

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Tuesday, April 10, 1945.

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

Prayer by the Rev. Frederick A. Champion of Sherman Mills.

Journal of the previous session read and approved.

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

Mr. WARD: Mr. Speaker, out of order and under suspension of the rules I move that when we recess this morning, we recess until this afternoon at four o'clock.

The motion prevailed.

Papers from the Senate

Senate Reports of Committees Placed on File

Petition of Cyrus N. Blanchard and 57 others of Franklin County in favor of Resolution for Universal Military Training (S. P. 438)

Came from the Senate ordered placed on file.

In the House, ordered placed on file in concurrence.

Final Reports

Final Report of the Committee on Interior Waters.

Final Report of the Committee on Public Buildings and Grounds. Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act Concerning Agricultural Cooperative Associations" (S. P. 343) (L. D. 897) 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" was read by the Clerk as follows:

Committee Amendment "A" to S. P. 343, L. D. 897, Bill, "An Act Concerning Agricultural Cooperative Associations."

Amend said bill by striking out the underlined word "shall" where it first appears in the 1st line of sub-section IV of section 11, and inserting in place thereof the underlined word 'may.'

And further amend said bill by striking out the underlined words "shall approve" in the 5th line of sub-section IV of section 11, and inserting in place thereof the underlined word 'approves.'

And further amend said bill by striking out in the 3rd and 4th lines of section 22 the following underlined words: "providing for the incorporation of agricultural cooperative associations."

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading this afternoon.

The SPEAKER: The fifth matter on the calendar was called back to the Senate before the House concurred this morning.

Non-concurrent Matter Tabled and Assigned

Bill "An Act relating to Small Claims" (H. P. 241) (L. D. 92) which was passed to be engrossed in the House on March 22nd.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (L. D. 1125) in non-concurrence.

In the House:

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

Mr. JACOBS: Mr. Speaker, for correction of something in this bill I would like to table it until tomorrow morning.

Thereupon, the motion prevailed, and the bill was tabled for further consideration and specially assigned for tomorrow morning.

Non Concurrent Matter

Resolve to Appoint a State Board for Approval of Institutions Offering Specialized Training (H. P. 941) (L. D. 543) on which the House accepted the Report of the Committee on Education reporting "Ought not to pass" on March 29th.

Came from the Senate with the Resolve substituted for the Report and passed to be engrossed as

amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by Miss Deering of Bath, the House voted to reconsider its action whereby it accepted the 'Ought not to pass' report of the committee; and on further motion by Miss Deering, the House voted to concur with the Senate in the substitution of the resolve for the report of the committee.

The resolve, having already been printed, was read once under suspension of the rules.

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

Senate Amendment "A" to H. P. 941, L. D. 543, "Resolve, To Appoint a State Board for Approval of Institutions Offering Specialized Training."

Amend said Resolve by striking out all after the title thereof and inserting in place thereof the following:

State board for approval of institutions offering specialized training.

RESOLVED: The state board of vocational education is hereby authorized to act as the state board of approval of institutions offering specialized training. Such board shall pass upon the eligibility of institutions which may now or hereafter make application for authority to provide education or training beyond that offered by the secondary schools to veterans under the provisions of the "Servicemen's Readjustment Act of 1944", excepting degree-granting institutions and apprentice-training or in-service-training courses; and be it further

RESOLVED: That a list of such institutions approved by the board be furnished the Veterans Administration in charge of administering the provisions of the Federal bill cited as the "Servicemen's Readjustment Act of 1944".

On further motion by Miss Deering, Senate Amendment "A" was adopted in concurrence, and the resolve was assigned for second reading this afternoon.

Ought to Pass

Indefinitely Postponed in Senate

Report of the Committee on Salaries and Fees reporting "Ought to pass" on Bill "An Act relating to Salaries of Registers of Deeds in Oxford County" (S. P. 262) (L. D. 625)

Came from the Senate the Report read and adopted and the Bill indefinitely postponed.

In the House:

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

Mr. WARD: Mr. Speaker, inasmuch as this matter is covered by other legislation, I move that the House do now concur with the Senate in the indefinite postponement of the bill.

The motion prevailed.

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Jennings of Strong, be excused from attendance today and tomorrow because of business and that Page Alan C. Pease be excused from his duties on Wednesday of this week in order to take his three-quarter year school examinations. Also that Mr. Anderson of Oxbow Plantation, be excused from attendance yesterday and today because of illness.

House Reports of Committees Ought to Pass in New Draft

Mr. Collins from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Adjutant-General" (H. P. 672) (L. D. 269) reported same in a new draft (H. P. 1463) under same title and that it "Ought to pass"

Mr. Sanborn from same Committee on Bill "An Act relating to the Salary of the Forest Commissioner" (H. P. 990) (L. D. 590) reported same in a new draft (H. P. 1464) under same title and that it "Ought to pass"

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

Tabled and Assigned

Mr. Sanborn from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Attorney-General" (H. P. 1214) (L. D. 765) reported same in a new draft (H. P. 1465) under same title and that it "Ought to pass"

(On motion by Mr. Payson of Portland, tabled pending acceptance of Committee Report, the new draft ordered printed, and specially assigned for Thursday morning, April 12th)

Mr. Ward from the Committee on Salaries and Fees on Bill "An Act relating to Salary of Justices of the Supreme Judicial and the Superior Courts" (H. P. 216) (L. D. 81) reported same in a new draft (H. P. 1466) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Salaries and Expenses of Members of the State Liquor Commission" (H. P. 999) (L. D. 599) reported same in a new draft (H. P. 1467) under same title and that it "Ought to pass"

Mr. Warren from same Committee on Bill "An Act relating to the Salary of the Commissioner of Labor" (H. P. 1147) (L. D. 793) reported same in a new draft (H. P. 1468) 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 Bills

Mr. Bird from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to the Salary of the Bank Commissioner" (H. P. 993) (L. D. 593)

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

Mr. ROLLINS: Mr. Speaker, I move that this item lay on the table, pending acceptance of the committee report, and be specially assigned for next Tuesday morning.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the report lie on the table pending acceptance and be specially assigned for next Tuesday. Is this the pleasure of the House?

Cries of No, No.

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

A viva voce vote being taken, the motion did not prevail.

Thereupon, the "Ought to pass" report was accepted, and the bill, having already been printed, was read twice under suspension of the rules, and was assigned for third reading this afternoon.

Mr. ROLLINS: Mr. Speaker, I now move that this bill lay on the table pending its third reading and be specially assigned for Friday morning.

The SPEAKER: Does the gentleman care to make a motion to reconsider its assignment for third reading, and then make the motion to table?

Mr. ROLLINS: I make that motion, Mr. Speaker.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House reconsider its action of a moment ago whereby this bill was assigned for third reading. Is this the pleasure of the House? All those in favor will say yes; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Fifty-six having voted in the affirmative and four in the negative, the motion prevailed; and on further motion by Mr. Rollins, the bill was tabled pending assignment for third reading and specially assigned for Friday morning, April 13th.

Tabled and Assigned

Mr. Collins from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to the Salary of the Commissioner of Inland Fisheries and Game" (H. P. 1003) (L. D. 551)

(On motion by Mr. Bell of Thomaston, a viva voce vote being taken, tabled pending acceptance of committee report and specially assigned for Friday morning, April 13th)

Tabled and Assigned

Mr. Collins from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to the Salary of the Secretary of State" (H. P. 49) (L. D. 20)

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

Tabled and Assigned

Mr. Haskell from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to the Salary of the Commissioner of Agriculture" (H. P. 996) (L. D. 596)

(On motion by Mr. Dorsey of Fort Fairfield, tabled pending acceptance of committee report, and specially assigned for Friday morning, April 13)

Tabled and Assigned

Mr. Warren from the Committee on Salaries and Fees reported same on Bill "An Act relating to the Salaries of the Unemployment Compensation Commission" (H. P. 1305) (L. D. 949)

(On motion by Mr. Cobb of Gardiner, tabled pending acceptance of committee report and specially assigned for Friday morning, April 13th)

**Ought Not to Pass
Tabled and Assigned**

Mr. Haskell from the Committee on Salaries and Fees reported "Ought not to pass" on Bill "An Act relating to Expenses of Members of the Liquor Commission" (H. P. 547) (L. D. 261) as it is covered by other legislation.

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

Mr. ROLLINS: Mr. Speaker, I move that this lay on the table pending acceptance of the report; I will explain it in this way—

The SPEAKER: The motion is not debatable. The gentleman from Greenville, Mr. Rollins, moves that this item lay on the table pending acceptance of the report and be specially assigned for Thursday morning, April 12th. Is this the pleasure of the House?

The motion prevailed.

Leave to Withdraw

Mr. Bird from same Committee on Bill "An Act Adjusting the Salaries of the Employes in the Classified Service of the State" (H. P. 1365) (L. D. 1018) reported leave to withdraw.

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

Mr. DOWNS: Mr. Speaker, I move that this bill lie on the table pending acceptance of the report.

THE SPEAKER: Does the gentleman care to assign a day?

Mr. DOWNS: I would rather not, Mr. Speaker.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves that this matter lay on the table pending acceptance of the report and does not assign a day. Is this the pleasure of the House?

Cries of "No".

The SPEAKER: All those in favor of the motion of the gentleman from Rome, Mr. Downs, that this item lay on the table pending acceptance of the committee report and not assign a day will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had. Forty-two having voted in the affirmative, and 14 in the negative, the motion prevailed, and the report was so tabled.

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

Mr. DUTTON: Mr. Speaker, may I ask the privilege of addressing the House? May I ask a question?

The SPEAKER: The gentleman may make a parliamentary inquiry.

Mr. DUTTON: Mr. Speaker, what I wish to inquire is: What this item 13 covers? Whose salary is it, I would like to know.

The SPEAKER: The number of the Legislative Document is 1018. It has been printed and distributed.

Mr. DUTTON: If I may be permitted, Mr. Speaker, I would like to discover what has become of the small salary raises under consideration at this session—the salaries in the smaller brackets.

The SPEAKER: The Chair cannot answer the question. The gentleman will have to wait until the time when the gentleman from Rome, Mr. Downs, takes the matter from the table, and he will at that time explain it.

Mr. DUTTON: Thank you, Mr. Speaker.

The SPEAKER: At this time the Chair recognizes the gentleman from Anson, Mr. Ela, and appoints him Speaker pro tempore, and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon, the Sergeant-at-Arms conducted Mr. Ela to the rostrum, where he assumed the Chair, amid the applause of the House, the members rising, and Speaker Barnes retired.

First Reading of Printed Bills

Bill "An Act to Incorporate the Guardian Loan Co." (H. P. 1456) (L. D. 1156)

Bill "An Act to Authorize Outside Audit of State Books" (H. P. 1457) (L. D. 1157)

Bill "An Act Designating Certain Academies as High Schools and relating to Membership in the Maine Teachers' Retirement System" (H. P. 1461) (L. D. 1161)

Bill "An Act relating to the Salary of Various Officers of Waldo County" (H. P. 1459) (L. D. 1159)

Bills were read twice and assigned for third reading this afternoon.

Tabled and Assigned

Bill "An Act relating to the Salaries of the Officers of the Legislature" (H. P. 1460) (L. D. 1160)

(On motion by Mr. Carpenter of Augusta, tabled pending first reading and specially assigned for Friday morning, April 13th)

Bill "An Act relating to Automobile Travel by State Employees" (H. P. 1461) (L. D. 1161)

Bill was read twice and assigned for third reading this afternoon.

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

Passed to be Engrossed

Bill "An Act relating to Contagious Diseases" (S. P. 210) (L. D. 474)

Bill "An Act relating to Fees of Sheriffs and Expenses in Keeping Prisoners" (H. P. 994) (L. D. 594)

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)

Resolve relating to Retirement Pension for Percy E. Averill, of Thomaston (S. P. 207) (L. D. 477)

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

Resolve to Reimburse Wallagrass 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. 115)

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

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

Bill "An Act to Simplify the Financial Structure of the State" (S. P. 192) (L. D. 489)

Bill "An Act relating to Pari Mutuel Pools" (S. P. 416) (L. D. 1111)

Bill "An Act relating to the Permanent School Fund" (H. P. 937) (L. D. 540)

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

At this point Speaker Barnes resumed the Chair, and Mr. Ela was conducted to his seat, amid the applause of the House.

