorize Outside Audit of State Books" (H. P. 719) (L. D. 387) reported same in a new draft (H. P. 1457) under same title and that it "Ought to pass"

Mr. Hamilton from the Committee on Education on Bill "An Act Designating Certain Academies as High Schools" (H. P. 1176) (L. D. 738) reported same in a second new draft (H. P. 1458) under title of "An Act Designating Certain Academies as High Schools and relating to Membership in the Maine Teachers' Retirement System" and that it "Ought to pass"

Mr. Downs from the Committee on Salaries and Fees on Bill "An

Act relating to the Salary of Various Officers of Waldo County" (H. P. 735) (L. D. 403) reported same in a new draft (H. P. 1459) under same title and that it "Ought to pass"

Mr. Haskell from same Committee on Bill "An Act relating to the Salaries of the Officers of the Legislature" (H. P. 1167) (L. D. 807) reported same in a new draft (H. P. 1460) under same title and that it "Ought to pass"

Mr. Ward from same Committee on Bill "An Act relating to Automobile Travel by State Employees" (H. P. 737) (L. D. 405) reported same in a new draft (H. P. 1461) 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 Fees of Sheriffs and Expenses in Keeping Prisoners" (H. P. 994) (L. D. 594)

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. Lord from the Committee on Education on Bill "An Act relating to the Permanent School Fund" (H. P. 937) (L. D. 540) 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. 937, L. D. 540, Bill "An Act Relating to the Permanent School Fund."

Amend said Bill by adding after the 1st sentence of that part designated as "Sec. 195." thereof, a new sentence to read as follows:

'Prior to income being paid over to the treasurer of state, an amount not to exceed \$5,000 annually shall be made available to the forest commissioner for management and im-



**provement of growth on public reserved lots.'**

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

**First Reading of Printed Bills**

Bill "An Act relating to the Forwarding of Contributions in the Maine Teachers' Retirement System" (H. P. 1449) (L. D. 1138)

Bill "An Act relating to Open Season for Hunting" (H. P. 1451) (L. D. 1139)

Bill "An Act relating to Vital Statistics" (H. P. 1454) (L. D. 1140)

Bills were read twice and tomorrow assigned.

**Tabled and Assigned**

Bill "An Act to Promote Public Safety with Snow Removal or Sanding Equipment" (H. P. 1452) (L. D. 1141)

(Bill had its first reading, and on motion by Mr. Williams of Clifton, tabled pending second reading, and specially assigned for tomorrow)

Resolve in favor of Catherine A. Nason, of Round Pond (H. P. 194) (L. D. 1142)

Resolve to Reimburse Wallgrass Plantation for Support of the Family of Edward Berube (H. P. 498) (L. D. 1143)

Resolve in favor of Fox & Ginn, Inc. (H. P. 1314) (L. D. 1144)

Resolve for the Payment of Certain Pauper Claims (H. P. 1448) (L. D. 1145)

Resolve relating to Open Season for Fishing in Aroostook and Piscataquis Counties (H. P. 1450) (L. D. 1146)

Bills were read twice, Resolves read once, and tomorrow assigned.

**Passed to Be Engrossed**

Bill "An Act relating to Complaint in Cases of Neglect of Children" (S. P. 421) (L. D. 1105)

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

**Amended**

Bill "An Act relating to Relief During the Emergency for Businesses in Financial Distress Be-

cause of Wartime Conditions" (S. P. 422) (L. D. 1104)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Ela of Anson, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to S. P. 422, L. D. 1104, Bill "An Act Relating to Relief During the Emergency for Businesses in Financial Distress Because of Wartime Conditions"

Amend Sec. 1 (of the printed bill) by inserting after the word "mortgage" in the second line thereof the following words:

'and which were owned at the time of their induction by members of the armed forces of the United States, or which are owned by partnerships, corporations or fiduciaries, more than fifty (50) percent interest of which was owned by a member or members of the armed forces of the United States at the time of their induction.'

