

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

Wednesday, April 11, 1945.

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

Prayer by the Rev. Mr. Colcord of Gardiner.

Journal of the previous session read and approved.

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

Mr. **WARD**: Mr. Speaker, I move, that when we recess this morning, we recess to meet at two o'clock this afternoon.

The motion prevailed.

The **SPEAKER**: At this time the Chair would like to say a word to the members of the House.

Yesterday the House convened at ten o'clock and recessed until four in the afternoon, and disposed of approximately twenty-five matters. Today the House has only fourteen matters assigned for this day, and we are recessing until two o'clock this afternoon.

We are steadily approaching the day of adjournment, and it is the suggestion of the Chair, without trying to rush things or hurry things at all that as matters come along through the regular calendar this morning, probably the gentlemen or gentlewomen of the House are as ready now to argue them as they would be two or three days from now. If we want to be busy today I would just give the House this suggestion—that the members dispose of matters now as they come along, rather than table them.

Papers from the Senate Senate Reports of Committee Referred to Committee on Agriculture

Bill "An Act relating to Infectious Diseases of the Irish Potato" (S. P. 443)

Came from the Senate received by unanimous consent and referred to the Committee on Agriculture.

In the House:

The **SPEAKER**: Is it the pleasure of the House that this bill be introduced by unanimous consent in concurrence?

The Chair hears objection and unanimous consent is refused. The

bill stands referred to the 93rd Legislature under the Joint Rules.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Superintending School Committees" (S. P. 366) (L. D. 931)

Report was signed by the following members:

Messrs. **OWEN** of Kennebec
LEAVITT of Cumberland
—of the Senate.
LORD of Camden
RUSSELL of Gorham
HAMILTON of Hartland
Mrs. **ROBERTS** of Westbrook
Messrs. **MARSANS** of Monmouth
BLAKE of Dexter
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 442) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. **BISHOP** of Sagadahoc
—of the Senate.
Miss **DEERING** of Bath
—of the House.

Came from the Senate the Majority Report adopted.

In the House:

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

Miss **DEERING**: Mr. Speaker and Members of the House: This bill was introduced in the thought that it would help the towns to have more control, more of a check-rein, on the school committee members. I think the bill was possibly ill-timed, in perhaps that the State is not quite ready for it. Anyway, rather than prolong it for discussion, I move we accept the majority report of the committee, "Ought not to pass."

Thereupon, the Majority Report, "Ought not to pass" was accepted in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Sunday Vaudeville and Concerts" (S. P. 250) (L. D. 634)

Report was signed by the following members:

Messrs. **BATCHELDER** of York
LEAVITT of Cumberland
GOULD of Androscoggin
 —of the Senate.
PAYSON of Portland
RANKIN of Bridgton
WELCH of Mars Hill
WEEKS of Waterville
WARREN of Westbrook
SNOW of Auburn

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

Report was signed by the following member:
 Mr. **DONAHUE** of Biddeford

—or the House.
 Came from the Senate the Majority Report accepted.

In the House, the Majority Report "Ought not to pass" was accepted in concurrence.

Divided Report

Majority Report of the Committee on Temperance reporting "Ought not to pass" on Bill "An Act relating to Sale of Liquor in Glasses" (S. P. 339) (L. D. 812)

Report was signed by the following members:

Messrs. **TOWNSEND** of Penobscot
GOOD of Aroostook
 —of the Senate.
 Mrs. **ELLINGWOOD** of Rockland
 Messrs. **COLE** of Casco
BLAKE of Brownfield
WARD of Millinocket
SMART of Ellsworth
COOMBS of Belfast

—of the House.
 Minority Report of same Committee reporting "Ought to pass" on same bill.

Report was signed by the following members:

Messrs. **BOUCHER** of Androscoggin
 —of the Senate.
JALBERT of Lewiston

—of the House.
 Came from the Senate the Majority Report accepted.

In the House, the Majority Report "Ought not to pass" was accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Presumption of Death" (S. P. 345) (L. D. 895) reported same in a new draft (S. P. 425) (L. D. 1127) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Probation Officers in Penobscot County" (S. P. 202) (L. D. 482) reported same in a new draft (S. P. 426) (L. D. 1126) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act to Aid Towns in Controlling Forest Fires" (S. P. 317) (L. D. 890) reporting same in a new draft (S. P. 427) (L. D. 1128) under same title and that it "Ought to pass"

Report of the Committee on Public Health on Bill "An Act relating to Examination and Registration of Osteopathic Physicians" (S. P. 215) (L. D. 469) reporting same in a new draft (S. P. 428) (L. D. 1129) under same title and that it "Ought to pass"

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Resolve Authorizing Preparation of a Digest of the Opinions of the Law Court (S. P. 346) (L. D. 894)

Report of the Committee on Salaries and Fees reporting same on Bill "An Act Clarifying the Law relating to Official Fees of Registers of Probate" (S. P. 160) (L. D. 363)

Report of same Committee reporting same on Bill "An Act relating to Fees of Registers of Probate" (S. P. 268) (L. D. 619)

Report of same Committee reporting same on Bill "An Act relating to Salaries of Court Stenographers" (S. P. 105) (L. D. 177)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act Creating the Greater Portland Public Development Commission" (S. P. 323) (L. D. 828) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate the Report accepted, Committee Amendment "A" indefinitely postponed, and the Bill passed to be engrossed as amended by Senate Amendment "A" (L. D. 1147)

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

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

Committee Amendment "A" to S. P. 323, L. D. 828, Bill "An Act Creating the Greater Portland Public Development Commission."

Amend said bill by inserting after the word "facility" in the second line of section 2 thereof (2nd line of bill as printed) the underlined words 'within the confines of Portland and South Portland'.

Further amend said bill by striking out after the word "directors" in the third line of section 2 thereof (3rd line of bill as printed) the words "in consultation with the elected officers of the various towns in said area and with the various chambers of commerce in said area".

Further amend said bill by striking out after the words "residents of" in the second line of section 3 thereof (2nd line of bill as printed) the words "Cumberland County" and inserting in place thereof the underlined words 'Portland and/or South Portland'.

Further amend said bill by striking out the word "towns", being the first word in the second line of Section 6 thereof (in the first line of bill as printed after the words "and/or") and inserting in place thereof the underlined word 'cities'.

On motion by Mr. Payson, Committee Amendment "A" was indefinitely postponed in concurrence.

The SPEAKER: The Clerk will read Senate Amendment "A" which has been printed and distributed to the members' desks as Legislative Document 1147.

Senate Amendment "A" to S. P. 323, L. D. 828, Bill "An Act Creating the Greater Portland Public Development Commission."

Amend said Bill by striking out in the last line of section 1 of said bill the word "greater"

Further amend said Bill by striking out all of section 2 of said bill and inserting in place thereof, the following:

'Sec. 2. Powers. The said corporation shall have the power, within the confines of Portland and South Portland, to acquire, manage, operate or lease any business, facility, structure, building, machinery or equipment owned by the fed-

eral government or any agency thereof, which may hereafter become surplus property and not needed for any function of said federal government, including, but not restricting the power aforesaid, the utilization of shipyards, wharves, trackage, dry-docks and any facilities useful or necessary in connection therewith, and for that purpose to purchase, lease, hold, own, manage, control, sell, mortgage, lease or let land, buildings, real estate and rights in real estate, and all manner of personal property, and to accept gifts thereof in trust, or otherwise.'

Further amend said Bill by striking out after the words "residents of" in the 2nd line of section 3 thereof (2nd line of bill as printed) the words "Cumberland County" and inserting in place thereof the words 'Portland and/or South Portland'

Further amend said Bill by striking out after the word "towns" in the 2nd line of section 6 of said Bill and inserting in place thereof the word 'cities'

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

The SPEAKER: The Chair will state that Item 14 on the calendar is there by mistake. It will come up later in the day or tomorrow.

Non-concurrent Matter

An Act relating to State Bureau of Identification (H. P. 946) (L. D. 526) which was passed to be enacted in the House on March 7th, and passed to be engrossed on February 28th.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (L. D. 1124) in non-concurrence.