Passed to be Enacted

Emergency Measure

An Act Providing for the Taking Property by the State by Right of Eminent Domain (H. P. 1413) (L. D. 1088)

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. 110 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.

Finally Passed

Emergency Measure

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Forty-Five (H. P. 1390) (L. D. 1078)

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. 113 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act relating to the Salary of the Judge of the Kennebunk Municipal Court (S. P. 123) (L. D. 222)

An Act Permitting Members of the Armed Forces to Receive Operators' Licenses Without Payment of Fees (S. P. 325) (L. D. 826)

An Act relating to Applications for Operators' Licenses by Members of the Armed Forces (S. P. 326) (L. D. 825)

An Act Increasing the Salaries of the County Attorney and Assistant County Attorney of Androscoggin County (S. P. 359) (L. D. 904)

An Act to Increase the Salary of the Register of Probate in Penobscot County (S. P. 400) (L. D. 1040)

An Act relating to the Salary for Clerks in the Office of Register of Probate in York County (H. P. 48) (L. D. 19)

An Act relating to the Amount to be Paid for Clerk Hire in the Office of the Recorder of the Municipal Court of the city of Portland (H. P. 102) (L. D. 33)

An Act relating to the Salary of the Judge of the Municipal Court of Portland (H. P. 103) (L. D. 34)

An Act relating to the Salary of the Recorder of the Portland Municipal Court (H. P. 104) (L. D. 35)

An Act to Increase the Amount to be Paid for Clerk Hire in the Office of Register of Probate in the County of Cumberland (H. P. 192) (L. D. 56)

An Act Providing for Equitable Apportionment of Estate Taxes and Collection and Payment thereof (H. P. 422) (L. D. 192)

An Act to Provide for the Issuance of Bonds of the State to Refund Waldo-Hancock Bridge Loan Bonds (H. P. 618) (L. D. 281)

An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds (H. P. 619) (L. D. 282)

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

Amended

An Act relating to the Practice of Dentistry (H. P. 734) (L. D. 392)

On motion by Mr. Thorndike of Bar Harbor, the House voted, under suspension of the rules, to reconsider its action whereby this bill was passed to be engrossed.

Mr. Thorndike then offered House Amendment "B" and moved its adoption.

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

House Amendment "B" to H. P. 734, L. D. 392, Bill "An Act Relating to the Practice of Dentistry."

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

"Sec. 3, P. L., 1943, c. 273, §1, amended. Section 1 of chapter 273 of the public laws of 1943 is hereby amended to read as follows:

'Sec. 1. Power to provide for the temporary admission to practice medicine and dentistry in the state.

To accomplish the purpose of this act, and notwithstanding any inconsistent provision of law, the state board of registration of medicine and the board of dental examiners shall have power by general regulations or specific orders to issue temporary emergency certificates to such physicians and dentists, licensed as such outside the state, as they shall find qualified to practice as such in this state during the war emergency period. The fee for a temporary emergency certificate shall be \$10. The holder of any such temporary certificate shall be privileged during the term specified therein, unless sooner revoked, to practice his profession within the state subject, however, to all laws of the state generally applicable to the practice of such profession and to such regulations, restrictions, and area limitations as the state board of registration of medicine and the board of dental examiners may make or impose as to them or any of them and their practice within the state."

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

Passed to be Enacted

(Continued)

An Act relating to Decrees for Alimony (H. P. 747) (L. D. 390)

An Act relating to the Aeronautics Commission (H. P. 789) (L. D. 436)

An Act to Equalize Opportunities for Education in Occupational Training (H. P. 804) (L. D. 501)

An Act relating to Settlement of Suits By or Against Infants (H. P. 1137) (L. D. 681)

An Act relating to the Salaries of the Judge and Recorder of the Northern Cumberland Municipal Court (H. P. 1149) (L. D. 733)

An Act relating to Inactive Savings Accounts of Former inmates

of the State School for Boys (H. P. 1164) (L. D. 685)

An Act relating to Appointment of State Humane Agents (H. P. 1166) (L. D. 687)

An Act to Provide Civil Service Rules for Police and Fire Departments (H. P. 1201) (L. D. 760)

An Act relating to Rate of Speed of Commercial Vehicles (H. P. 1210) (L. D. 711)

An Act to Grant Powers of Arrest to State Parole Officers (H. P. 1271) (L. D. 914)

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

An Act to Incorporate the Portland Wharf District (H. P. 1328) (L. D. 972)

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

Mr. PAYSON: Mr. Speaker, for the purpose of speaking briefly on this matter, I am going to move that this bill lie on the table. As you know, this is a companion bill to the one on the bond issue, and of no value unless the bond issue is passed. To keep the bill under control, whether that is passed or killed, I move that it lie on the table and be especially assigned for Friday morning, April 13th.

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

Passed to be Enacted

(Continued)

An Act relating to Clerk Hire in Office of Register of Deeds in Penobscot County (H. P. 1375) (L. D. 1038)

An Act relating to Special Legislative Pensions (H. P. 1383) (L. D. 1045)

An Act relating to Advertising Resources, Etc., by Aroostook County (H. P. 1393) (L. D. 1065)

An Act to Increase Teachers' Pensions (H. P. 1394) (L. D. 1066)

An Act relating to Control of Deer in Acadia National Park (H. P. 1395) (L. D. 1067)

An Act relating to the Salary of the Judge of Probate and the Register of Probate in Cumberland County (H. P. 1397) (L. D. 1068)

An Act relating to the Salary of the Sheriff of York County (H. P. 1398) (L. D. 1069)

An Act relating to the Salary of the Sheriff of Oxford County (H. P. 1399) (L. D. 1070)

An Act relative to the Salary of the Judge of the Brunswick Municipal Court (H. P. 1400) (L. D. 1071)

An Act relating to Salary of Sheriff of Cumberland County (H. P. 1403) (L. D. 1074)

An Act to Increase the Salary of the Judge of the Rumford Falls Municipal Court (H. P. 1404) (L. D. 1075)

An Act relating to Liquor Licenses in Unorganized Territory Where No Elections are Held (H. P. 1405) (L. D. 1076)

An Act relating to Selling of Malt Liquor Near National Soldiers' Homes, Etc. (H. P. 1406) (L. D. 1077)

An Act relating to Records of Educational Institutions (H. P. 1411) (L. D. 1084)

An Act relating to Alternative Method for the Enforcement of Liens for Taxes on Real Estate (H. P. 1414) (L. D. 1086)

An Act relating to License Fees for Amusement Shows (H. P. 1415) (L. D. 1087)

An Act relating to Permits for Digging Into and Opening Streets and Highways. (H. P. 1416) (L. D. 1088)

An Act relating to Pauper Settlement (H. P. 1417) (L. D. 1089)

Finally Passed

Resolve in favor of Mrs. Doris G. Cummings of Perry (S. P. 401) (L. D. 1041)

Resolve in favor of Alphonso S. Dube of Togus (S. P. 402) (L. D. 1043)

Resolve in favor of Velma Norton of Caribou (S. P. 403) (L. D. 1042)

Resolve Appropriating Money to Repair Fish Screen at Eagle Lake (H. P. 322) (L. D. 143)

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. 1007) (L. D. 555)

Resolve in favor of Dr. Charles H. Buck, of Naples (H. P. 1378) (L. D. 1048)

Resolve in favor of the Estate of R. Byron Flewelling, Late of West Gardiner, Deceased; for Loss of Life (H. P. 1379) (L. D. 1049)

Resolve in favor of Charles B. Buck, of Newfield (H. P. 1380) (L. D. 1050)

Resolve to Reimburse the town of Amherst for Suppression of a Forest Fire (H. P. 1381) (L. D. 1051)

Resolve Granting a State Pension to Eva M. Farrington Cary, of Bowdoinham (H. P. 1384) (L. D. 1052)

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Forty-six (H. P. 1391) (L. D. 1079)

Resolve in favor of William A. Johnson, of Orrington (H. P. 1392) (L. D. 1080)

Resolve relating to Daily Bag Limit from Androscoggin Watershed above Middle Dam (H. P. 1396) (L. D. 1081)

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 Taxation on Bill "An Act Proposing an Amendment to the Constitution to Exempt all Intangible Property from Taxation" (H. P. 1264) (L. D. 887) tabled on March 30th by Mr. Warren of Westbrook, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. WARREN: Mr. Speaker, I feel I was justified in tabling this bill for consideration after the other two were taken up so as not to confuse the issue, and moreover, we haven't heard from the Justices, their answer to the question.

I am a member of the Taxation Committee, and joined in the unanimous report on the three bills before them, that they ought not to pass. I think that that committee felt that they were considering a matter of importance. I think they felt that the present system is indefensible; that the few people who now pay a tax on intangibles are unjustly treated.

However, the committee did not feel that any one of the three bills was in perfect shape to pass. There was a great deal which could be said for Mr. Rollins' bill imposing a small tax on intangibles; on the other hand, there was a great deal which can be said against it. There is very much which can be said in favor of abolishing the tax on in-

tangibles, and I think that is the proper way, but not all members of the committee thought so, and I am sure many of the members of the House were on the other side. If I could take the time—which I do not intend to do—I think I could persuade any fair-minded person that the owners of these intangibles are paying their fair share of the property tax. To put this bill through in the form in which it now stands would violate the principles of many of you, and disrupt the internal affairs of many communities.

The bill now before us is attempting to legislate through the Constitution, which is wrong in principle. Now, you may say that the Taxation Committee ducked its job and put it up to you. With the turn which affairs have taken, I don't think the House is able to legislate fairly and reasonably on any of these bills. I am still of the opinion that none of them should pass, and I should be pleased if the House took that view. I make no motion in regard to this bill that is before the House for such action as they see fit.

The SPEAKER: The question is upon the acceptance of the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I didn't intend to fight for this bill. I differ a little with Mr. Warren, owing to the fact that in 1913 the Legislature—which, no doubt, in its wisdom was as wise as this one—saw fit to go to the Constitution to relieve the tax on intangible property by putting an amendment onto the Constitution, allowing this Legislature to assess intangible property at a different rate than real property. Since then they have done that thing, and for 30-odd years no Legislature has seen fit to take advantage of it. As I tried to show this House yesterday, I had two bills, one to put a reasonable, honest, just tax on it throughout the State of Maine, the other—which lays before us—to exempt intangible property from all taxation in Maine.

Now, the whole story is that if this Legislature does nothing in 1947 there will be a bill introduced—probably by the right sponsorship—which will pass and carry that revenue to the State of Maine for

additional expenditure. My endeavor was to put on a reasonable tax for the communities, for the relief of real estate and farms, which you members all represent. That having failed, I am just as sincere in wishing to take the tax off all intangibles, not for today, not for tomorrow, but forever, in Maine, so that they will not come in and get a revenue measure on that same project in 1947.

Therefore, in order to do so, to estop the next Legislature from setting a rate rather different from that on real property, it was my purpose in introducing this bill to withdraw that power which is given by the Constitution and exempt it by constitutional amendment. Mr. Speaker, I move that the bill be substituted for the report of the committee.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the bill be substituted for the "Ought not to pass" report of the Committee. All those in favor of the motion will say yes; those opposed no.

A viva voce vote being taken, 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 lays before the House the second matter of unfinished business, Majority Report, "Ought to pass in New Draft" (H. P. 1425) (L. D. 1113) and Minority Report "Ought to Pass in New Draft with Committee Amendment 'A'" of the Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the City of Rockland" (H. P. 149) (L. D. 51) tabled on April 2nd by Mr. Payson of Portland, pending acceptance of either report; and the Chair recognizes that gentleman.