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

**Passed to Be Engrossed  
(Continued)**

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)

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)

Resolve to Provide Funds for Eradication of Bang's Disease, Tuberculosis, and Other Infectious and Contagious Diseases of Livestock (S. P. 420) (L. D. 1103)

Resolve Authorizing the 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)

Resolve in favor of the town of Smyrna (H. P. 1228) (L. D. 852)

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)

Resolve providing for the Payment of Certain Damages Caused by Protected Wild Animals (H. P. 1427) (L. D. 1107)

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.

#### Amended Bills

Bill "An Act to Increase Salaries of Somerset County Officers" (S. P. 267) (L. D. 620)

Bill "An Act relating to Clerk Hire in the County Offices in Knox County" (S. P. 418) (L. D. 1101)

Bill "An Act to Establish the Western Oxford Municipal Court" (H. P. 515) (L. D. 204)

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

#### Orders of the Day

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

Mr. WARD: Mr. Speaker, for the purpose of offering an amendment to correct an error which the Revisor has just discovered, I move that we reconsider our action of the last legislative day whereby we passed to be engrossed Bill "An Act to Correct Typographical and Clerical Errors in the Revision." (S. P. 414) (L. D. 1100)

The SPEAKER: The gentleman from Millinocket, Mr. Ward, moves that the House reconsider its former action whereby it passed to be engrossed S. P. 414, L. D. 1100, Bill

"An Act to Correct Typographical and Clerical Errors in the Revision." Is this the pleasure of the House?

The motion prevailed.

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

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

House Amendment "A" to S. P. 414, L. D. 1100, Bill "An Act to Correct Typographical and Clerical Errors in the Revision."

Amend said Bill by adding at the end thereof, before the emergency clause, the following:

"Sec. 19. R. S., c. 81, § 68, amended. Section 68 of chapter 81 of the revised statutes is hereby amended to read as follows:

'Sec. 68. Towns may fix time for payment and require interest; poll-tax due May 1st. Towns, at their annual meetings, may determine that any town or city may provide at its annual meeting that the poll taxes when the lists named in section 47 shall be committed and when their taxes shall be payable, and that interest shall be collected thereafter; provided, however, that any town or city may provide at its annual meeting that the poll-taxes shall be due and payable on the 1st day of May and the commitment of the lists of poll-tax payers shall be made to the collector prior to that date.'

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

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker, for the same reason offered by Mr. Ward, I move that we reconsider our action whereby we passed to be engrossed "An Act Relating to Salary of the Judge of the Municipal Court of Bath" (H. P. 1432) (L. D. 1115).

The SPEAKER: The gentlewoman from Bath, Miss Deering, moves that the House do now reconsider its previous action whereby it passed to be engrossed (H. P. 1432) (L. D. 1115) Bill "An Act Relating to the Salary of the Judge of the Municipal Court of Bath."

The motion prevailed.

Thereupon, Miss Deering offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1432, L. D. 1115, Bill, An Act relating to the Salary of the Judge of the Municipal Court of Bath."

Amend the Title of said Bill by Striking out at the end thereof the words "of Bath" and inserting the word "Bath" before the word "Municipal."

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

The SPEAKER: The Chair lays before the House the first matter of unfinished business, Bill "An Act Relating to Fees of Town Clerks for Fishing and Hunting Licenses" (H. P. 988) (L. D. 588) which in the House the bill was substituted for the "Ought not to pass" report of the committee, and read twice under suspension of the rules. House Amendment "A" adopted; tabled on April 4th by the gentleman from Rangeley, Mr. True, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. TRUE: Mr. Speaker and Members of the House: I prepared House Amendment "B." I feel there might be an error in it, and I have not had time to contact the Revisor of Statutes, so I move that this bill lie on the table and be specially assigned for Wednesday, April 11th.

The motion prevailed, and the bill was so tabled and so assigned.

The SPEAKER: The Chair lays before the House the second matter of unfinished business, "An Act to Provide for the Making of a Survey of All Hospital Health Center Facilities in the State" (H. P. 844) (L. D. 508) tabled on April 5th by the gentleman from Clifton, Mr. Williams, pending enactment; and the Chair recognizes that gentleman.