In the House, on motion by Mr. Ward of Millinocket, the House voted, under suspension of the rules, to reconsider its action whereby it passed this bill to be enacted, and on further motion by Mr. Ward, under suspension of the rules, 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. 946, L. D. 526, Bill "An Act Relat-

ing to State Bureau of Identification."

Amend said Bill by striking out in the headnote of that part designated as "Sec. 13" the following underlined words: "records and statistics"

Further amend said Bill by striking out in the 7th and 8th lines of said bill the underlined words: "records and statistics"

Further amend said Bill by striking out in the 8th line of section 2 of said bill the underlined words "municipal court judges and trial justices"

Further amend said Bill by adding at the end of that part designated as "Sec. 14" the following paragraph:

'Municipal court judges and trial justices may, in their discretion, have the same authority granted to law enforcement officers under the provisions of this section.'

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

Non-concurrent Matter

Bill "An Act relating to Dangerous Occupations for Minors" (H. P. 1079) (L. D. 690) which was passed to be engrossed in the House on April 5th as amended by Committee Amendment "A".

Came from the Senate, Committee Amendment "A" indefinitely postponed, Senate Amendment "A" adopted and the bill passed to be engrossed as amended by Senate Amendment "A".

In the House, on motion by Mr. Poulin of Rumford, the House voted to recede from its former action whereby it passed this bill to be engrossed.

Committee Amendment "A" was indefinitely postponed in concurrence.

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

Senate Amendment "A" to H. P. 1079, L. D. 690, Bill "An Act Relating to Dangerous Occupations for Minors."

Amend said Bill by inserting in the 7th line, after the underlined words "limbs," the underlined words 'injurious to morals.'

Further amend said Bill by striking out the last line thereof and inserting in place thereof the following: 'will be injured.'

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

Non-Concurrent Matter

Majority Report reporting "Ought not to pass" and Minority Report reporting "Ought to pass" of the Committee on Temperance on Bill "An Act relating to Business Hours for State Liquor Stores" (H. P. 1015) (L. D. 534) which reports were recommended to the Committee on Temperance in the House on March 28th.

Came from the Senate with the Minority Report accepted, and the Bill indefinitely postponed, in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Abolish Taxation of Intangibles" (H. P. 1009) (L. D. 530) on which the Bill was substituted for the "Ought not to pass" Report of the Committee on Taxation on April 9th and passed to be engrossed.

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

In the House:

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

Mr. ROLLINS: Mr. Speaker, I move that we insist on our former action.

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

Mr. ELA: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, has moved that the House do insist on its former action. The gentleman from Anson, Mr. Ela, has moved that the House recede and concur with the Senate. The motion of the gentleman from Anson, Mr. Ela, takes precedence. Is it the pleasure of the House to recede and concur with the Senate? All those in favor will say yes; those opposed no.

A viva voce vote being taken, the motion prevailed.

Non-concurrent Matter

Bill "An Act to Provide for Scientific Investigation with Blueberries" (S. P. 72) (L. D. 68) which was passed to be enacted in the House on March 30th and passed to be engrossed as amended by House Amendment "A" on March 22nd.

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

In the House, on motion by Mr. Lackee of Addison, the House voted to reconsider its former action whereby this bill was passed to be enacted; and on further motion by the same gentleman, the House voted to reconsider its former action whereby the bill was passed to be engrossed.

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

Senate Amendment "A" to S. P. 72, L. D. 68, Bill "An Act to Provide for Scientific Investigation with Blueberries."

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

Sec. 7. Repayment. All net revenues derived from the experimental blueberry farm shall be paid over to the treasurer of state at the end of each fiscal year and shall be credited to the unappropriated surplus of the general fund of the state until such time as the appropriation for such farm has been repaid to the state by such revenue.

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

Non-concurrent Matter

Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses" (H. P. 940) (L. D. 570) on which the House voted to adhere to its former action whereby the Bill was indefinitely postponed in the House on April 9th.

Came from the Senate that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and asking for a Committee of Conference.

In the House:

The SPEAKER: The Chair recog-

nizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Mapleton, Mr. Webber, moves that the House recede and concur with the Senate. Is this the pleasure of the House?

Calls of "No."

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

Miss DEERING: Mr. Speaker, I move that we insist on our former action and meet in a Committee of Conference.

Mr. WEBBER: It was my purpose, Mr. Speaker, to ask for appointment of a Committee of Conference.

The SPEAKER: The gentleman from Mapleton, Mr. Webber, moves that we recede and concur.

A viva voce vote being taken the result was in doubt and the vote was not declared.

The SPEAKER: The question is to recede from our former action which would lay the matter open for the motion of the gentlewoman from Bath, Miss Deering. The Chair rules at this time that if the motion of the gentleman from Mapleton, Mr. Webber, is carried, the bill is then in order for its third reading.

Mr. WEBBER: Is the question debatable at this time, Mr. Speaker?

Miss DEERING: Mr. Speaker, I would like to have it frankly considered by the members of the Legislature. I think quite a number of the members do not understand there are definite objections and we hope the amendment will remove those objections. In fairness I think this matter ought to be carefully considered and not clouded by issues which cannot be solved.

I am very sorry to cause confusion on this but I asked the other day if a vote was not taken that we should recede and concur. The motion was carried; then we accepted a motion to reconsider, we reconsidered and voted to adhere.

At this time I believe the Senate has asked for a Committee of Conference. It is my desire that we meet with this Committee of Conference which could speed up this process of the two bodies meeting together, and discussing the problems and bring out the answer.

The SPEAKER: In answer to the question, the Chair will state that the motion of the gentle-

woman from Bath, Miss Deering, is not in order until the House has decided upon the motion of the gentleman from Mapleton, Mr. Webber, to recede.

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

Mr. ROLLINS: Mr. Speaker, I now move that the bill be given its third reading.

The SPEAKER: The question before the House is on the motion of the gentleman from Mapleton, Mr. Webber, that the House recede and concur with the Senate. The vote was interrupted and not recorded.

Mr. ELA of Anson: Mr. Speaker, as I understood it, the gentleman from Mapleton, Mr. Webber, I thought made the statement that he did desire a Committee of Conference, and if he would withdraw his motion to recede, he could get that committee.

The SPEAKER: The gentleman is correct.

Mr. WEBBER: Mr. Speaker, if this is the correct procedure, that we have a Committee of Conference which could discuss the matter, I withdraw the motion.

The SPEAKER: The motion is withdrawn.

The gentlewoman from Bath, Miss Deering, has a motion before the House to join with the Senate in a Committee of Conference. Is this the pleasure of the House? All those in favor will say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair appoints on the Committee, the gentleman from Mapleton, Mr. Webber, the gentlewoman from Bath, Miss Deering, and the gentleman from Greenville, Mr. Rollins.

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

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Coombs of Belfast, be excused from attendance today because of business.

House Reports of Committees

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating

to the Powers and Duties of the Commissioner of Labor and Industry" (H. P. 1300) (L. D. 945) as legislation is inexpedient.

Report was signed by the following members:

Messrs. HOPKINS of Kennebec
SPEAR of Cumberland
GOULD of Androscoggin
—of the Senate.
BROWN of Unity
HASKELL of Bangor
POULIN of Rumford
MARSHALL of York
—of the House.

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

Report was signed by the following members:

Messrs. JONES of Waterville
WEEKS of Waterville
RENOUF of Biddeford
—of the House.

The Majority Report, "Ought not to pass" was accepted.

Mr. RENOUF of Biddeford: Mr. Speaker, this bill just—

The SPEAKER: Does the gentleman wish to make a motion that the House reconsider its action just taken whereby it accepted the Majority Report of the Committee?

Mr. RENOUF: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Biddeford, Mr. Renouf, moves that the House reconsider its action just taken whereby it accepted the Majority Report "Ought not to pass." All those in favor of the motion will say yes; those opposed no.