On motion by Mr. Payson the Majority Report "Ought to Pass in New Draft" was accepted, and the bill, having already been printed, was read twice under suspension of the rules, and was assigned for third reading this afternoon.

The SPEAKER: The Chair now lays before the House the third matter of unfinished business, House Report "Ought to Pass in New Draft" (H. P. 1429) (L. D. 1110) under new title of "Resolve in Fa-

vor of a Special Recess Committee to Study all Pension and Retirement Laws of the State and Report to the Legislature" of the Committee on Judiciary on "Resolve in Favor of a Special Recess Committee to Study the School Pension and Retirement Laws of the State and Report to the Next Regular Session (H. P. 649) (L. D. 263) tabled on April 2nd by Mr. Payson of Portland, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker and Members of the House: I have no particular interest in this measure, excepting to see that a proper study is made of the different pension systems of this State. Having been involved in this pension business for some time for the State, I have a very sincere interest that the next Legislature shall not be placed in the embarrassing position this one has been, because of lack of information concerning what the different measures proposed may do, particularly to the budget.

You will note under Item 7 of Unfinished Business in the calendar a joint order introduced, referring this same proposal to the Legislative Research Committee. I have no particular interest in that; I am not a member of the Legislative Research Committee; I don't expect ever to be a member of it.

But I would like to offer you, from my experience in the House, my reason for trying to substitute the Legislative Research Committee for this Interim Recess Committee. I have served on both. I served on the Interim Committee, the Recess Committee, which set up the contributory retirement system for State employees. It had a membership of 5, as I recollect, two of whom are now members of the Senate, one of whom is on the Governor's Council, another was an ex-Senator at the time, I was the other member. We held one meeting of that committee in my office. I was elected Secretary. The committee never met again. All the work that was done was done by an actuary, by correspondence with me and by correspondence by me with the members of the committee.

In 1944 that committee held approximately twenty meetings, discussing things and then going over them. Out of ten members, I would say the average attendance was eight. That is the way I think in-

terim matters should be studied on the financial side. Between now and the first of July, the Legislative Research Committee has \$2749 of their old appropriation left which could be used for this purpose, and out of the regular appropriation should be able to handle that without further expense to the State.

I am not at all pleased with the make-up of this committee. I hope none of you will feel that I think any one on that committee will be unfair or dishonest, but on that Research Committee there are to be two members from the teaching profession, one to be a teachers' representative, and the Commissioner of Education, another from the employees' group of the State. It seems to me you have what ought to be an entirely impartial committee of the Legislature, and on that committee are four people with a direct, personal interest in what is to be done.

I have a feeling it will be impossible for some of the members to handle the questions to come before them. The bulk of the work which must be done under this study will have to be done by special actuaries. Ten percent of the work has got to be done by the committee. The actuaries will submit their findings regarding the different propositions for the committee to determine as a matter of policy: "Do you want the age 65 as a retirement age? If so, it will cost the State so much. Do you want the age 60 as a retirement age? If so, it will cost the State so much more. Do you want the age 55 as a retirement age? If so, it will cost the State so much more." What position are the two teachers and the members of the employees' group going to be in, when asked to choose between their own interests and the interests of the State? I don't say they are dishonest, but I just say they would not be in a position to judge fairly, and I don't think they ought to be put in such a position. From all my experience in this matter, from an expense viewpoint, and from the results to be obtained, I hope that the "Ought to pass in new draft" report will be indefinitely postponed and I so move.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves the indefinite postponement of the report.

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

Mr. WARD: Mr. Speaker: This new draft of course is a new draft of the Roberts resolve so-called. It had a public hearing, and afterward the Judiciary Committee gave it very serious consideration and talked over the matter of a special committee to study these matters and also talked over the feasibility of referring it to the Research Committee and the ultimate conclusion of the Judiciary Committee was that the committee was unanimously in favor of a special committee and they are unanimously in favor of it whether you see fit to adopt the Peirce bill so-called or not. We feel, or at least I do, that this proposed committee is a well balanced committee who should be able to handle the problem in a proper manner. I do not believe that it is necessary for us to take into consideration the fact that a committee several years ago, who may have been appointed to do some similar task, failed to hold the necessary meetings or take an interest in the matter which was assigned to them that they should have taken. The Legislative Research Committee two years ago had a number of items assigned to them for consideration and without a doubt that committee will have matters assigned to them by this Legislature. At the time the matter was referred to the committee two years ago we did not have in mind that subsequently that committee would be devoting several months of its time investigating a State Institution which was a matter which arose subsequent to the adjournment of the last Legislature. A legislative research committee is the same as any other committee. It is perfectly possible for us to overload that committee so that they will not have a sufficient amount of time to give complete consideration necessary to all matters.

The matter of teachers' pensions is one of the most important matters before this Legislature. It involves the security of thousands of people in the State of Maine. It involves a number of millions of dollars which the State of Maine has to contribute into the system. We feel that it is a matter which is worthy of a special committee which can immediately organize and proceed to investigate all of

the inequalities and all of the other matters connected with pensions. If this resolve is passed, that committee, when it has completed its investigation, if they have a report ready to make at any special session of this Legislature, they can make it to this Legislature; otherwise, they are obliged to make a report at the next regular session. I hope that the motion of the gentleman from Portland does not prevail.

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

Mr. PERKINS: Mr. Speaker, I wish to endorse the remarks of the gentleman from Millinocket. This bill was carefully considered by the Judiciary Committee, and I want to say to you that I have been a teacher and superintendent, and very much interested in any relief for teachers. I feel, and have felt from the very beginning of the session, that regardless of whether the Peirce Bill passed or not, there should be appointed a Recess Committee to study the teachers' retirement law. It was my privilege to serve on the Judiciary Committee last session and this session, and I have given a great deal of time to the study of this problem. I feel, if the motion of the gentleman from Portland, Mr. Payson, should prevail, there might be some grave danger of this bill being lost in the shuffle. I feel very strongly that the Roberts Bill in the new draft should receive passage, because this pension system should receive the careful and friendly attention of a Legislative Committee interested in arriving at a just solution of the situation at hand. I most sincerely hope the motion of the gentleman from Portland (Mr. Payson) does not prevail.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Payson, that the report be indefinitely postponed. All those in favor of the motion will say yes; those opposed no.

A viva voce vote being taken, the motion did not prevail.

On motion by Mr. Ward, the "Ought to pass in New Draft" report was accepted, and the resolve, having already been printed, was read once under suspension of the rules and was assigned for second reading this afternoon.

The SPEAKER: The Chair lays before the House the fourth matter

of unfinished business, bill "An Act Relating to the Salary of the Register of Probate of Kennebec County and Clerk Hire in Such Office" (H. P. 1374) (L. D. 1037) tabled on April 2nd by Mr. Carpenter of Augusta, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Carpenter the bill was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fifth matter of unfinished business, Bill "An Act Relating to Maintenance of State Highways and State Aid Roads" (H. P. 248) (L. D. 98) tabled on April 3rd by Mr. Dutton of Bingham, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Dutton, the Bill had its third reading, was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the sixth matter of unfinished business, Bill "An Act to Simplify Finances of the Department of Education" (S. P. 191) (L. D. 490) tabled on April 4th by Miss Deering of Bath, pending second reading; and the Chair recognizes that gentlewoman.

Miss DEERING: Mr. Speaker and Members of the House: I now move the indefinite postponement of this bill. In line with the step it takes towards simplification of finances and taking the control away from the Governor and Council and vesting it in the hands of two people at the most, this is a very cautionary step.

The SPEAKER: The gentlewoman from Bath, Miss Deering, moves the indefinite postponement of this bill.

The Chair recognizes the gentleman from Cumberland, Mr. Sweetser.

Mr. SWEETSER: Mr. Speaker, this, I think, is a matter which should be given very serious consideration by the House before balloting. It is true that this is a long bill; probably none of us have read it in its entirety. It has been presented, naturally, after careful study. It will relieve the State Departments that have to do with these finances and controls of considerable labor. It naturally will reduce the expense of the program of handling the finances in the De-

partment of Education. I am entirely agreeable with the idea of not putting too much power in the hands of any one or two individuals, but I think that we are, however, favorable to the thought that we have a financial program in this State, the State Controller, and that any simplification of accounting in these days is worthy of serious consideration. I have to admit that I have only briefly reviewed the bill. However, I believe that the committee has made a complete study of the situation and it seems to me that we should go along with the committee in this case. I hope that the motion to indefinitely postpone will not prevail.

There are several sections in the law that will be repealed which will certainly simplify the whole situation. I have raised the question in my own mind concerning the repeal of one section, that is Section 196, which at first glance might give the impression that the program for creating the State School fund was being eliminated. It is true that this provides for the earmarking of three and one third mills on our State tax, but that has not been sufficient in the past three years and it has been necessary to take almost a million dollars from the general fund. The general fund appropriation will now take care of the entire funds necessary for schools without this earmarking, so that that particular question in my own mind has been answered satisfactorily. I hope that we will consider this matter and approve the bill.

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

Mr. BREWER: Mr. Speaker, the members of the Appropriation Committee have considered this bill very carefully before we O. K.'d it, and, in way of explanation, I would point out to you that in the past we have built up a system of earmarking certain funds for certain purposes. We find that that does involve considerable bookkeeping. As for taking away the Governor and Council powers over these funds I cannot see where it would do this sort of thing, but I can tell you it would simplify it very much, as Mr. Sweetser told you, in that it does cut out considerable entries which the general fund would now take care of. I hope that the motion of the gen-

tlewoman from Bath, does not prevail.

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

Mr. DONAHUE: Mr. Speaker, this bill removes the control of this State's funds for education from the Governor and Council. And I want to ask the heads of our private academies in this State, and the heads of our different school systems in this State, whether or not they have reached the point where they don't trust the Governor and the Executive Council to properly disburse the funds or want to put them solely in the hands of the Commissioner of Education?

Under date of February 27 of this year, your State Commissioner of Education sent this letter to every Superintendent of Schools in the State of Maine:

"STATE OF MAINE
DEPARTMENT OF EDUCATION
Augusta
February 27, 1945

To: Superintendent of Schools
From: Harry V. Gilson, Commissioner of Education

School Appropriations

A wartime economy has of necessity caused dislocations in school budgets, particularly in the amount of state school subsidy allocated to towns and cities. Two factors in particular, the suspensions of operations at Aroostook State Normal School and the exodus of population from small towns and rural areas have made available balances which in turn made it possible to increase the census subsidy from \$1.51 in 1942 to \$2.85 in 1944."

One part of this bill I want to call your attention to is that in this bill the maximum State subsidy for each pupil attending a public school in this State is limited to \$2.00. Now, under your present law, your maximum is \$3, but it can be 3c if the Governor and Council so desires, and I say that decision should be left with the Governor and Council, and not to the State Commissioner of Education, and I hope that the motion of the gentlewoman from Bath (Miss Deering) will prevail.

The SPEAKER: The question is on the motion of the gentlewoman from Bath, Miss Deering, to indefinitely postpone this bill. All those in favor of the motion will say yes; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the seventh matter of unfinished business, Joint Order Relative to Study by Legislative Research Committee of the Various Pension Systems of the State (H. P. 1439) tabled on April 4th by Mr. Payson of Portland, pending passage; and the Chair recognizes that gentleman.

Mr. PAYSON: This order was designed as an alternative proposition to the Interim Recess Committee for the study of pensions. From a worm's eye view of the situation I would say that the Interim Recess Committee is very much alive. This Order looks sort of dead to me, so I move proper burial by indefinite postponement.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves for the indefinite postponement of the Order. Is this the pleasure of the House?

The motion prevailed, and the Order was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the eighth matter of unfinished business, House Report "Ought to Pass in New Draft" (H. P. 1434) (L. D. 1122) of the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the Lincoln Municipal Court" (H. P. 678) (L. D. 326) tabled on April 4th by Mr. Perkins of Boothbay Harbor, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker, I move that the bill and report be indefinitely postponed. My reason for doing so is that the bill following this includes clerk hire of \$300. This is strictly a Lincoln County matter and we feel at this time that all we should do is give the clerk hire, especially in view of the fact that the judge's salary has been increased in the last few years from \$700 to \$1100. I hope this bill will be indefinitely postponed.