On motion by Mr. Williams, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair lays before the House the third matter of unfinished business. Motion of Mr. Rollins of Greenville to reconsider acceptance of Report of the Committee on Taxation, "Ought not to pass" on Bill "An Act to Abolish Taxation on Intangibles" (H. P.

1009) (L. D. 530) tabled on March 28th by that gentleman pending consideration; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker, I later plan to move the substitution of this bill for the "Ought not to pass" report of the committee.

Mr. Speaker and Members of the House: I will now try to explain my position on this bill and on the next bill on the calendar today.

Last week I defended the very opposite of these bills—a bill to place a reasonable tax on intangible property. This failed in your wise judgment. Why? Because you thought the time was not right, or that it was not workable, or just because the Committee on Taxation reported it out "Ought not to pass." Let me tell you it would be workable. Our sister state, New Hampshire, works it out O. K. And all the legislation in practice in the several states of which I have made a study was patterned after what is even favored by the State Tax Assessor as the fairest and most workable of them all.

At this point I must say a few words in appreciation of the praise of my colleague, the gentleman from Saco, Mr. Jordan, House Chairman of the Taxation Committee. It was very gratifying to hear him say that he was in whole-hearted agreement with my remarks in support of that other bill—Taxation of Intangibles. He said that something should be done, and so forth, but that he was not ready. When would he be ready, I ask you?

This is not a new problem. Personally, I have attempted to correct this situation for the past three sessions. I have seen three State Tax Assessors in office during that period. All have been fully informed on this condition existing in Maine. All have elected to do nothing. No—I will alter that—two have resigned. But the present incumbent, even after this House passed an order directing him to do his duty, just laughed it off. He sits there, as he did during the hearing of all these three taxation bills, with a smug smile on his countenance. He said exactly nothing, even when I arose and quoted the words out of his mouth, as he said it to the Maine Municipal Association. I will again read it:

"The present method of attempting to tax intangible property at

the same rate at which general property is being taxed is apparently unworkable and unsatisfactory. Consideration should be given to taxing intangible property on some other basis such as a lower rate assessed against the capital or a flat annual rate assessed against the income. A third method is the possibility of granting substantial exemptions to the point where practically all intangible property would not be taxed. This would not be desirable."

Those are the words of David H. Stevens, State Tax Assessor, delivered before the Maine Municipal Association at its Annual Convention at Augusta, Maine, November 16-17, 1944.

I read that quotation on the other bill when I wanted to put a tax on intangibles. At that time I was attempting to put on a flat annual rate assessed against the income. At this time when I read it I am attempting to take all tax off intangibles.

Why did he not say anything at the committee hearing? Because he works the same as many other heads of departments who seldom appear at public hearings. They do not take their place as citizens of Maine and show their hand that their arguments may be challenged, but they sit in the background and when are asked to be called in or are called into executive session to explain to the committee what should be done. This is not legislation by the Legislature; it is legislation by the department heads. That, ladies and gentlemen, is the category under which most of the laws which this 92nd Legislature has enacted fall. I made the statement early in 1941 when first becoming a member of this House of Representatives: that the Legislature had little show—it was a 20 to 4 bet, with the odds all against the members of the Legislature, we being here four months out of twenty-four, but the department heads, those indispensable men, were here the twenty-four months, working every minute to establish their position and solidify their opinions. I still stick to my original opinion; this Legislature is working under a great handicap in all its deliberations.

Further, may I comment on the appreciation of my colleague, Mr. Jordan, that the Legislature appreciated my presence and guid-

ance. To what did he refer? Let me explain. To refresh your memory, please turn to L. D. No. 1027 "An Act Relating to Tax on Street Railroad Corporations and Street Railways."

Perhaps many of you will recall that I tabled this bill and later offered House Amendment "A" and moved its adoption. Perhaps also some of you are alert and on to the workings of this Legislature will recall that said amendment was offered and accepted before said bill had its first reading. Why had the House not accepted the amendment, I would have arisen on a point of the germaneness of Section 2 of this bill, the section which House Amendment "A" removed. Why? Because the same morning which this bill was argued, there was on the docket in the Superior Court sitting in this fair Capital city a case of State of Maine vs. York Utilities to collect the sum of \$4,385.25.