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

Divided Report

Tabled

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Minimum Wages and Maximum Hours" (H. P. 1301) (L. D. 946)

Report was signed by the following members:

Messrs. HOPKINS of Kennebec
SPEAR of Cumberland
GOULD of Androscoggin
—of the Senate.
POULIN of Rumford
BROWN of Unity
HASKELL of Bangor
MARSHALL of York
—of the House.

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

Report was signed by the following members:

Messrs. WEEKS of Waterville
 JONES of Waterville
 RENOUF of Biddeford
 —of the House.

(On motion by Mr. Renouf of Biddeford, both Reports were tabled and assigned for later in the day.)

Divided Report

Majority Report of the Committee on Labor on Bill "An Act relating to Hours of Labor for State Employees" (H. P. 1259) (L. D. 883) reporting that same be referred to the 93rd Legislature.

Report was signed by the following members:

Messrs. HOPKINS of Kennebec
 SPEAR of Cumberland
 GOULD of Androscoggin
 —of the Senate.

BROWN of Unity
 HASKELL of Bangor
 WEEKS of Waterville
 JONES of Waterville
 —of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1470) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. MARSHALL of York
 RENOUF of Biddeford
 POULIN of Rumford
 —of the House.

Mr. POULIN of Rumford: Mr. Speaker, I move the acceptance of the Minority Report "Ought to pass in new draft."

On motion of Mr. Bell of Thomaston, the two reports were tabled, pending the motion of the gentleman from Rumford, Mr. Poulin, that the House accept the Minority Report, the new draft ordered printed, and specially assigned for tomorrow morning.

Majority Report of the Committee on State Lands and Forest Preservation on Bill "An Act to Remove Floating Islands in Corundell Lake in Corinna" (H. P. 1255) (L. D. 880) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. STERLING of Somerset
 —of the Senate.

WILLIAMS of Clifton
 WILLIAMS of Topsham
 BROWN of Milford
 DUTTON of Bingham
 BENN of Smyrna

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. CLEAVES of Cumberland
 CLEMENTS of Waldo
 —of the Senate.

ROLLINS of Greenville
 JUDKINS of Woodstock

—of the House.

Mr. DUTTON of Bingham: Mr. Speaker, I move the acceptance of the majority report of the Committee "Ought to pass."

The SPEAKER: The gentleman from Bingham, Mr. Dutton, moves the acceptance of the majority "Ought to pass" report of the committee.

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

Mr. ROLLINS: Mr. Speaker: As a member of the committee who signed the minority report "Ought not to pass", I hope the motion of the gentleman from Bingham does not prevail. This has been given thorough consideration by the committee. This, perhaps as you members will notice, is the only divided report that the committee has sent forth. There was a big question in this bill. I won't take much of your time, but right here I will call your attention to the points as we saw them.

The reason why we signed the minority report "Ought not to pass" was: First, the bill calls for the Forestry Commissioner to proceed to remove the floating islands from this man-made lake. The Forestry Commissioner is an agent of the State of Maine, therefore he is an instrumentality of the State, and it is perhaps with far reaching results in that we would establish a precedent that the State of Maine would have to step in and take care of all the damages done by man-made waterways under the old Mill Act. This is nothing new in the State of Maine. Every man who ever had anything to do with pulpwood, dams made on streams, has had that to contend with this. They

never come to the State and ask them to remove them; they push them over to one side, in a cove, tow them over onto the shore somewhere and swing the boom along, then move on and proceed.

The matter was taken up; we had about three executive sessions on it. The matter was taken up with the Attorney General and he ruled, from studying the law, as far as he could see, it was not a responsibility of the State of Maine. The waterway is a highway only for the transportation over it. The land under the water does not belong to the State of Maine and these islands are the land, a consequence of this water in the brook that was dammed freezing and rising, and, with the rise of the water in the Spring, coming up and making floating islands. It is no responsibility of the State of Maine whatever, and that is why we signed the "Ought not to pass" report, because of the far reaching result.

There is one incident they will tell you of, of a boys' camp up here somewhere where just such a thing happened and the island came up and bothered their way of progress across the stream and they removed it and came down to the State of Maine with a claim and asked that it be allowed and it was.

I maintain that this is the wrong way to go at the removal of these islands. If the town of Corinna, or any other individuals up there, or group of individuals, would remove those islands or take care of them in any way and then come to the Legislature and ask for reimbursement through claim, no doubt they would receive it, but the way this bill is worded it means that the State of Maine is directly responsible for all future cases that might arise from the damming of streams by individuals for their own use.

I hope the motion does not prevail.

The SPEAKER: The Chair notes the presence in the hall of the House of the Speaker of this Assembly during the last regular session of this Legislature, the Honorable F. Ardine Richardson, of Strong, and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon, the Sergeant-at-Arms conducted Mr. Richardson to

the rostrum, amid prolonged applause, the members rising.

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

Mr. BREWER: Mr. Speaker and Members of the Legislature: For your information I would like to tell you that this bill originally was referred to the Appropriations Committee. The man that presented this bill, finding that we could not O. K. the expense, asked that we allow this bill to be referred to the Committee on State Lands and Forest Preservation with the understanding that the amount asked for would be cut out, but in the transfer somehow this was overlooked and it is the same bill which we were not willing to allow, or felt the expense was not justified. The State was not responsible and it was establishing a precedent. I am merely telling you this for your information and what it is worth.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Smith.

Mr. SMITH: Mr. Speaker, I am in sympathy with the thought of the Appropriations Committee in saving money. May I call your attention to the fact that if this condition is allowed to exist and the town of Corinna is destroyed by the islands coming down and taking out the dam, destroying the industries and the village, it might cost the State a lot more than the \$5000 that they have asked for. The town pays a State tax of \$6500. If that were lost that is a lot more than they are asking for. I would like to quote the opinion of Judge Savage in the "Great Pond" case, Cumberland County in an action "Conant vs. Jordan." This opinion is in 107 Maine, page 227, in which Judge Savage says: that the State owned all ponds over ten acres. I have been unable to find anything to the contrary after looking for cases under "Waters", "Ponds", "Great Ponds," or "Colonial Ordinances." In the State of Wisconsin law volume 172 page 363, in a suit, the court calls them "floating meadows," but the liability to the State still exists.

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

Mr. DUTTON: Mr. Speaker and Members of the House: We listened to the evidence that was brought

before the committee, there is no question but what a dangerous condition exists there, and which is not the act of man. It was the act of the natural element in creating an island there which has floated down and which is endangering the town of Corinna, not only the business section but the residential section. It is possible, in case of high water, for those islands to break away and cause large damage to property and the loss of life.

Now in regard to any legal report on the part of the Attorney General or on the part of anyone else, or regardless of the fact of creating a precedent which was created years ago in Wilton, where this same condition existed and was remedied and the State paid for it, there is no reason why we should allow this thing to happen, to go to a final climax, causing damage to property and the loss of life, because of some technicality or imagined idea.

Now I very much dislike the sound of my voice after the first two minutes and whenever I have anything to say I like to keep within three minutes and I am going to do it this time. I hope that the people of the State of Maine are not so poor that they cannot afford to appropriate \$5000 to remove this danger of damage to the town of Corinna. I hope the motion to accept the majority report will prevail.

The SPEAKER: The Chair recognizes the gentleman from Addison, Mr. Lackee:

Mr. LACKEE: Mr. Speaker, for the purpose of correcting the record, I would like to correct the statement of the gentleman from Bingham, Mr. Dutton, which I presume was a slip of the tongue, that this majority "Ought to pass" report of the committee be accepted.

Mr. DUTTON: I stand corrected, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Bingham, Mr. Dutton, that the majority report of the committee "Ought to pass" be accepted.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: The question is simply this, and it is the question the majority of the members of the State Lands and

Forest Preservation Committee had to decide, and that is whether, to save a small sum of money we want to leave a menace to the village of Corinna. True, some of the men who have driven pulpwood on some of the lakes in northern Maine have had floating islands to contend with. They have boomed the islands, towed them over to the shore and left them. After their drive went down, they were no longer interested in that lake. The mills in Corinna that are interested have already done as much as any lumber company has done to remove the floating islands. I think the menace is there, and they have to be removed. It is dangerous to property in Corinna, not only to the mills but to private property.