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, moves indefinite postponement of

this bill. Is this the pleasure of the House?

The motion prevailed and the bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the ninth matter of unfinished business, House Report "Ought to pass" of the Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in the Lincoln Municipal Court" (H. P. 677) (L. D. 325) tabled on April 4th by Mr. Perkins of Boothbay Harbor, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Perkins the "Ought to pass" report of the committee was accepted.

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Gross.

Mr. GROSS: Mr. Spaker, I move the indefinite postponement of the bill.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the bill, having already been printed, was read twice under suspension of the rules, and was assigned for third reading this afternoon.

The SPEAKER: The Chair lays before the House the tenth matter of unfinished business, House Report "Ought to pass" of the Committee on Salaries and Fees on Bill "An Act relating to Salary for Clerks in County Offices in Lincoln County" (H. P. 1096) (L. D. 783) tabled on April 4th by Mr. Perkins of Boothbay Harbor, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Perkins the "Ought to pass" report was accepted, and the Bill, having already been printed, was read twice under suspension of the rules and assigned for third reading this afternoon.

The SPEAKER: The Chair lays before the House the eleventh matter of unfinished business, House Report "Ought to pass as amended by Committee Amendment "A" of the Committee on Sea and Shore Fisheries on Bill "An Act relating to Bounty on Seals" (H. P. 1337) (L. D. 986) tabled on April 4th by Mr. Carpenter of Augusta, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. CARPENTER: Mr. Speaker, when this bill came before the Committee on Sea and Shore Fisheries no one appeared in opposition. The reason for that was because the opposition did not know about this bill until they read about it in the paper, too late to appear at a public hearing. Now after they heard about it a group came here to Augusta. The Sea and Shore Fisheries Committee were very gracious and heard them but after this executive session several of the committee told me that they could not take the testimony of these people who appeared at a private hearing, and I believe they were correct in that. We certainly do not want private hearings. So they reported the bill out "Ought to pass." It is not an uncommon thing. Of course proponents know what their bills are. They are here to try to get them through. Opponents sometimes do not hear about it, as in this case. That is what I think the Legislature is for; to be a court of last resort. If that were not true all we would have to do in this Legislature would be to rubber stamp committee findings "Ought to pass".

The opposition to this bill is composed of roughly three groups. The first group is the Fish and Wild Life Service and this group takes in the Audubon Society, the Humane Society and other societies in a rough way. Now this group of people feel that seals are a benefit—that they have a place in the ocean the same as fish have a place in the ocean. They eat commercial fish; that is true, but they also eat fish that are detrimental to commercial fish, so that the Wild Life people feel that they are a benefit, that they do a service and should not be eradicated.

The natural habitat of the seal formerly was from the Maritime provinces to the Carolina coast. Now the only place you find Atlantic seals in the United States is off the Coast of Maine. As an example of what a bounty bill does, the State of Massachusetts used to have seals—they have a \$5.00 bounty now and they have exterminated seals in Massachusetts. I do not believe that is what we want in Maine. Seals are one of our natural resources and we haven't any too many. The State of California has seals. They are well known and they advertise them. Their seals and their fishermen seem to live in harmony.

What I am trying to say is, if

we are going to kill them off, we want to have some way where the seals could be used. The skins can be used for various articles; the bodies ground up for fertilizer. Under this bill the only thing taken off the seal is the head. This head will be presented to the town clerk. I will say, "Here, I want \$3.00," and then the town clerk has to dispose of the head. I am glad I am not one of those town clerks.

The next group which oppose this bill are the hotel and resort owners. They are a very realistic group. The fishermen say: "Kill the seals," and the hotel owners say: "Kill the seal fishermen." In the first place they say seals are a natural attraction to the tourists in Maine. They say, "Here we have a business that goes into the millions of dollars—why hurt it?" I think their real objection is the fact that when seals are shot the bodies come up on the beach. Perhaps their heads are off and perhaps not. The people tell me they don't like it. You don't have to have a seal in front of your house to smell it. If the wind is right it can be a mile away.

The next group to oppose this bill are the home owners, people living along the coast of Maine. We have all had several letters on this. Here is a long letter written on both sides, rather hard to read, so I had a typewritten copy made. I will read a few sentences. This woman explains the case better than any way I can do it. This letter is from Holbrook Island, Castine, Maine, written April 2, 1945:

"Only today I learned that the Seal Bill had been favorably reported on by the Committee on Sea and Shore Fisheries.

I feel that the bounty system is extremely and unnecessarily cruel but particularly so with seals, which are so difficult for the average hunter to kill outright. When the wounded creature's agony is finally over, the tide invariably carries the carcass on someone's beach and then—is there any more nauseating stench in the world? If there is, it has yet to be my misfortune to smell it.

What is even worse, dogs love the carrion although, due to the excessive amount of fat it contains, it makes them violently ill and often results in fatal skin and digestive disorders. We lost a beautiful German Shepherd because of a seal

bounty which provided him with sufficient carrion to kill him. I have a dog I depend upon for protection when I am living here entirely alone”.

I will skip the next.

“It seems to me that any scarcity of fish, of which the fishermen complain and which they blame on the seals, is actually due to them. Apparently there are no limits on a commercial, or should I say professional fisherman's catch and with present high prices as an inducement they are wantonly depleting all fish resources.”

I will skip the next

“Several men in this neighborhood recently made as much as sixty dollars in one day smelt fishing when the ceiling price was forty-five cents a pound”. Then she goes on to relate about others.

“In 1939 a seal bounty was considered necessary to protect the herring although actually the seiners were to blame”.

I guess that is enough—

“It is wanton extravagance to squander the tax-payer's money on bounties when, if indeed the control of seals is necessary just now, which I strongly doubt, such work can be done so much more efficiently and economically by the Fish and Wildlife Service. The Bounty method is antiquated, impracticable, inefficient and destructive. Furthermore it encourages cruelty in youths and persons of low grade mentality and sadistic tendencies.

(Signed) ANITA HARRIS.”

There are parts of this State that do not want this seal bounty and if this bill goes to the second reading, other parts of the State will ask for other amendments. This filing No. 146 is an amendment that excludes portions of the Bar Harbor district from the seal bill, and the County of York under filing No. 165, has put in an amendment so that the County of York will be excluded from this bill. I assure you that other counties will ask to be excluded from the bill. These are all fishing counties who know what they want, so I think the best way to handle this bill is to move for indefinite postponement and I so move.

The SPEAKER: The Chair recognizes the gentleman from Northport, Mr. Ames.

Mr. AMES: Mr. Speaker: I rise for information. Is a motion to retable this matter at this time in order?

The SPEAKER: The motion to retable is always in order, but it is not debatable.

Mr. AMES: Mr. Speaker, I want to inform the members why I asked—

The SPEAKER: Does the gentleman wish to make a motion to retable this matter?

Mr. AMES: I do, Mr. Speaker. Thereupon, the report was tabled pending acceptance until later in today's session.

The SPEAKER: The Chair wishes to state that there is a lot of unnecessary noise during these sessions. Members have to cough but if the gentlemen and the gentlewomen will please refrain from talking during the course of these matters, when matters come up for debate, it will not only be courtesy to the Speaker but it will facilitate the business of this session.

The SPEAKER: The Chair lays before the House the twelfth matter of unfinished business, Bill “An Act Amending the Charter of the City of Biddeford” (H. P. 733) (L. D. 402) tabled on April 4th by Mr. Renouf of Biddeford, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Renouf, the bill had its third reading.

Mr. Renouf then offered House Amendment “A” and moved its adoption.

House Amendment “A” read by the Clerk as follows:

House Amendment “A” to H. P. 733, L. D. 402, Bill “An Act Amending the Charter of the City of Biddeford.”

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

Referendum. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its submission to the legal voters of the city of Biddeford at the next general election therein. For the purposes of such election, the city clerk shall reduce the subject matter to the following question: “Shall ‘An Act Amending the Charter of the City of Biddeford’, passed by the 92nd legislature, be approved?”, and the

voters shall indicate by a cross, placed within a square upon their ballots, over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes of this act immediately upon the acceptance of this act at the above election. The result of the vote shall be declared by the Municipal officers and certificate thereof filed by the city clerk with the secretary of state.

The SPEAKER: Is it now the pleasure of the House to adopt House Amendment "A".

The Chair recognizes the gentleman from Camden, Mr. Lord.

Mr. LORD: Mr. Speaker, I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Camden, Mr. Lord, moves the indefinite postponement of House Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Biddeford, Mr. Renouf.

Mr. RENOUF: Mr. Speaker and Members of the House: As a second term member of the House, I am now making my maiden speech. The City of Biddeford, with its neighboring city of Saco, form the industrial center of Southern Maine, and is the home of Saco-Lowell Shops, one of the country's leading producers of textile machinery; the home of Pepperell Manufacturing Company and the York Manufacturing Company, a subsidiary of the New England Industries group; the Diamond Match Company; the Kesslen Shoe Shops, and many other industries and business enterprises.

The present population is in excess of 23,000 inhabitants.

The City of Biddeford is the fourth largest city in the State of Maine. Notwithstanding the fact that several thousand of our boys and girls are now actively engaged on all war fronts and fighting for the principals of democracy, our population has increased due to the exigencies of the war.

As the business manager of a large labor organization in the City of Biddeford, during the performance of the duties of that office, I daily come into contact with many of the leaders of industry and business enterprises, as well as the many workers in our local industries. It has been my experience that the citizens of Biddeford feel

that our Superintendent of Schools is now doing a full-time job. On many occasions since the beginning of this session, I have discussed with these people to whom I have just referred the question of the expediency of the formation of a school union which would include the towns of Dayton and North Kennebunkport with the City of Biddeford. They practically unanimously agree that the formation of such a union would be unwise and detrimental to the better interests of the school children, **their children**. Neither of the towns of North Kennebunkport or Dayton maintain grammar schools. The grammar school children of North Kennebunkport naturally are transported to the town of Kennebunk for their further education. The grammar school children of the town of Dayton are transported to the Town of Alfred, the nearest neighboring town, for their further education.

Unlike most of the cities and towns of the State, the Superintendent of the schools of the City of Biddeford has supervision not only of the evening schools but also of a vocational education program conducted in our local industries. During the summer months he likewise must determine innumerable questions involving the issuance of work permits.

As was pointed out to you, the proposed law seeks to take away from the School Board of the City of Biddeford as provided in the Charter granted by the Legislature in 1933, the right to elect a Superintendent of Schools for a term of years. Last year the school board, before it received any notice from the State Commissioner that it was to form a School Union, made a contract which is now existing and entitled to full faith and credit under our State Constitution with our present Superintendent of Schools for a term of 3 years. Under the law, the superintendent has a legal right to demand that the City of Biddeford perform its end of this contract.

For these reasons, and believing in the principles of Home Rule, I hope that this House will adopt House Amendment "A" which will give to the citizens of the City of Biddeford an opportunity to express their opinion regarding the expediency of the formation of the Union which the State Commis-

sioner of Education is seeking to enforce.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Russell.

Mr. RUSSELL: Mr. Speaker, this amendment seems to be another of several efforts made by the City of Biddeford to give it the right to set aside its obligations to the State as a whole. The State law, established now for more than twenty-five years, has been in favor of district superintendency. At first the cities with a population of over fifty thousand with a teaching list of over fifty teachers were allowed to have a superintendent of their own.

About 12 or 13 years ago, however, conditions having changed in the State through easier methods of transportation and because of better trained teachers, the State Legislature decided that only cities having at least 75 public school teachers should have a superintendent of their own. The State is interested in that matter because it subsidizes every superintendent in the State. Now the City of Biddeford, as said in this room before, has fewer than 75 public school teaching positions; it has, I believe, 56 public school teaching positions. The gentleman in presenting this amendment wants the privilege for the voters in the City of Biddeford to have the right to set aside State legislation. I believe it would be a very unwise procedure for the State to accede. I do hope his motion will not pass this House.