This bill, if passed as rearranged and reported out of the Committee on Taxation "Ought to pass"—unanimous—would have, by its retroactive joker amendment in new draft, annulled all the work of the past year by your Attorney General's Department, and made a present to the York Utilities of nearly \$4,000 due the State under the existing laws of Maine. All I mention this for, Ladies and Gentlemen, is to show my position. This bill was introduced by my able colleague, Mr. Jordan, Chairman of Taxation, and sanctioned and supported by your State Tax Assessor.

You have seen other bills passed this session—sponsored by the State Tax Assessor—bills which have virtually made him Collector and Assessor—but not with the approval of all of you. I know, because I was approached on that angle to oppose said bills, but I believe half a loaf is better than none, and knowing that we must sometimes not fully agree on all points to get some few things we wish—I went along with the bills, to get what I have tried to get since being a member of this House—a stop to the rotten land sales as they are now exercised under the present law on the statute books.

Perhaps you may remember I also tabled one of these big bills of the State Tax Assessor's, only to put on an amendment, which was accepted both by the Taxation Com-

mittee and the State Tax Assessor, and eventually by this body. But whow! The few days I had that bill on the table did I get attention—every last sponsor, including the State Tax Assessor, were in a rush to get it straightened out and going along. Why, they were afraid I was playing their game, that of maneuvering and holding until something was decided on the Intangible Tax Bills. Perhaps I should have done so—I might have got a divided report on some of these bills in trade. I know there are members of that Taxation Committee who are even now questioning the position they took. No. I wanted these bills to stand on their merits—wanted them to be the entire responsibility of this 92nd Legislature. I have tried fully to show you the position in which we stand.

The Constitution of Maine is being flouted this very day, by every assessor in Maine. The State Tax Assessor knows it; many of our local assessors know it, even those who are usurping the powers of the Legislature under Article 9 of the Constitution of Maine when they are taxing at a different rate than real property, such as they are doing in Portland, Bangor, Wiscasset and several other communities, while those who do not tax at all are flouting Article 8 of the Constitution of Maine.

This bill might help the situation if passed and an emergency clause attached before its enactment. That is a question which this House has asked the Court to rule upon, and said Court has answered in the affirmative.

But I can say that the next bill, it passed, would clear up this disgraceful situation as soon as it was adopted by the people of Maine, if adopted.

The next Legislature would not be down here trying to tack one on. I called your attention to the fact that that is the next move; more income for the State of Maine. Well, I was trying to bring that income home where it belongs, to your town and your community. You have refused to place a small tax upon this class of property—something within your power—therefore there seems

no other clear way out but to accept this bill and pass it against the "Ought not to pass" report of the committee.

I have tried to show you my position; tried as always to be fair and just. I have fought to put on a reasonable, workable, honest tax on intangibles. I lost that fight. Now I seek as sincerely to take off the now existent tax which is being disgracefully administered; I am trying my best to correct the present abuses of our Constitution. What could be fairer? Each one of us knows right from wrong. All I ask is that you should do right and vote for the passage of this bill, correct past mistakes and show the people of Maine that the 92nd Legislature is the supreme power in this State and worthy of that trust.

Mr. Speaker, I now move that the House reconsider its former action whereby it accepted the "Ought not to pass" report of the Committee on Taxation.

When the vote is taken, I would request a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, to reconsider the acceptance of the "Ought not to pass" report which was accepted on March 27th, 1945. All those in favor of the motion will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-five having voted in the affirmative and 23 in the negative, the motion prevailed.

On further motion by Mr. Rollins, a viva voce vote being taken, the House voted to substitute the bill for the "Ought not to pass" report of the Committee on Taxation; and on further motion by the same gentleman, under suspension of the rules, the bill having already been printed, was given its three several readings, passed to be engrossed, and sent forthwith to the Senate.

On motion by Mr. Ward of Millinocket,

Adjourned until ten o'clock tomorrow morning.