In connection with that, I want to say, you must remember that that dam was built in 1850—that was quite a while ago—that caused the flowage of that land. It is not a question of damage to the mills but damage to the town. I think probably every member of the House knows the location of the village of Corinna, and they know a large part of it is situated below the dam.

Now, under this ruling by the Attorney General, he definitely stated it was within the province of the Legislature to say whether or not this menace should be removed. He definitely stated in his opinion that this lake comes under the "Great Lakes" law of the State, which states, according to his ruling, that the land under those great lakes is the responsibility of the State.

I take exception to the fact that that this is a man-made lake. I don't know from just what location those floating islands came. But it is a fact that there was some sort of a lake in that location. It is simply a matter where we have to decide whether the State of Maine wishes to leave a menace there to the town of Corinna—and nobody here can say it is not a menace. The islands are large; one of them is as large as 3 1-2 acres, and several of the others are of nearly the same area, and they are in danger of coming against the dam and flooding the whole village below.

In the past, at times, Corinna has been well flooded. If it should happen again, and those islands should come down, nobody has ever contended it would not damage a large part of the village of Corinna.

It is our responsibility, it would seem, to decide if we should remove those islands. I don't think it is a dangerous precedent, because any village in the State would have a just claim to come before this Legislature and say that anything that would menace property of nearly half the village should be removed by the State.

The SPEAKER: The question is on the motion of the gentleman from Bingham, Mr. Dutton, that the House accept the majority "Ought to pass" report of the committee.

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

Mr. ROLLINS: Mr. Speaker, in rebuttal to Mr. Dutton who said the State paid, I think the House members will realize that I said they paid too, but they paid through claims. I have not much doubt that this Legislature would say—in fact I would be glad to go on record as saying I would support this claim if I am a member of the next House. The gentleman from Newport says that according to the ruling of Judge Savage or someone else, the land under the water is the property of the State. I heartily disagree with him. Under the old Mill Act in many decisions the supreme court rules that ponds, natural or artificial of over ten acres would be the property of the State for a highway but absolutely the land under that water belongs to the man who originally owned it. If a dam goes out tomorrow the man who owned the abutment would own the land under the water. I hope that the motion of the gentleman from Bingham, Mr. Dutton, does not prevail.

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

Mr. WILLIAMS: Mr. Speaker, I would like to ask the gentleman from Greenville (Mr. Rollins) if I mentioned the name of Judge Savage in my remarks and if I mentioned anything about flowage, and not being the property of anybody in the State of Maine? But I did mention the "Great Lakes" law which the Attorney General told us was the responsibility of the State of Maine. I don't know where the island came from. The gentleman was apparently prepared for some remarks that I did not make. It is still a danger to the village of

Corinna, and the gentleman from Greenville has admitted that in his remarks and said that he was willing to pay the claim. Why not remove the menace before we have a disaster?

The SPEAKER: The Chair assumes that the questions are satirical only and the gentleman does not expect an answer.

Mr. BOWKER of Portland: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Bowker, moves the previous question.

Mr. SMITH of Newport: Mr. Speaker, I ask for a division of the House, when the vote is taken.

The SPEAKER: In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

A division was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? All those in favor of the motion will rise and stand in their places until counted and the monitors have made and returned the count.

A division was had.

The SPEAKER: Obviously more than a majority having arisen, the main question is ordered. The question before the House is on the motion of the gentleman from Bingham, Mr. Dutton, that the House accept the majority "Ought to pass" report of the committee, and the gentleman from Newport, Mr. Smith, has asked for a division.

All those in favor of the motion of the gentleman from Bingham, Mr. Dutton, will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Ninety-three having voted in the affirmative and seven in the negative, the motion prevails.

Thereupon, the bill, having already been printed, was given its

two several readings under suspension of the rules.

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

Committee Amendment "A" to H. P. 1255, L. D. 880, Bill "An Act to Remove Floating Islands in Corundell Lake in Corinna."

Amend said Bill by striking out all of section 2 thereof and inserting in its place the following:

'Sec. 2. Appropriation. There is hereby appropriated the sum of \$5,000 from the unappropriated surplus to carry out the purposes of this act. Any unexpended balances shall lapse to the general fund.'

Committee Amendment "A" was adopted and the bill was assigned for third reading this afternoon.

Ought to Pass in New Draft

Mr. Haskell from the Committee on Judiciary on Bill "An Act relating to Pollution in Cobbosseecontee and Annabessacook Lakes and Tributaries" (H. P. 1289) (L. D. 935) reported same in a new draft (H. P. 1471) under title of "An Act relating to Pollution in Cobbosseecontee and Annabessacook Lakes" and that it "Ought to pass"

Mr. Peirce from same Committee on Resolve in relation to Status of Certain Persons in re Teachers' Retirement Association (H. P. 961) (L. D. 580) reported same in a new draft (H. P. 1472) under same title and that it "Ought to pass"

Mr. Ward from same Committee on Resolve relating to Appointment of Special Recess Committee to Study Proposals to Establish Technical and Vocational Institutes" (H. P. 825) (L. D. 433) reported same in a new draft (H. P. 1473) under title of "Resolve relating to Appointment of Special Committee to Study Proposals to Establish Technical and Vocational Institutes" and that it "Ought to pass"

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

Tabled

Mr. Williams from the Committee on State Lands and Forest Preservation on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to Maxime Albert, of Frenchville (H. P. 347) (L. D. 154) reported same in

a new draft (H. P. 1474) under title of "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Piscataquis County to Harry Greenleaf, of Norway" and that it "Ought to pass"

(On motion by Mr. Morneault of Fort Kent, tabled pending acceptance of Committee Report and specially assigned for later in the day.

Ought to Pass Printed Bill

Mr. Williams from the Committee on State Lands and Forest Preservation reported "Ought to pass" on Resolve Authorizing the Forest Commissioner to Grant Permits for Setting and Maintaining Poles and Wires on a Public Lot in Webster Plantation. (H. P. 1455)

Report was read and accepted and the Resolve ordered printed under the Joint Rules.

Ought to Pass with Committee Amendment

Mr. Jordan from the Committee on Inland Fisheries and Game on Resolve to Simplify the Ice Fishing Laws by Counties (H. P. 1134) (L. D. 790) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

On motion by Mr. Collins of Caribou, tabled pending acceptance of Committee Report, and Committee Amendment "A" ordered printed.

First Reading of Printed Bills Tabled and Assigned

Bill "An Act relating to the Salary of the Adjutant-General" (H. P. 1463) (L. D. 1169)

Bill had its first reading, and on motion by Mr. Hawes of Vassalboro, tabled pending second reading and specially assigned for tomorrow morning.

Bill "An Act relating to the Salary of the Forest Commissioner" (H. P. 1464) (L. D. 1168)

Bill had its first reading, and on motion by Mr. Legard of Bath, tabled pending second reading and specially assigned for tomorrow morning.

Bill "An Act relating to the Salary of the Justices of the Supreme

Judicial and Superior Courts" (H. P. 1466) (L. D. 1167)

Bill had its first reading

Mr. MORRISON of Winter Harbor: Mr. Speaker, I would like to table this bill and specially assign it for Friday morning.

The SPEAKER: Did the Chair understand the gentleman to say tomorrow morning?

Mr. MORRISON: Friday morning, Mr. Speaker.

The SPEAKER: Did the gentleman understand that the other bills were assigned for tomorrow morning?

Mr. MORRISON: I wish to table this bill for Friday morning, Mr. Speaker.

The SPEAKER: The gentleman from Winter Harbor, Mr. Morrison, moves that this item lay on the table pending its second reading and be specially assigned for Friday morning. All those in favor will say yes; those opposed no.

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

Thereupon, the bill was given its second reading, and was assigned for third reading this afternoon.

On motion by Mr. Rollins of Greenville, the House voted by a viva voce vote, to reconsider its action just taken whereby this bill was assigned for third reading this afternoon; and on further motion by the same gentleman the bill was assigned for third reading tomorrow morning.