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

Mr. DONAHUE: Mr. Speaker, the last speaker omitted to say that at the same time in 1933 when the number of teaching positions was increased from 50 to 75 the Legislature in 1933 saw fit to give to the City of Biddeford the right to contract for its own Superintendent of Schools.

My colleague from Biddeford, Mr. Renouf, has referred to our various industries, and one of the members of our school board, elected under the doctrine of home rule, elected by the free ballot for which our boys are fighting, is a former general manager of all of the Diamond Match Industries in the U. S. Our school board went on record as unanimously opposed to the union suggested by the former speaker, a member of the regrouping committee and the State Commission of

Education, and I will take the opinion of Mr. Cheney, a member of our school board, against your committee or your State Commissioner of Education, whose activities are so varied that he is not only interested in the matters of the State of Maine; he would even dictate federal appointment.

I want to refer to the Portland Press Herald of March 27, 1945 under the heading of "Inside in Washington" by Elisabeth May Craig. The question before the U. S. Senate at that time was on the confirmation of Aubrey Williams as Director of the R. E. A. At that time the junior senator from the State of Maine, the Honorable Ralph O. Brewster, made a few remarks and upon being questioned by Senator Hatch the following occurred: Senator Hatch of New Mexico asked if the Maine Commissioner of Education had protested against Williams' confirmation and Brewster said no, that he had sent a "very strong endorsement of Williams." Well, well, I didn't think it was so strong, so I want to put it in the record. This is the letter:

"My association with Aubrey Williams convinces me that he is innocent of charges made that he is unchristian and communistic. Speaking as a private citizen it is my sincere hope that approval of his appointment as administrator of R. E. A. may be considered solely on the basis of his qualifications for the position. I have complete confidence in your ability to judge the man.

(Signed) HARRY V. GILSON."

And I say again your junior senator from Maine, regardless of the letter of the State Commissioner of Education, did not vote for the confirmation of Aubrey Williams.

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

Mr. NADEAU: Mr. Speaker and Members of the House: We do not ask you to vote against the measure; all we ask of you is to give the privilege to the citizens of Biddeford to say if they think it would be wise to change the law.

Supposing the change should be made — what would the State of Maine gain by it? At the most \$400.00 — and we are not so sure about that. If the Superintendent of Schools has to travel so many extra miles he may expect an in-

crease in salary. School Superintendents like everybody else have to pay for their gas, oil, repairs, etc. What would the school children of Biddeford lose by the passing of this law? They would lose a full time superintendent and have in exchange a part time superintendent, all for the sake of maybe \$400.00. We raise salaries of teachers and better their pension—why? Because we want the best teachers and want to keep them for Maine. If it is important to have good teachers, supervision should be important.

Two weeks ago we voted to authorize the County Commissioner of Aroostook to spend for advertising a sum of money not to exceed \$5000. Why didn't we vote the same privilege for all the counties? Because the other counties didn't seem to think it would be beneficial to them, but the representative from Aroostook County urged us to pass it because it would be beneficial to its citizens. So the needs of different cities and towns are not all the same. We cannot compare Biddeford with Portland so we should not compare Biddeford with smaller towns. So this is why we urge you to adopt the amendment.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Lord.

Mr. LORD: Mr. Speaker, I just want to make a few remarks relating to the real issue that is before us which I hope will not be confused by remarks by the gentleman from Biddeford referring to the present Commissioner of Education. I have no brief to hold for him whatever. I simply say that the issue between the present Commissioner and the City of Biddeford really is an issue between the law of the State and the City of Biddeford. The present Commissioner happens to be the man who tried to enforce the law. Before this Legislature there have been two or three bills to change the law in favor of Biddeford, allowing Biddeford to have a special law relating to the Superintendent of Schools, and we have refused that in each case. This amendment, of course, will defeat what we have already done in passing the amendment to the Charter of the City of Biddeford. That is all the purpose of the amendment is, of course. The inhabitants of the City of Biddeford do not want that Charter

changed and if this amendment is passed, of course they would not vote in favor of the amendment to the Charter so the issue we have to confront is this: Shall we make a special law for the employment of a Superintendent of Schools for the City of Biddeford or shall we hold to the general law?

The SPEAKER: The question is on the motion of the gentleman from Camden, Mr. Lord, for the indefinite postponement of House Amendment "A." All those in favor of the motion will say yes; all those opposed, no.

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

Sixty-five having voted in the affirmative and 24 in the negative, the motion prevailed and House Amendment "A" was indefinitely postponed.

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

The SPEAKER: The Chair lays before the House the thirteenth matter of unfinished business Bill "An Act relating to Keeping Certain Animals Confined" (H. P. 1426) (L. D. 1106) tabled on April 4th by Mr. Williams of Auburn, pending third reading; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I want to call your attention for just a moment to the bill relating to keeping certain animals confined. You have it before you, it is L. D. 1106 — "Owners and keepers of sheep, swine, horses, mules, goats, cattle, or poultry shall adequately enclose and confine such animals so as to prevent them from running at large outside of such enclosure."

If I understand that clearly, it means you must keep enclosed all animals and all poultry and not permit these animals to run at large at any time. If we go on to the next paragraph, you must do that at your peril or you will become a violator of the law. If you have an ambitious hen in your yard who flies over the fence, assuming this hen goes over and scratches in a garden and does a little damage anywhere — if any damage is caused by reason of such animal running at large, the owner or keeper shall be punished by a fine of not more than \$100. or imprisonment of not more than ninety days or both the fine and imprisonment.

That may be a proper method of accomplishing some results that I understand are intended under this particular act. However, it does seem like rather a severe penalty, if an animal does escape from your pasture or a hen from your hen yard and does any damage, that you thereby are subject to a fine of \$100 or ninety days in jail, and to bring this matter to your attention I move indefinite postponement to this measure.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Wells.

Mr. WELLS: Mr. Speaker, this is my first session in the Legislature. Up to this time I have not said a word in the House and not too much outside. However, when a bill comes up for passage that would make a man or woman face 90 days in jail for a cow damaging crops or if a hen gets away and scratches up a hill of beans, it is too much. I am firmly opposed to it when a man gets away with something. If the penalty was only \$100 fine, that would be bad enough but when 90 days in jail can be added to that, it is too much. I know there are people who are careless in looking after their stock but they can be sued at court for any damage under the present laws. I hope that this bill does not pass.

Mr. SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Hemphill.

Mr. HEMPHILL: Mr. Speaker and Members of the House: I know but very few farmers, in fact I don't know any farmers but what keep their animals confined as best they can, but once in a while an animal will get out, especially a hen fly over the fence. If two neighbors get a little at swords' point and one or the other has a hen or something else that gets out and destroys maybe five cents' worth of stuff, he has an awful leverage against his neighbor. I think you are inviting a lot of trouble when you pass this bill. I go along with Mr. Williams and propose indefinite postponement of this bill because I think it is terrible.

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

Mr. BROWN: Mr. Speaker, I think I would like to go along with the gentlemen who have already spoken on this bill.

A short time ago we had a bill introduced requiring that bulls be confined, when over 18 months old, and the young ones left loose. I think there was a lot of good in that. In fact, I was thinking that over, and here is the result:

"As I go strolling in the spring,
down in some shady lea,
Will I be startled from my dreams,
by a bull that chases me?
He may look mad; he may act bad;
am I worried by his rage?
I know his brand,—he's Ferdinand,
not 18 months of age."

(Laughter)

I would have been in favor of that bill, but I think this bill should be indefinitely postponed.

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

Mr. DUTTON: Mr. Speaker, I think there is a lot of merit in this bill but I believe it is terribly overdone. I have a neighbor who was noted for not taking care of his animals. He had thirty-seven sheep—they got out of the pen and went into my neighbor's field and proceeded to fill up on perfectly nice new seeded clover. The man who owned the land went to the person who owned the sheep and he said, "Pat, you will have to take care of your sheep; there are thirty-five of them up there in my field at the present time". Pat said, "There should have been thirty-seven". I had at one time fifteen barrels of hand picked apples, very nice apples. This same neighbor's cattle, thirty-two in number, visited the yard that night and they ate all the apples but about one-half bushel. We came back the next morning and found those barrels of apples had been eaten and demolished. I sent a man over to my neighbor's and he told him they had eaten up eleven or twelve barrels of apples. "Oh," he said, "eleven or twelve barrels? Those cows must have been terribly hungry for apples."

I feel very much as though this measure, while nice, is altogether too drastic and I hope for indefinite postponement.

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

Mr. TRUE: Mr. Speaker, this is a good bill, I know that—it came out of the committee unanimously "Ought to pass". I guess probably we got too many chickens in it.

This bill is a department bill; it is a bill to go along with the Bang's Disease. If you use one half million dollars to eradicate Bangs Disease and then let cattle roam at will, it looks like rather poor business to the Department. The law we have on the books at this time is very weak. It is almost impossible to do anything with a violator. A moral law is as good as the people wish it to be. A written law is as good as the fear of the penalty of that law. I would like to table this until I can offer an amendment and especially assign it for tomorrow morning.

The SPEAKER: The gentleman from Rangeley, Mr. True, moves that this bill be tabled until tomorrow morning. Is this the pleasure of the House?

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

On motion by Mr. Ward of Milinocket,

The House recessed until four o'clock this afternoon.

After Recess - 4 P. M.

The House was called to order by the Speaker.

The SPEAKER: The first order of business this afternoon is the third reading of bills which were especially assigned for third reading this afternoon. The members will find the mimeographed list of these bills on their desks.

Passed To Be Engrossed

Bill "An Act relating to Clerk Hire in the Lincoln Municipal Court" (H. P. 677) (L. D. 325)

Bill "An Act relating to Salary for Clerks in County Offices in Lincoln County" (H. P. 1096) (L. D. 783)

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

Amended

Bill "An Act to Grant a New Charter to the City of Rockland" (H. P. 1425) (L. D. 1113)

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

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 H. P. 1425, L. D. 1113, Bill "An Act to Grant a New Charter to the City of Rockland"

Amend said Bill by striking out in the third line of section 708, of the printed bill, the following: "224, 225, 226, and 227" and inserting in place thereof "225, 226, 227 and 228"

Further amend said Bill by striking out all of the second sentence in section 405 thereof.

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

Passed to be Engrossed

(Continued)

Bill "An Act to Incorporate the 'Guardian Loan Co.'" (H. P. 1456) (L. D. 1156)

Bill "An Act to Authorize Outside Audit of State Books" (H. P. 1457) (L. D. 1157)

Bill "An Act Designating Certain Academies as High Schools and relating to Membership in the Maine Teachers' Retirement System" (H. P. 1458) (L. D. 1158)

Bill "An Act relating to the Salary of Various Officers of Waldo County" (H. P. 1459) (L. D. 1159)

Bill "An Act relating to Automobile Travel by State Employees" (H. P. 1461) (L. D. 1161)

Resolve in favor of a Special Recess Committee to Study all Pension and Retirement Laws of the State and Report to the Legislature (H. P. 1429) (L. D. 1110)

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

Amended Bill and Resolve

Bill "An Act Concerning Agricultural Cooperative Associations" (S. P. 343) (L. D. 897)

Resolve to Apoint a State Board for Approval of Institutions Offering Specialized Training (H. P. 941) (L. D. 543)

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

The SPEAKER: The Chair now lays before the House the fourteenth matter of unfinished business, Bill "An Act relating to the Salary of Judge of Probate of Hancock County" (H. P. 1401) (L. D. 1072) which in the House was engrossed without amendment, and in the Senate was engrossed as amended by Senate Amendment "A", tabled on April 5th by Mr. Sargent of Bucksport, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Sargent, 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. 1401, L. D. 1072, Bill "An Act Relating to the Salary of Judge of Probate of Hancock County."

Amend said Bill by striking out the underlined figures "\$2,500" in the last line thereof and inserting in place thereof the underlined figures "\$2,300".