Tabled and Assigned

Bill "An Act relating to Salaries and Expenses of Members of the State Liquor Commission" (H. P. 1467) (L. D. 1170)

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

Bill "An Act relating to the Salary of the Commissioner of Labor and Industry" (H. P. 1468) (L. D. 1171)

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

Passed to Be Engrossed

Bill "An Act Amending the Unemployment Compensation Act as

to Employer's Experience Classifications" (H. P. 1077) (L. D. 926)

Bill "An Act relating to the Salary of the Judge of Probate in Lincoln County" (H. P. 1430) (L. D. 1123)

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

Passed to be Enacted Emergency Measure

Resolve Authorizing Commissioner of Agriculture to Register Trade-Marks (H. P. 959) (L. D. 528)

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. 122 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 State Police Retirement System (S. P. 76) (L. D. 71)

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

Tabled

An Act relating to Prevention of Bang's Disease by the Department of Agriculture (S. P. 125) (L. D. 330)

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

An Act relating to Expense Accounts of Deputy Fire Wardens and Reports of Chief Fire Wardens (S. P. 161) (L. D. 364)

An Act relating to Use of Drugs or Appliances in Horse Racing (S. P. 290) (L. D. 721)

An Act relating to State Board of Arbitration and Conciliation (S. P. 347) (L. D. 893)

An Act Amending an Act to Authorize the Incorporation of Credit Unions (S. P. 389) (L. D. 998)

An Act relating to the Assessment of Taxes (S. P. 398) (L. D. 1030)

An Act to Provide for Training and Licensing Nursing Attendants (S. P. 404) (L. D. 1064)

An Act relating to the Salary of the Recorder of the Ellsworth Municipal Court (S. P. 406) (L. D. 1062)

An Act relating to Salary of Register of Probate and Clerks in the Office of Register of Probate in Hancock County (S. P. 407) (L. D. 1061)

An Act relating to the Salaries of Certain County Officials in Knox County (S. P. 408) (L. D. 1060)

An Act relating to the Salaries of the Register of Deeds and Clerks in the Office of Register of Deeds in Androscoggin County (S. P. 409) (L. D. 1057)

An Act relating to the Salary of the Clerk of Courts of York County (S. P. 410) (L. D. 1059)

An Act relating to Agents, Health and Other Officers of Indian Tribes (S. P. 411) (L. D. 1058)

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

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

An Act relating to a State Police Barrack in the county of Cumberland (H. P. 606) (L. D. 328)

An Act relating to Reports of Thefts of Motor Vehicles (H. P. 1184) (L. D. 745)

An Act relating to Payments to County Law Libraries (H. P. 1194) (L. D. 753)

An Act relating to Requirement for Restaurant Licenses (H. P. 1265) (L. D. 888)

An Act relating to Purchase of Certain Equipment by the State for Use by Towns (H. P. 1266) (L. D. 889)

An Act relative to Use of Live Decoys and Blinds (H. P. 1354) (L. D. 1005)

An Act Amending the Charter of the city of Portland (H. P. 1387) (L. D. 1054)

An Act relating to School Committee in town of Rumford (H. P. 1410) (L. D. 1083)

An Act Amending the Charter of the Calais School District (H. P. 1418) (L. D. 1090)

An Act relating to the Salary of the Judge of the Municipal Court of Newport (H. P. 1420) (L. D. 1092)

Finally Passed

Resolve Authorizing the Forest Commissioner to Convey Certain

Interest of the State in Lands in Penobscot County to Donald L. Haskell, of Old Town (S. P. 412) (L. D. 1098)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Oxford County to Fred L. Edwards, of Bethel (H. P. 1008) (L. D. 556)

Resolve Regulating Fishing for Atlantic Salmon in Narraguagus River and its Tributaries (H. P. 1412) (L. D. 1094)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Somerset County to J. Russell MacArthur, of Jackman (H. P. 1422) (L. D. 1095)

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

Tabled

Resolve Authorizing the Forest Commissioner to Advertise and Sell Certain Stumpage in the town of Ashland (H. P. 1423) (L. D. 1096)

Mr. WILLIAMS of Clifton: Mr. Speaker, I would like to ask that this Resolve lay on the table until later in the session, for the purpose of offering an amendment.

The motion prevailed, and the Resolve was tabled pending final passage.

Resolve for Maintenance and Development of Public Park Facilities (H. P. 1428) (L. D. 1108)

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

Orders of the Day

On motion by Mr. Bell of Thomaston, the House voted to reconsider its action taken yesterday whereby it passed to be engrossed H. P. 1429, L. D. 1110, Resolve in Favor of a Special Recess Committee to Study All Pensions and Retirement Laws of the State and Report to the Legislature."

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

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

House Amendment "A" to H. P. 1429, L. D. 1110, "Resolve, in Favor of a Special Recess Committee to

Study All Pensions and Retirement Laws of the State and Report to the Legislature."

Amend said Resolve by adding after the word "secretary;" in the 17th line thereof the following: '1 member shall be a state employee who is a member of the retirement system and who shall be appointed by the president of the Maine State Employees' Association.'

Further amend said Resolve by striking out in the 17th line thereof "and 2 members" and inserting in place thereof the following: 'and 1 member'

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

The SPEAKER: The Chair now lays before the House the first matter of unfinished business, 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) during consideration of which the House adjourned, the pending question being the acceptance of the committee report; and the Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker and Members of the House: This measure is really a key to a whole financial problem of the Ways and Bridges Committee. I have had the opportunity to read what the Ways and Bridges Committee propose by way of these major highway monies and I believe that their recommendations to this Legislature in their report which they will present soon for your consideration to give rural communities as much as we could hope to obtain by reporting this measure ought to pass and under those circumstances I move that we accept the "Ought not to pass" report.

The SPEAKER: The gentleman from Bingham, Mr. Dutton, moves that the House accept the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed and the "Ought not to pass" report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the second

matter of unfinished business, House Report "Ought to pass in the same new draft" (H. P. 1338) (L. D. 989) of the Committee on Agriculture on Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer" which was recommitted to the Committee (H. P. 1116) (L. D. 668) tabled on April 6th by Mr. Dorsey of Fort Fairfield, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. DORSEY: Mr. Speaker, I yield to the gentleman from Presque Isle, Mr. Brewer.

On motion by Mr. Brewer, the "Ought to pass in the same new draft" report of the committee was accepted, and the Bill, having already been printed, was given its first two readings under suspension of the rules.

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

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

House Amendment "A" to H. P. 1338, L. D. 989, Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer."

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

"R. S., c. 27, §164, amended. The 5th sentence of section 164 of chapter 27 of the revised statutes is hereby amended to read as follows:

"The person who shall file said certificate shall pay annually to the commissioner a registration fee as follows: \$10 \$20 each for the nitrogen and the phosphoric acid and \$5 \$10 each for the potash and the magnesium contained or said to be contained in the fertilizer, this fee to be assessed on any brand offered for sale, distribution, or transportation in the state."

On motion by Mr. Gowell of Poland, tabled pending adoption and specially assigned for later in today's session.

The SPEAKER: The Chair now lays before the House the third matter of unfinished business, Bill "An Act to Promote Public Safety with Snow Removal or Sanding Equipment" (H. P. 1452) (L. D. 1141), tabled on April 9th by Mr. Williams of Clifton, pending second reading; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker, as Mr. Coombs, whose bill this orig-

inally was, is excused for the day, he has asked me to have this placed on the table and specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Clifton, Mr. Williams, moves that this bill lay upon the table pending further consideration and be specially assigned for tomorrow. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the fourth 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 10th by Mr. Ames of Northport, pending motion of Mr. Carpenter of Augusta, to indefinitely postpone; and the Chair recognizes the gentleman from Northport, Mr. Ames.

Mr. AMES: I have no motion to make at this time, Mr. Speaker.

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

Mr. CARPENTER: Mr. Speaker, I understand that at the proper time Mr. Ames will introduce an amendment that we feel will take care of all the objection to this bill, so I therefore withdraw my motion for indefinite postponement.

The SPEAKER: Is there objection to the withdrawal of the motion to indefinitely postpone the bill?

The Chair hears none and the motion is withdrawn.

Thereupon, the report of the committee "Ought to pass as amended by Committee Amendment "A" was accepted, and the bill, having already been printed, was given its first two readings under suspension of the rules.

The SPEAKER: The Clerk will read Committee Amendment "A".

Mr. AMES: Mr. Speaker,—

The SPEAKER: For what purpose does the gentleman rise?

Mr. AMES: What amendment are we voting on, Mr. Speaker?

The SPEAKER: Committee Amendment "A" is now in order. The Clerk will read the amendment.

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

Committee Amendment "A" to H. P. 1337, L. D. 986, Bill "An Act Relating to Bounty on Seals."

Amend said Bill by striking out all of section 3 thereof.

The SPEAKER: Does the gentleman from Northport, Mr. Ames, wish to be heard on Committee Amendment "A"?

Mr. AMES: Mr. Speaker, I think I do not like that amendment at all, and I move its indefinite postponement.

The SPEAKER: The gentleman from Northport, Mr. Ames, moves that Committee Amendment "A" be indefinitely postponed. All those in favor of the motion to indefinitely postpone Committee Amendment "A" will say yes; those opposed no.

A viva voce vote being taken, the motion prevailed, and Committee Amendment "A" was indefinitely postponed.

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

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

House Amendment "A" to H. P. 1337, L. D. 986, Bill "An Act Relating to Bounty on Seals."

Amend said Bill by inserting in the 5th line, after the underlined word "state" the underlined words "except the county of York".

The SPEAKER: The Chair will state that the gentleman filed in the Clerk's office what purported to be House Amendment "A". It is not the same as the amendment that he has just sent to the Clerk's desk, therefore the amendment that he has just sent to the desk will lie upon the table pending its reproduction.

The amendment that the gentleman has presented, for the purposes of the Record, will be House Amendment "B".

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Resolve Authorizing Purchase of Jefferson Camps" (H. P. 1424) (L. D. 1097) tabled on April 2nd by Mr. Peirce of Augusta, pending first reading; and the Chair recognizes that gentleman.

Mr. PEIRCE: Mr. Speaker, I move that this resolve be given its first reading at this time.

The resolve had its first reading.

Mr. Gross of Jefferson, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1424, L. D. 1097, "Resolve, Authorizing Purchase of Jefferson Camps."

Amend said Resolve by striking out in the 1st line of the last paragraph thereof the figures "\$3,800" and inserting in place thereof the figures "\$1,800".

The SPEAKER: The question is on the adoption of House Amendment "A".

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

Mr. HARRISON: Mr. Speaker and Members of the House: In order to clarify the situation I would like to give you some of the facts why the Welfare Department feel that this amendment offered by Dr. Gross of Jefferson is unnecessary. In just three minutes I shall move that we indefinitely postpone Mr. Gross' amendment.

There are 150 acres of land in question. This land is owned by Mr. Brooks Turner and the Welfare Department pays Mr. Turner a yearly rental of \$200.

The Federal Government during the depression set up a C. C. C. camp and erected 26 buildings on this land. In addition, it was necessary to drill a well 242 feet deep at a cost to the Federal Government of \$3,000. When the Federal Government abandoned these camps, they turned everything over to the State of Maine except, of course, the land and all that legally remained with the land.

In 1942 the Welfare Department took on this project and opened a camp for homeless men who are a relief responsibility of the State. I wish every member of the House could pay a visit to Jefferson Camp. Every member of the Welfare Committee has visited the camp and wholeheartedly endorses the marvelous work being done there.

If this land is purchased, the Welfare Department may then go ahead and make permanent repairs.

These men, I understand, are maintained at this camp at approximately \$1.00 per day. They have been gathered in from about 42 different boarding homes where the cost ran as high as \$14.00 per week, or \$2.00 per day. As a busi-

ness deal, you can see where we will save the price of this land during each year several times over. Our ceiling purchase price is \$3800, which includes 150 acres of land, the well which cost the Federal Government \$3000, to drill and the gravel pit which at a low estimate by the owner is worth \$5000.

The Resolve simply authorizes the Governor and Council to purchase this land at not more than \$3800, and I can assure you it will be purchased for less than that amount.

I move that the amendment offered by Dr. Gross of Jefferson be postponed indefinitely.

The SPEAKER: The gentleman from Portland, Mr. Harrison, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the gentleman from Vassalboro, Mr. Hawes.

Mr. HAWES: Mr. Speaker, the gentleman from Portland has described the camp. I should like to call your attention to a comparison of costs at Jefferson camp and the other State institutions.

For illustration, at the Men's Reformatory the costs for the same operation—food, clothes, professional services—was \$68,305, approximately. At Jefferson it was \$33,948, with an average of 125 persons at Jefferson and 66 at the Reformatory, about four times per individual greater than at Jefferson.

As you may have noticed, there are three other proposals pending, concerning the State Prison, the Women's Reformatory, and still another at Pownal. In the case of the Reformatory at Skowhegan, it calls for 80 acres at a price of \$3,000; at Jefferson it is 150 acres with a selling price of \$3,800. At Pownal the Governor is given authority to buy such land as is necessary, no price given.

Adoption of this amendment would jeopardize the State's investment of \$40,000. We are operating under an annual lease, and if he so desired, the owner could terminate it at the end of the year and tell the State to take its buildings and go where it pleased. It seems rather foolish, in my opinion, to jeopardize our investment in this proposition which has proven its value for the possibility of saving a couple of thousand dollars. Of course the amendment should be rejected.

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

Mr. GROSS: Mr. Speaker, I had not intended to get up but if you will remember on the 28th day of February, using this very resolve as a wedge and example, I received the courtesy of this body to introduce by unanimous consent a bill authorizing the State of Maine to take this property at a fair figure through exercising the right of eminent domain.

In defense of myself and the proposition of that day, I feel I must rise at this time. I agree with everything the two previous speakers have said about the value to this State of that institution and I would be the last person in this House or in this State to want to see my town lose what we feel is a valuable asset to it. However, I must still take my stand on my original contention that the value mentioned by the gentleman from Portland is a questionable one and we do not feel it is a true one. He mentioned the well. Legal opinion is divided as to the matter of a well. The fact remains the well did not cost Mr. Turner one cent; he has never had any use from it. The Federal Government operated it in their interests and upon transfer the State took it over and if it were not for some individual or some organization, such as the Jefferson Camp, it would have been lost in its entirety because of the cost of using it for private purposes. Concerning the gravel pit, to my knowledge, up until the time this resolve was introduced at least, no soundings had been made as to the amount of gravel on that piece of property and it is the opinion of the people who have gone there to get a load of gravel or sand, for some small purpose, there is an adequate amount but there is not any amount to the value of the owner's claim which could be possibly operated on a commercial basis and, gentlemen, the Highway Department surveyed that land for the Welfare Department in drawing the lines for this purchase and if the value of gravel was there and knowing the need for gravel under the program of the Highway Department, I do not believe they would have passed up an opportunity to determine whether there was a lot of gravel there that they could use.

There has been one other point brought up and that is the fear that in the due process of exercising the right of eminent domain, the county commissioners, under whose author-

ity the appraisal of the property would come, might award Mr. Turner more than \$3800. If the value is there and it were proven to me by county commissioners or anybody else, that this land was worth \$3800 or \$33,000, I would stand here and fight for the benefit of Mr. Turner just as much as I am fighting for what I think is the right of the tax payers of the State of Maine.

I merely put this amendment in to give the Governor and Council an opportunity to choose between an offer of what we feel is a fair figure, taking everything in consideration and exercising the right you have given them to take the property by eminent domain. Therefore, I must take the stand that I hope the motion of the gentleman from Portland does not prevail and I believe that in all fairness to this State and to Mr. Turner it should be left in impartial hands.