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

The SPEAKER: The Chair now lays before the House the fifteenth matter of unfinished business, "An Act to Accomplish Conformity to State School Building Standards" (S. P. 197) (L. D. 487) on April 5th by Mr. Ela of Anson, pending enactment; and the Chair recognizes that gentleman.

Mr. ELA: Mr. Speaker, I tabled this bill the other day simply as a matter of courtesy, and I will lay it before the House.

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

Mr. THOMPSON: Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Brewer, Mr. Thompson, moves that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, before this thing goes to a vote, I would like to at least mention a thing or two about this particular bill. It went along, the committee report of course was favorable, the report was unanimous, it was on its

way to be enacted until it was tabled. As far as I know, the only thing this bill is trying to do is to set up a building code in the State of Maine insofar as its schools are concerned. At the present time, with the possible exception of very minor details as to heat, light, ventilation and sanitation, the State has no control over the type of building that shall be erected anywhere in the State. It does, up to four rooms, have the ability to submit plans which may be used, but, over four rooms, it does not even have the power to do that. There are places throughout the State where buildings have been built in late years that do not in any way conform to what is proper—to what a school building should contain. The State is trying to get away from the wastefulness that has taken place in many towns. Now this bill has been put in.

A case came up where Dr. Herbert Blair, Professor of Education at Boston College, made a visit to the State of Maine recently. In Lewiston, the Martel School, built not too long ago at a cost of \$100,000, at the time it was built it was already 40 or 50 years behind the times, and it could have been built for half the amount involved. But because we had no set-up whereby we could go in and tell that particular town what it was supposed to do, they have a school which is now entirely inadequate.

My friend, Mr. Thompson of Brewer, has a wonderful school which was recently built, but if he asked his superintendent of schools, Mr. Howard Houston, he would find out that his school was built on a very poor site. If this law had been in effect, they wouldn't be faced with the situation that they are, where they built it on a low, swampy piece of ground, without enough room around the building for their purposes. Otherwise it was perfectly adequate. There was no one around to say, "That lot is no good. Move it a little bit, over here."

The Federal Government has started building schools in different sections of the State, in Kittery, Old Orchard Beach, Portland, and other sections, where industry has gathered, and need for additional schools is felt. The Federal Government is stepping in and building schools, and we have nothing to say

about it. They are putting them in sections where, after this is over, we are going to have a beautiful building, but it will be miles from where it should be located.

I definitely feel that this is a good bill, and something we need to help Maine up from its cellar position. And I think too much is being made of the fact that anything which emanates from the Department of Education has the stamp of the Commissioner of Education on it. There is too much dealing in personalities. We are killing good bills because one or two individuals do not happen to like other individuals. I certainly hope the motion of the gentleman from Brewer, Mr. Thompson, does not prevail.

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

Mr. THOMPSON: Mr. Speaker, I am very sorry to have to speak on this amendment. In regard to our school building, it is not located in any swamp. It is located on a high piece of land and I don't think he knows what he is talking about.

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

Miss DEERING: Mr. Speaker and Members of the House: I am a member of the Committee on Education. There was no minority report signed on this bill; there were other bills that came out without minority reports. I think it took a little time to fully realize the trend in which our education bills were going. You can take one bill and it says one thing; you take another bill and it says another thing. Take a few of these by themselves, they were perfectly all right but if you put them together and get a clear picture of them you will realize the trend of our education in the State of Maine.

I am not dealing in personalities, I do not care to deal in personalities, but I am a teacher, I am interested in education and if I possibly can I shall see to it that our towns and our cities will be able to run their educational affairs. Most of all I want it to be so that a teacher will be allowed to give her courses in her school as she sees fit. One teacher may put over one subject one way, another may put it over another way. As long as she gets it over, that is the important thing.

Now this bill states that the Commissioner of Education will see all plans for renovation, remodeling or changing in our school buildings, plus approving or disapproving of the site of the school. Bath has one of these schools here that the Federal Government said, "You shall have that school there." It does not comply with our wishes—it is not where we want it. It will be left out when this war is over. By approving of the plans and sites and having this control, we have a housing project in the City of Bath now where the City of Bath did not want it but the Federal Government said, "We approve of the site and approve of the plans." We argued, we fought, we got nowhere. It may sound funny but it is not funny to the people in those houses who have to go in their front doors by boat because it is on swampy land. Our City Fathers said, "That is swampy land; it is not a good site," but the people who have the approval and the disapproval of the plans of the houses and sites said, "That will be the site of your housing project, we want it there." We have it there. This is much the same thing right here. Your locality will not be able to say, "We want this school here." For instance, if someone in your city or town wishes to leave a memorial to someone in the service and would like to be able to design the type of school and give the site for it, that person cannot give it nor can the city or town accept it until the Commissioner of Education says "All right." I feel it is too much to deprive our cities and towns of the right to build their schools on the site they want. I think education has progressed to the point where our town fathers and mothers — and you do have a lot of women on school boards now — are interested not particularly in the appearance of the building but what is best for their children and I think they should be able to say what is best for their children in these communities.

I certainly hope the motion of the gentleman from Brewer, Mr. Thompson, prevails.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, a lot of the things the gentlewoman from Bath (Miss Deering) mentioned are definitely truths; people

wanting to have the best for their children and the various other things she mentioned. That was aside from the thing involved in this particular bill.

I do want to point out here that her situation in Bath in regard to what the Federal Government has done is just the thing this bill is trying to do away with. If you will read the bill it says, "any locality, which receives state funds even though such school buildings may be built or remodeled by grant of federal funds or located upon federal land within the state," the State will have something to say about the building going on it. Right now we cannot; that is why they place these things around here that will not be useful later on. We should have something so we can say, "Now look, we have something to say about the building or remodeling even on your own land." When it says the Commissioner here, it does not mean the Commissioner himself has passed on that—it says the Commissioner and the Bureau of Health. As I see it, when they mention "Commissioner" it means the Department of Education, not just that one man. All bills usually mention "Commissioner," but he cannot possibly run around and take care of all these things himself. You would designate the Department of Education and it does include the Bureau of Health.

We might say that towns know best what to do but we see many instances throughout the country where towns have built schools and they are too close to the road, no playground space in front and no place for an athletic field. They thought they knew what they were doing, they thought they were doing the best thing; but, because they had no one to talk to they built them in places that might be perhaps a little inadequate. I think this would be helpful in supplying towns or cities with information as to what was right to do in regard to proper school buildings. Other states have it, they have it as part of their regular programs for building schools. The towns say they want to build a school and the department goes out and shows them the best site, not only because of the lay of the land but for the inhabitants; and shows them whether it is a place not too crowded, and the different things that

go into the building of a school properly. Again I say I am against the motion of the gentleman from Brewer, Mr. Thompson.

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

Mr. DONAHUE: Mr. Speaker, apparently the State Commissioner of Education on this "must" bill before the Legislature forgot that he is not working any longer for the National Youth Administration and is now State Commissioner of Education for the State of Maine. The previous speaker pointed out very definitely that our cities and towns need some advice but I don't think it is necessary that we take advice from the National Youth Administration. The previous speaker has referred to this fact that possibly the towns have been misguided. Again let me point out to you that when you submit to the Federal Government a program for the building of a school that you don't get Federal funds unless you comply with the Federal law.

In regard to this bill, the previous speaker says that it does not mean the Commissioner of Education. You have already added three deputy commissioners during the past year, so you are going to have another one to take care of uniformity of school building. You can't apply it any other way; if the last speaker means what he said, that is what it means, so you are building up again a future bureau in the State House.

At the last session we were faced with a proposition for providing adequate housing facilities for all of our State Departments—if we add another deputy you are going to have some secretaries and you are going to increase the power of this Bureaucrat from Washington who has been imported into the State of Maine to tell you what you and I shall do. Some kind citizen donates a lot, it is 500 feet by 400 feet, a very good lot, and the citizens of that town get together and appropriate money to put up a building on that lot. The State Commissioner of Education says "No, we don't want that lot, we want a lot that is 500 feet by 491 feet" so you can't accept that lot you have got to go out in your town and buy another lot, that is what this bill means. In other words, you have got an importation into the State of Maine of the very

things that the Republican party of the State of Maine has been complaining about in the Bureau of Washington. That is what you have in the State Department of Education today, a Bureau.

This morning there was a bill defeated because of your State Commissioner of Education, a bill that he sponsored. He didn't even want to bother with having the Governor and Council elected by the people of the State of Maine. There is adequate law on your statute books at the present time to take care of school buildings. The section before, the section which is repealed under this bill, provides the State Department of Education can provide plans upon the request of any community of the State of Maine for building a school building. Under this bill here—the first of it is struck out—you can look at it—it says if you don't accept the plans submitted by the State Department of Education you must provide several things and if you don't you are not entitled to any State stipend, but under this bill you comply with the wishes of this Bureau from Washington or else. I hope the motion to indefinitely postpone this bill prevails.

The Speaker recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I am wholly in agreement, as I understand it, with the Department of Education, but I don't like this bill. I think it is very undesirable. Our school system and the Department of Education is supposed to be one of the main vehicles in the teaching of democracy. Perhaps it is too much to expect that we should have more freedom in this matter. I wish all of us would think a little seriously on what this means to various towns and cities. California has the best school buildings of any state in the country and I was struck by the tremendous variety of them. I think there is a certain social, democratic and artistic value in having buildings and their furnishings in great variety. I don't think they ought to be all of a standard fixed type.

I believe the town authorities, the citizens, members of the school board and school authorities are amply able to take care of this matter. I should hope that the Department of Education would have plans and those plans would be consulted and be at the service of the

various school boards in the cities and towns and school units, but it seems to me this bill carries the matter entirely too far. It seems to me if we go along this course, there will be very little democracy and liberty in the management of our school system. Therefore, I am in favor of the motion to postpone.

The SPEAKER: The question is on the motion of the gentleman from Brewer, Mr. Thompson, that the bill be indefinitely postponed. The Chair recognizes the gentleman from Casco, Mr. Cole.

Mr. COLE: Mr. Speaker, I come from a small town and I have been associated with small towns all of my life. I know something of the average general caliber of school committees of the average town. I think that probably the average is rising. I still believe that we have too many towns in the State of Maine already where the average ability of the citizens to serve on the school committee—which is a very powerful committee in any town as you all understand—where that average ability is not quite sufficient to cope perhaps with the problems that come before it. I think we are reading too much into this bill. I think we are too afraid. What do we have a school department, a State Department of Education for anyway, if it is not to be a source of intelligence to which we can turn for some guidance in educational matters. It seems to me that it stands for us as a sort of institution to which we can look for help and I personally have no fears that the Department of Education is going to all of a sudden turn antagonistic to the best democratic ideals and principles of the State of Maine. I haven't that fear. I would rather see for myself authority lodged somewhere which in the final analysis would compel, if needed, the proper choice of sites and the proper specifications for buildings rather than to have no authority anywhere to which to turn. So I am not in favor of the motion presented by the gentleman from Brewer, Mr. Thompson.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Vickery.

Mr. VICKERY: Mr. Speaker and Members of the Legislature: Some twenty years ago I started my first experience in the Department of

Education relative to the remodeling of school buildings and I have been on that or similar problems of the Department for the last twenty years. Sometimes in our community we have won our point, sometimes we have lost. I happen to come from a community where if the committee on a building project had had some central authority down here to visualize the proper location for a school building, we would not today be regretting the building which we have.

I have found, although I have had many differences of opinion with the Department of Education over the past twenty years, that in spite of those differences either on building projects, school unions or whatnot, that I am thoroughly convinced we need here in the Department of Education some source of authority.

I believe that this is a good bill and I would like to see it passed.

The SPEAKER: The question is on the motion of the gentleman from Brewer, Mr. Thompson, that the bill will be indefinitely postponed.

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

Mr. WILLIAMS: Mr. Speaker, I don't care to add any new arguments to the question before us, but it appears from the remarks we have heard this afternoon that a study of the bill resolves itself into just one question: Home rule versus State rule.

I do not know where you stand on that issue. I do not doubt but what the Department of Education knows a lot more about building school buildings than a lot of the members of school boards do. I was surprised to hear that the fine building at Brewer is in the wrong location, but my friend from Brewer, Mr. Thompson, can correct it by moving it a few feet when he gets back to Brewer.

I think if we are to keep home rule in the cities and towns of Maine, regarding education, we want to vote against this bill. If you believe it should be turned over to superminds in the Department of Education, I believe you should vote in favor of the bill.

The SPEAKER: The question is on the motion of the gentleman from Brewer, Mr. Thompson, that the bill be indefinitely postponed. All those in favor of the motion will say yes; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House the sixteenth matter of unfinished business, Bill "An Act relating to Licensing Automobile Dealers" (H. P. 1322) (L. D. 965), which in the House was engrossed as amended by Committee Amendment "A", and in the Senate was indefinitely postponed in non-concurrence, tabled on April 5th by Mr. Payson of Portland, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Payson, the House voted to insist on its former action.

The SPEAKER: The Chair now lays before the House the seventeenth matter of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Ways and Bridges on Resolve in favor of a Bridge across the St. John River (H. P. 1101) (L. D. 786) tabled on April 5th by Mr. Brewer of Presque Isle, pending acceptance of either report; and the Chair recognizes that gentleman.

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

The SPEAKER: The Chair now lays before the House the eighteenth matter of unfinished business, House Report "Ought to pass in New Draft" (H. P. 1443) (L. D. 1137) of the Committee on Judiciary on Bill "An Act Extending the Workmen's Compensation Act to Cover Occupational Diseases" (H. P. 1238) (L. D. 864) tabled on April 5th by Mr. Bowker of Portland, pending acceptance; and the Chair recognizes that gentleman.

Mr. BOWKER: Mr. Speaker, I move the acceptance of the report.

Mr. POULIN of Rumford: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. POULIN: I wish to table this bill, Mr. Speaker.

The SPEAKER: Will the gentleman wait until we find out wheth-

er the House wishes to accept the report of the committee?

Is it the pleasure of the House to accept the "Ought to pass in new draft" report of the committee?

Thereupon, the motion prevailed and the report was accepted.

Mr. POULIN: Mr. Speaker, I move that this matter lie on the table and be specially assigned for Thursday, as I wish to offer an amendment.

The motion prevailed, and the bill was tabled pending first reading, and specially assigned for Thursday morning.

The SPEAKER: The Chair now lays before the House the nineteenth matter of unfinished business, Bill "An Act relating to Licensing Hospitals and Related Institutions in the State of Maine" (S. P. 405) (L. D. 1063) which in the Senate was passed to be engrossed, tabled on April 5th by Mr. Jacobs of Auburn, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Jacobs, the bill was given its third reading, and passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the twentieth matter of unfinished business, Bill "An Act relating to Prenatal Examinations, (S. P. 216) (L. D. 468) tabled on April 5 by Mr. Perkins of Boothbay Harbor, pending enactment, and the Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker, I move that this bill be indefinitely postponed. There was passed by this Legislature in 1939 a duplicate of this bill No. 468. I will tell you what that bill was. "Every physician attending a woman in the process of gestation shall take or cause to be taken with her consent a sample of blood of each woman and submit such sample for a standard serological test for syphilis to a laboratory of the department or to a laboratory approved for this test by the department."

This is one of those bills that illustrate how these departments grab for power. They put in a bill in 1939, which was passed, for a purpose no matter how desirable it might be, to have the blood tested with the consent of the woman. They now present a bill which pur-

ports to authorize every physician to take these tests without her consent. I am opposed to this bill, Mr. Speaker and Members of the House, first because a serological test for syphilis is not certain, it is not definite. It is possible for an examination to show that a woman is suffering from syphilis when that was not so. Therefore why should a woman of unimpeachable reputation receive a smear. I am opposed to it for that reason. I am also opposed to it for another reason and that is this, that if the Legislature should pass the bill it has no power under this legislation to authorize any physician by force—and that means just what it says—without her consent, by force of arms, to take a sample of blood for the purpose contemplated in this bill. It violates the fundamental law of this State. I hope my motion for indefinite postponement will prevail.

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

Mr. DOWNS: Mr. Speaker, I certainly dislike at this time to differ in opinion with my most esteemed colleague, the gentleman from Boothbay Harbor (Mr. Perkins), but it is only fair at this time that I try in my humble way to explain to the members of this House why the Committee on Public Health signed an unanimous report "Ought to pass." I well remember the piece of legislation which was referred to by the gentleman from Boothbay Harbor and this legislation has accomplished much but it has not gone the whole way.

We all realize that the discussion of health measures is rather delicate, but I want to say to you at the beginning that this particular piece of legislation is a plea for the unborn child. This bill simply provides that where a physician attending a woman during that period is convinced in his own mind that she may be afflicted with that terrible disease, shall take a sample of her blood to determine whether or no his suspicions are correct or groundless. That is not a public matter; it is not printed in the daily paper, or his belief or the findings of the department. They are held in sacred trust with the utmost secrecy. That means,—that particular examination means,—to the mother, first, the production of a normal, healthy child, if treat-

ment may be commenced at the proper time. It also means to that mother unless treatment is commenced at the proper time, a still-born child; the hope of her lifetime wrecked.

Now, are we going to hide behind any false modesty simply because there is a "must" in this bill? Laws are simply regulatory processes, enacted to safeguard society and that is all this bill is.

Many times on the floor of this House I have heard my friend touchingly allude to his boy who is in the service. I would ask him—would he deprive the mother of his son the protection which his son is receiving; the wife of his son,—pardon me,—the same protection which his son is receiving while in the Armed Forces?

He has raised the question of legality. I don't know that a decision has ever been handed down on this particular thing but I don't know why it should be any different than compulsory vaccination. Decisions in the various courts in the United States have held that compulsory vaccination is legal. In a decision of the Supreme Court of the United States, *Jacobson vs. the Commonwealth of Massachusetts*, the court upheld in every respect the statute, the validity of which was questioned under the Constitution, and the Court goes on to say, "The liberty secured by the Constitution of the United States does not impart absolute right in each person to be at all times and in all circumstances wholly free from restraint. Real liberty for all could not exist under the operation of a principle which recognizes the right of each individual person to use his own, whether in respect to his person or his property, regardless of the injury that may be done to others."

This matter was carefully considered in committee. The Department of Health does not desire or want the powers of a Hitler but they do want the right and the power to protect to the best of their ability your home and mine.

I am leaving it in your hands, members of this Legislature, whether or not in this particular instance you give it to them. I trust that the motion of the gentleman does not prevail.

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

Mr. PERKINS: Mr. Speaker and Members of the House: As you know there are very few lawyers in the House. There is a duty upon us when we see a bill which we believe to be unconstitutional or poor law to call that matter to the attention of this House and that is what I am doing at this time.

In reply to the question of the gentleman from Rome, Mr. Downs, I wish to say of course that I would personally be in favor of and would consent to such an examination for the benefit of my family or my son's family but that is not the point; they want to do this by force, and I say to you, Mr. Speaker and members of the House, that this Legislature in my judgment has no power to pass a law that will authorize any physician to invade the sanctity of my home against my will.

As far as compulsory vaccination is concerned, that has been held unconstitutional in certain places, but it is true that the State has a right to pass vaccination laws and if children are not vaccinated they can keep them from attending school. That is another question. It does come along in the same line, and I say to you here that no one has the power against my will to vaccinate me unless I want to be vaccinated. Some states have held it can be done in a public emergency, an epidemic. I hope my motion for indefinite postponement will prevail.

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

Mr. DOWNS: Mr. Speaker and Members of the House: Briefly, I cannot visualize by any stretch of the imagination that if there was a severe epidemic of smallpox, that anyone would hesitate a moment to have his family vaccinated. Perhaps some would. Do you realize that this disease, which this particular bill attempts to assist in the eradication of, can be cured as easily as smallpox, much easier than infantile paralysis, much easier than many other diseases I might bring to your attention? But as a result of untreated cases, your hospital across the river, and your hospital in Bangor are overcrowded today.

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Gross.

Mr. GROSS: Mr. Speaker, I regret to have to rise in opposition

to my good friend, Mr. Downs, but I want to point out one fact: There is besides the prenatal law, a premarital law requiring an applicant for marriage to secure negative proof of being afflicted with syphilis. That, in my opinion, is an excellent law and I will state my reason. It takes about two years minimum to cure a case of syphilis under proper treatment. If it is discovered that an applicant for marriage has the disease, under advice of his physician and under proper treatment he can be cured and there will be no danger of passing the disease to the next generation; but if a woman who is pregnant has the disease—and most of them do not come to the physician until they think they are pregnant—the damage has already been done and no amount of treatment is going to prevent the offspring from having the disease. In that light, I feel that this bill is unnecessary and during the course of treatment, or rather advice to the pregnant woman, more than likely the physician will discover some symptoms which may lead him to believe that she is afflicted, and on his advice she will submit to any necessary serological test to approve or disprove the fact.

Those are merely medical facts and I place them before you for your consideration in voting on this measure.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Peirce.

Mr. PEIRCE: Mr. Speaker and Members of the House: I am not a doctor, and in the opinion of some I know I am not much of a lawyer. I would like to point out that this bill covers other diseases than the one Dr. Gross mentions. Now, another social disease which this bill covers can be cured during the period of gestation so it will not be passed on to the unborn child. For that reason alone, I would be in favor of the bill. I, personally, am not worried about the legal technicalities involved in it. Therefore, I hope the motion to postpone indefinitely will be defeated.

The SPEAKER: The question is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, that the bill be indefinitely postponed. All those in favor of the motion will say yes; all those opposed, no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the twenty-first matter of unfinished business Bill "An Act relating to Penalty for Obstructing Commissioner of Agriculture in Performance of Duty" (S. P. 392) (L. D. 1015) tabled on April 5th by Mr. Perkins of Boothbay Harbor, pending enactment; and the Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker, I have not had an opportunity to study this bill, and probably there are things in it that I do not like, but I would move that it take its regular course.

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House the twenty-second matter of unfinished business Bill "An Act Governing the Production of Milk and Cream" (S. P. 393) (L. D. 1016), in the Senate the Report was read and accepted, and the bill passed to be engrossed, tabled on April 6th by Mr. Williams of Clifton, pending third reading; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House: When I tabled this bill I wished to study it a little. I found later, in reading it over, there were three lines in this bill which gave the Commissioner of Agriculture complete authority to control in every way the manner of producing milk. I am not going to argue that there should not be some control over the manner of producing milk, but this Legislature should not do what we have been criticised for doing in former years, pass its powers to some public commission or authority. The original document, No. 908, had all those provisions in it, and I find from the members of the Committee on Agriculture that there was so much opposition that they did not wish to pass that bill, but they have given in these three lines the Commissioner authority to put those regulations in force. I have no argument with the Commissioner of Agriculture. He is the

last person in the world who I think would abuse this power but I do not particularly like it. With the unanimous report of the committee before the Legislature, I am going to move for the third reading of this bill.

Thereupon, the bill had its third reading and was passed to be engrossed in concurrence.

The SPEAKER: The Chair now lays before the House the twenty-third matter of unfinished business, Bill "An Act Relating to Limitation of the Financial Responsibility Law, (H. P. 1409) (L. D. 1109) tabled on April 6th by Mr. Weston of Farmingdale, pending third reading; and the Chair recognizes that gentleman.

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

The SPEAKER: The Chair lays before the House the twenty-fourth matter of unfinished business, House Amendment "A" to "Resolve to Create a Commission to Study the Atlantic Salmon (H. P. 1436) (L. D. 1120) tabled on April 6th by Mr. Bowker of Portland, pending adoption; and the Chair recognizes that gentleman.

Mr. BOWKER: Mr. Speaker, I move the indefinite postponement of House Amendment "A", with the explanation that I have House Amendment "B" which I will present, which will clarify the situation.