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

Mr. LORD: Mr. Speaker, being a member of this committee, I want to assure the House that the committee have given it careful consideration. They have visited the camp, this group have visited Mr. Turner to try to get a better price. We realize that the price is high but to protect the investment of the State we feel that it is not too high. However, the bill provides that the Governor and Council shall not pay more than \$3800. That leaves them the chance to buy it for the best price they can get it for. I believe we can safely leave it in the hands of the Governor and Council.

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

Mr. BOYKER: Mr. Speaker, I want to state to you from my own knowledge that if this amendment is adopted we will have to take that land by eminent domain, which I don't believe is the right thing to do.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Harrison, that the amendment be indefinitely postponed.

The Chair recognizes the gentleman from Corinth, Mr. Elliott.

Mr. ELLIOTT: Mr. Speaker and Members of the House: As a member of the Welfare Committee I want to go on record as favoring the motion of Mr. Harrison that

this amendment be indefinitely postponed. We visited the camp and I am sure that everyone is agreed that it is a wonderful institution for taking care of the people. The State has a large investment there and I believe that the cheapest way that they can acquire it is by having this bill go through limiting the price to \$3800.

I realize according to the reports that have been made that the gentleman who now owns the land acquired it at a small price, nevertheless I feel he is sitting in the driver's seat and the cheapest way we can obtain the land is the best investment for the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Corson.

Mr. CORSON: Mr. Speaker: As a member of the Welfare Committee we unanimously decided to oppose Mr. Harrison's offer to the State of the land. Now, we must consider several things in this matter. There are one hundred and thirty old men there and many of them are able to do some work and if this land is acquired right away, immediately the manager can make needed improvements to these buildings which are in need of improvement. They can improve them so that they will be a fine residence and warmer and better all around as a home for indigent men. Another reason is, if we hold this matter up for proceedings under the right of eminent domain, we are liable to become involved in some law activity. If we get involved in law in this, we know the lawyers will get more than the \$3800 in order to carry it to a conclusion, so for that reason I believe we should uphold Mr. Harrison's motion.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Harrison, that House Amendment "A" 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 House Amendment "A" was indefinitely postponed, and the resolve was assigned for second reading this afternoon.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Majority Report "Ought not to pass" and

Minority Report "Ought to pass in new draft" (H. P. 1453) (L. D. 1154) of the Committee on Judiciary on Bill "An Act Creating a Board of Examiners for Electricians (H. P. 1303) (L. D. 948) tabled on April 6th by Mr. Connellan of Portland, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CONNELLAN: Mr. Speaker, I move the acceptance of the minority report "Ought to pass in new draft".

The SPEAKER: The gentleman from Portland, Mr. Connellan, moves the acceptance of the minority "Ought to pass in new draft" report of the committee? Is this the pleasure of the House.

Calls of "No"

The SPEAKER: All those in favor of the motion will say yes; those opposed now.

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

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

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Relating to Close Time on Deer in the Counties of Hancock and Washington, (H. P. 1131) (L. D. 678) tabled on April 6th by Mr. Morrison of Winter Harbor, pending acceptance of the report; and the Chair recognizes the gentleman.

Mr. MORRISON: Mr. Speaker, I move to substitute the bill for the report and in support of that motion I would like to remind the members of the House that they had a law permitting 15 days hunting in December for sixteen years and in 1939 when this law was repealed the records show that Hancock and Washington counties at that time had more deer than any other two counties in the State.

Under the provisions of this bill we are asking for ten days in December which would entitle us to the same amount of days as Aroostook and Penobscot Counties. It has been suggested that we could take our ten days in October and still be on the same basis as Aroostook and Penobscot Counties but inasmuch as the weather is not cold enough for the meat to keep in the month of November, let alone the month

of October, this would create a waste in many cases where deer are shot and not reported.

Another reason why we would like this ten days in December is that seldom is there any snow in November and a good many deer are wounded and go and die that probably would be caught if there was snow to take up their tracks. It is our belief that this present law is not saving our deer but we believe that many are lost that would be caught if we had the snow to track them on. For these reasons I again move substitution of the bill for the report.

The SPEAKER: The gentleman from Winter Harbor, Mr. Morrison, 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 prevailed, and the bill, having already been printed, had its first two readings under suspension of the rules, and was assigned for third reading this afternoon.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, Senate Report "Ought to pass with Committee Amendment 'A'" of the Committee on Public Health on Bill "An Act Amending the Control of Venereal Diseases (S. P. 211) (L. D. 473) which came from the Senate passed to be engrossed as amended; in the House tabled on April 9th by Mr. Perkins of Boothbay Harbor, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker and Members of the House: I do not know where they get the idea that I am opposed to what the Department of Health and Welfare is trying to do. I have the greatest sympathy for their purpose but what I object to is the mechanics by which they attempt to accomplish it.

The present law is if they wish to examine a person infected by venereal disease the department may file a petition with the court and get an order for examination of that person. I have no objection to that procedure but what they now seek to do in this bill is amend the law so that the bureau or any of its agents may take a person off the street on their own hook with-

out a warrant or anything else and if they don't want to take the examination place them in quarantine at a concentration camp and then the party who is placed in quarantine has got to petition the court himself. That sort of law, Mr. Speaker and members of the House, does not obtain in free America. There is no agent of the State who can take the humblest citizen off the street and confine him forcibly and against his will for any purpose until he has a warrant.

I move this bill and amendment be indefinitely postponed.

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

Mr. Peirce: Mr. Speaker, I would like to make a few brief remarks upon the motion of the gentleman from Boothbay Harbor. This bill was given a very thorough hearing in committee at which interested parties were present. Representatives of the Maine Medical Association went on record in favor of the bill, Judge Peterson, President of the Maine Municipal Judges Association, said that the bill improved the existing law. Now those of you who have read newspaper accounts released by the Army and Navy know that there has been an alarming increase in venereal disease instances in the State of Maine during the war years. It is up to us as guardians of the health and welfare of the State of Maine to see that venereal disease does not spread, and we are guardians under the authority of the constitution to see that venereal disease does not spread even more. One of the best things that we can do is to enact this bill which has the approval of the Maine Medical Association and the Municipal Judges.

The SPEAKER: The question is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, to indefinitely postpone the bill. All those in favor of the motion will say yes; contrary minded, no.

A viva voce vote being doubted, A division of the House was had. Seventy having voted in the affirmative, and 31 in the negative, the motion prevailed, and the bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. WARD of Millinocket: Mr. Speaker, in view of the fact that

we have only seven items remaining on today's calendar, and that there are a number of meetings between now and two o'clock, I move that we recess until two o'clock.

The motion prevailed, and the House so recessed.

AFTER RECESS—2:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, Bill "An Act Relating to Fees of Town Clerks for Fishing and Hunting Licenses" (H. P. 988) (L. D. 588) tabled on April 9th by Mr. True of Rangeley, pending assignment for third reading.

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

Mr. WARD: Mr. Speaker, the gentleman from Rangeley, Mr. True, was obliged to go over to Portland this noon and he has requested me to move that this matter be retabled and reassigned for tomorrow.

The SPEAKER: The gentleman from Millinocket, Mr. Ward, moves that this bill be retabled pending assignment for third reading and be specially assigned for tomorrow. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, Bill "An Act Relating to Small Claims" (H. P. 241) (L. D. 92) which came from the Senate passed to be engrossed as amended by Senate Amendment "A" (L. D. 1125) in non-concurrence, and in the House tabled on April 10th by Mr. Jacobs of Auburn, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Jacobs, the House voted to reconsider its action whereby the bill was passed to be engrossed.

Senate Amendment "A", which was printed L. D. 1125, was read by the Clerk as follows:

Senate Amendment "A" to Bill "An Act Relating to Small Claims" (H. P. 241) (L. D. 92)

Bill, "An Act Relating to Small Claims" (House Paper 241; Legislative Document 92) is hereby

amended by striking out Sections 2 to 20 inclusive and substituting in place thereof the following:

Sec. 2. Procedure established. There is hereby established a simple, speedy, and informal procedure which a plaintiff or his authorized attorney may pursue in an action commenced before a justice of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.

Sec. 3. Process. A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice or clerk of the municipal court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of \$1.75.