The SPEAKER: The gentleman from Portland, Mr. Bowker, moves the indefinite postponement of House Amendment "A". Is this the pleasure of the House?

The motion prevailed, and House Amendment "A" was indefinitely postponed.

Mr. Bowker then offered House Amendment "B" and moved its adoption.

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

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

Amend said Resolve by striking out the figures "\$7,500" in the 1st line of the last paragraph thereof, and inserting in place thereof the figures "\$5,000."

Further amend said Resolve by

adding at the end thereof the following sentence: 'All unexpended balances shall not lapse, but shall remain a continuing carrying account.'

House Amendment "B" was adopted, and the resolve had its second reading and was passed to be engrossed as amended and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating Employer-Employee Agreements under the Workmen's Compensation Act" (H. P. 1139) (L. D. 694) tabled on April 4th by Mr. Jordan of Saco, pending acceptance of report; and the chair recognizes that gentleman.

Mr. JORDAN: Mr. Speaker, I have been considerably concerned over the fact that partially handicapped veterans were unfortunately placed in regards to securing positions after the war. It should be evident that when these men are willing to waive some of their protection under the Workmen's Compensation Act their chances for a job will be very doubtful. It is perfectly possible to waive some of their rights under the present law but the Commission has been very loath to act.

L. D. 694 simply puts in plain language what it is perfectly possible to do under the law as it exists today, and that is to try and compel action. We feel now that the commission will perhaps be more willing to act on the authority they have, and I feel all of you will know where to look when physically handicapped boys come home looking for work for relief. So I now move acceptance of the "Ought not to pass" report of the committee.

The SPEAKER: The gentleman from Saco, Mr. Jordan, moves acceptance of the "Ought not to pass" report. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Report "Ought to pass in new draft" (H. P. 1430) (L. D. 1123) of the Committee on Salaries and

Fees on Bill "An Act relating to the Salary of the Judge of Probate in Lincoln County" (H. P. 217) (L. D. 80) tabled on April 4 by Mr. Perkins of Boothbay Harbor, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Perkins, the House voted to accept the "Ought to pass in new draft" report, and the bill, having already been printed, was read twice under suspension of the rules, and was assigned for third reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, House Report "Ought to pass" of the Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Act as to Employer's Experience Rating" (H. P. 1077) (L. D. 926) tabled on April 4th by the gentleman from Westbrook, Mr. Warren, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Warren, the House voted to accept the "Ought to pass" report of the committee, and the bill, having already been printed, was read twice under suspension of the rules, and was assigned for third reading tomorrow morning.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, motion of Mr. Bird of Rockland, to reconsider indefinite postponement on Bill "An Act relating to Expenses of Patients in State Hospitals" (H. P. 1219) (L. D. 769) tabled on April 5th by that gentleman, pending consideration; and the chair recognizes Mr. Bird.

Mr. BOYKER of Bethel: Mr. Speaker, Mr. Bird is out of the hall just at this moment. I move that this matter be tabled temporarily.

The SPEAKER: The House will be at ease for a few moments until Mr. Bird has been located.

House at Ease

Called to order by the Speaker.

The SPEAKER: The gentleman from Rockland, Mr. Bird, moves that the House do now adjourn. Is this the pleasure of the House? All those in favor will say yes; contrary minded, no.

A viva voce vote being taken the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Bird.

The Chair understands that the gentleman does not wish to be heard on the matter, and the Chair recognizes the gentleman from Bethel, Mr. Boyker.

Mr. BOYKER: Mr. Speaker, I move that we reconsider our former action whereby we voted the indefinite postponement of this bill. I wish to offer an amendment.

The SPEAKER: For the information of the gentleman, the Chair will state that the motion is already before the House. It is debatable. Does the gentleman wish to be heard?

Mr. BOYKER: I wish to offer House Amendment "A" and move its adoption.

The SPEAKER: The motion to reconsider will have to come first. The gentleman from Rockland, Mr. Bird, has moved that the House do reconsider its former action whereby it indefinitely postponed this bill.

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

Mr. WARD: Mr. Speaker, as I understand it when we took our former action in regard to this measure, there were two major objections to it, and in looking over this amendment, which I understand the gentleman from Bethel, Mr. Boyker, proposes to offer in the event you see fit to reconsider your action I find in the first place, objection was made that the responsibility of two dollars for each patient was placed on the town of commitment, irrespective of where the pauper settlement of the patient really was, and this bill now provides this amendment—that if a patient is committed from your town and is brought down to the State Hospital and if that patient does not have a pauper settlement in your town, there is no responsibility on your town to establish the pauper settlement of this patient. The only responsibility that you have is to establish that this patient had no pauper settlement in your locality and by so doing you will relieve yourself of the liability to pay two dollars per week for the support of that patient.

As we all know there are a number of patients in both the hospitals at this time. There was some question as to whether, if this bill was passed, cities and towns would not

receive a large bill for the support of those patients up to this date and as I understand it the second part of this proposed amendment would take care of that objection. The provisions of this section would apply only to those patients committed to either State insane hospital after July 1st, 1945. In other words, whatever patients there are there now from the various towns, there would be no responsibility on the towns to pay for them.

If you do vote to reconsider and this amendment is adopted and enacted, if any patient has a pauper settlement in your town and their relatives are unable to pay the two dollars, then your town would be charged with it. If this bill were enacted you would then have the same situation as you now have in regard to patients sent to State Sanatoriums—your town would be charged two dollars a week for their support.

I thought I would explain the proposed amendment to you briefly so that you would know what is planned in case you see fit to reconsider the previous vote.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Dow.

Mr. DOW: Mr. Speaker, I would like to take a little time to explain the possible changes there will be in this bill if you accept the amendment. It says, "to take care of any settlement, if any." I still believe there would be a questionmark pertaining to the town or city if settlement were to be denied. And frankly, I believe it would have to be denied, unless the city admits liability. I still believe there would be confusion in the State. I cannot understand why they want to make all this difficulty over two dollars. It costs more than two dollars to maintain an individual in a State hospital. I believe this particular two dollars would creep up so that it would be a heavy obligation to each town and municipality. Furthermore, I do not think it is fair. Certainly a town should not have the obligation, nor the individual, that is mentally sick have the embarrassment of the town paying two dollars a week if they are unable to pay. Why I say that is this: in the State of Maine we have a law that protects a person who is sick. For instance, if a sick person needs hospitalization and is unable

to pay, if he is a pauper in the town, he can go to the hospital, free. In other words it doesn't cost the individual a penny—they haven't got it, in the first place—but it does cost the town of their settlement a penny.

Is it fair to allow a person unfortunate enough to have a mental sickness to have the embarrassment of two dollars a week tacked against their name? Frankly I don't think it is fair. They talk in the amendment about starting July first. You can't call it a revenue bill for the State. Frankly, I think the fair thing to do is to go on the way we are.

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

Mr. BOYKER: Mr. Speaker, I have in mind a hope if ever I return to the Legislature that each member of that body may become a member of our Insane Hospital Committee and at that time the towns and cities of our State may begin to realize that our insane hospitals are not the place for all undesirable people who, as far as our towns and cities are concerned remain in those institutions forever; but rather that our towns and our cities may come to realize that our insane hospitals are a refuge for our most unfortunate citizens; a place where there is a ray of hope for the future.

Mr. Speaker and Members of this House, your Insane Hospital Committee believes that this bill which concerns our insane hospitals, giving consideration to those hospitals, is indicative of our democratic way of life and will be accepted by the citizens of this State, and we today unanimous^{ly} urge that you give this bill favorable consideration.

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

Mr. PAYSON: Mr. Speaker, the amendment loses all the value that the original bill had. The point that was made by the gentleman from Millinocket, Mr. Ward, is that it should be sufficient to relieve the municipality from liability if it establishes that the patient had no pauper settlement therein. It is not as good as it looks. As a practical proposition, you will probably have to prove he belongs somewhere else. It is pretty hard to prove a negative, unless you prove the positive.

The only virtue this bill has is that we are spending more money than we have, and it would have raised a considerable sum of money in its original form,—that is, it was taking it away from the towns and giving it to the State. You didn't care for that. So this is sneaking up by the backdoor on the proposition and starting from scratch again. In other words, this is an attempt to get back for the State gradually the money the State thinks it is going to spend in taking over aid to dependent children. I still do not like the bill or the amendment.

The SPEAKER: The question is: Whether the House do now reconsider its vote whereby this bill was indefinitely postponed. All those in favor of the motion will say yes; those opposed no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, Resolve in Favor of Mary Louise Bernier, of Sanford (H. P. 1053) (L. D. 802) tabled on April 5th by Mr. Downs of Rome, pending motion of Mr. Jacobs of Auburn, to indefinitely postpone; and the Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I yield to the gentleman from Sanford, Mr. Pascucci.

Mr. SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Pascucci.

Mr. PASCUCCI: Mr. Speaker, I want to take the opportunity at this time to thank my good friend, Mr. Downs, for saving this bill for me. I was somewhat surprised when I understood this bill was tabled.

This particular bill relates to a claim caused by muskrat bite, a very serious injury to this claimant, Mary Louise Bernier. Now the members of this Legislature do not have to have me tell them that if a deer causes damage of whatever nature, the damages are recompensed to the individual by the State. That has been so for years, as far as I can remember, due to the fact that deer are protected animals, protected by State law. In order that you may not to take my own opinion on the matter I will say I checked with the Commissioner of Inland Fisheries and Game downstairs and I again proved for myself that muskrat are protect-

ed animals. If a muskrat is a protected animal such as a deer, the solution would be the same. The damage caused by muskrats ought to be compensated similarly to damages caused by deer.

Now I could leave it like this and not impose too much talk on your mentality, but just for the sake of the record I would like to read to you, for instance, the doctor's reports on this particular case and I am quoting from Dr. A. C. Lamoureux of Sanford, Maine. "I have been asked by the Selectmen to write a letter with this itemized bill. I presume they want you to know the circumstances and history of the case. On a Saturday evening, April 15th, when some young boys were chasing a small animal in the street, Mrs. Desire Bernier happened to walk out of a drug store on High Street when she was deeply bitten at the external part of the left ankle by the mad animal (which proved to be a muskrat after it was killed).

The same evening she came to my office for treatment. The wound proved to be highly infectious. The next morning the woman developed temperature and the leg began to swell. She was confined to bed for two weeks with antiseptic dressings and hot packs, the temperature rising up to 104 degrees and the swelling up to the knee. The patient became almost delirious thinking she might lose her leg. Gradually the temperature subsided and the swelling diminished but the wound kept draining. The patient was incapacitated for many weeks, confined to a chair with her limb elevated. On many occasions I had to enlarge the wound and make counter openings and introduce wicks to allow better drainage. It was a long affair before the wound dried out. Signed Dr. A. C. Lamoureux."

This particular case was thoroughly investigated by the Committee on Claims and after giving every consideration and studying this particular letter together with the bill they found in favor of it. Therefore on the fact alone that this is a protected animal, I think that the motion of Mr. Jacobs should not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hartland, Mr. Hamilton.

Mr. HAMILTON: Mr. Speaker, as a member of the Committee on

Claims I wish to say that this claim was given a lot of consideration and after going over the facts in the case and considering it the Committee thought this was a fair claim and should have consideration. For that reason we reported it out of the committee "Ought to pass."

The SPEAKER: The question is on the motion of the gentleman from Auburn, Mr. Jacobs, for the indefinite postponement of the resolve. All those in favor of the motion will say yes; contrary minded, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the resolve was finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER:: The Chair now lays before the House the sixth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Ways and Bridges on Bill "An Act relating to the Reapportionment of Maintenance of Unimproved Roads and Construction of State-Aid and Third-Class Road Moneys" (H. P. 1104) (L. D. 788) tabled on April 5th by Mr. Dutton of Bingham, pending acceptance of report.

Mr. WARD of Millinocket: Mr. Speaker, I move the House adjourn.

The motion prevailed and the House adjourned until ten o'clock tomorrow morning.