Sec. 4. Disposition of fees. Of the amount of the entry fee the justice shall be allowed the sum of \$1 for his services, 25c to be used for postage for notice to the defendant, 25c for the use of the town in which the court is established and 25c for the clerk of the court, provided that in towns where there is no clerk of the municipal court in addition to the \$1 the justice shall be allowed 25c for his services as such clerk.

Sec. 5. Limitation of number of claims. No person shall be permitted to enter in any one court more than 5 small claims in any one week nor more than 20 small claims in any one month.

Sec. 6. Notice to defendant. The justice shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by postpaid registered mail addressed to the defendant at his last known post office address and directing the defendant to appear at a time and place of hearing, which shall be not less than 14 days from the date said notice is mailed to defendant. Return receipt showing that defendant has received the statement shall constitute an essential part of the service. If the service cannot be effected by registered mail as aforesaid, then the court may direct that service on the defendant be completed as in all other actions at law.

Sec. 7. Judgment. At the hearing, the technical rules of evidence shall not apply but the justice may

admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and if the plaintiff recover, his costs shall be awarded to him in addition to the judgment in his behalf. In awarding judgment the justice may provide for payment thereof in instalments. The court shall render judgment for the plaintiff when the defendant fails to appear pursuant to said notice.

Sec. 8. Proceedings after judgment. All proceedings subsequent to the rendition of judgment shall follow the practice and procedure now provided for."

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

The SPEAKER: The Chair now lays before the House the seventh tabled and today assigned matter, Bill "An Act Relating to Keeping Certain Animals Confined" (H. P. 1426) (L. D. 1106), which in the House was read the third time, tabled on April 10th by Mr. True of Rangeley, pending the motion of Mr. Williams of Auburn, to indefinitely postpone.

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

Mr. WARD: Mr. Speaker, by the request of the gentleman from Rangeley, Mr. True, I move that this matter be tabled and specially assigned for tomorrow.

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

The SPEAKER: The members will find on their desks the supplemental House calendar for today.

The Chair now lays before the House the eighth tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Labor on Bill "An Act relating to Minimum Wages and Maximum Hours" (H. P. 1301) (L. D. 946) tabled on April 11th by Mr. Renouf of Biddeford, pending acceptance of either report; and the Chair recognizes that gentleman.

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

The enactment by Congress of the Fair Labor Standards Act of 1938, establishing minimum wages and hours for all employers engaged in interstate commerce did not

result in closing down any of our industries but has promoted employment instead.

Shortly after the Fair Labor Standards Act was passed by Congress, the Fifth National Conference on Labor Legislation, called by the Department of Labor and representing 42 States adopted a model form of state law based on the Federal Act and this bill presented by me embodies this model form in great part.

This Bill proposes the establishment of a minimum wage and hour law in the State of Maine and further, to provide for the general welfare and to protect the health, efficiency and general well-being of the workers in the State by providing for the elimination of wage and hour standards detrimental to the health, efficiency and general well-being of workers, to prescribe minimum wage and maximum hour standards and to provide for the further determination and establishment of minimum wage by industry; to provide for enforcement of such provisions and to prescribe the powers and duties of the Commissioner of Labor under this Act; to prescribe penalties for violations of this Act or of orders or regulations of the Commissioner authorized hereunder and to repeal such laws as are specifically provided for in this Act.

If this bill is enacted into law it does not compel anyone to pay anything to anybody but it does mean that if anyone hires a worker to work for him then he must comply with the requirements of this Act.

I believe that the police powers of the State are broad enough to permit the enactment of such legislation and if this Legislature deems this type of legislation is good for the promotion of the health, efficiency and welfare of the workers of our State then it should take such action for the benefit of all concerned.

Most all of the states in the Union have adopted laws regulating hours of work or establishing minimum rates of pay and have adopted Child Labor laws. It must be recognized that the situation of the lower income wage and salary workers upon whom the increase in cost of living has fallen with disproportionate severity, has remained unsatisfactory under the wartime

economy. This situation deserves your most careful consideration as we pass from war to peace.

The National War Labor Board by general order, has provided that wage increases voluntarily made by the employer up to 50 cents per hour do not require prior approval. The Board cannot issue general orders requiring employers not before the Board to increase their wages. The Board's capacity to correct substandards is still further narrowed by the fact that there are multitudes of people at the very low income level who are not under the Board's jurisdiction at all. The school teachers, the clergymen, the State, County and City officials, the policemen, firemen, the dependent mother of the soldier boy with her scant \$37.00 per month, the widow living off the proceeds of her husband's insurance policy and the old age pensioner.

These unorganized workers must not become the forgotten men and women of our war economy.

For the most part the economic status of the "unorganized workers" referred to above can be improved only by legislative action, chiefly on the part of local or State governments.

There are other millions of low paid wage earners whose cases, while falling under the War Labor Board jurisdiction, never reach the Board and whose prospects for economic advancement are not favorable. Their status could be most rapidly and effectively improved by increasing the wage requirements of the Fair Labor Standards Act. Quite apart from the considerations of equity which are here involved, we suggest that legislative action of the sort here mentioned could produce a very large effect on the aggregate of incomes if it should be concluded at any time that national economic policy calls for increasing the level of consumer incomes.

In sponsoring this measure, I hope that this Legislature will view it on the basis of a non-partisan bill, as it will affect more people of the majority party than those of the minority party. It is offered at this time more or less on the basis of a post-war economic measure, thus assuring the unorganized workers of the State an income comparable to those of our people engaged in our major industries

covered by the Fair Labor Standards Act.

Because of the enhanced purchasing power of those people as would be affected by the favorable passage of this bill, the farmers all over the State would enjoy higher prices for the farm products that they bring to market. It is a well-known fact that when the workers earn high wages, the farmers enjoy greater prosperity and when the economic purchasing power of the worker is decreased, the farmer suffers in proportion.

At the public hearing held in the Hall of the House, there was not very much opposition offered to the bill, except that, offered by the Honorable Mayor of the City of Augusta, Mr. Fogg, who as an opponent of the bill offered the following statement: That he had a woman working for him as a secretary in his office and that he was paying her less than 40 cents per hour and he felt that he was paying her all she was worth to him.

For a man in his position and further acting as Legislative Counsel for the Associated Industries, I believe that a statement like the above is just why such legislation is necessary to combat the evil of such narrow-minded employers.

The SPEAKER: The gentleman from Biddeford, Mr. Renouf, moves the acceptance of the minority "Ought to pass" report.

The Chair recognizes the gentleman from Rumford, Mr. Poulin.

Mr. POULIN: Mr. Speaker and Members of the House: As one of the members of the committee that voted "Ought not to pass", I would like to explain my position and the position of some of the members of the committee. We feel, at this time we are already covered by the Federal Wage and Hour Act, and, as Maine is not a very largely industrialized state, there was no need of establishing a statewide Wage and Hour Commission. No figures were given as to what it would cost to do a thing of that kind.

Although there wasn't much opposition to this bill, before the committee, just as I have explained, we felt it was inexpedient at this time to put a law on this subject matter onto the books. For that reason, before I make a motion—I was out when the gentleman from Biddeford (Mr. Renouf) spoke, I

would like to know what his motion is?

The SPEAKER: The question is on the motion of the gentleman from Biddeford, Mr. Renouf, to accept the minority, "Ought to pass," report of the committee.

Mr. POULIN: For that reason, Mr. Speaker, I hope that the motion to accept the minority report of the committee will not prevail.

The SPEAKER: The question is on the motion of the gentleman from Biddeford, Mr. Renouf, that the House accept the minority "Ought 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.

The SPEAKER: The question now is on the acceptance of the majority "Ought not to pass" report of the committee. All those in favor will say yes; those opposed no.

A viva voce vote being taken, the motion prevailed, and the majority report, "Ought not to pass" was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the ninth tabled and today assigned matter, House Report "Ought to pass in new draft under new title" of the Committee on State Lands and Forest Preservation, on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Arostook County to Maxine Albert, of Frenchville, (H. P. 347) (L. D. 154), the new title being "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Piscataquis County to Harry Greenleaf, of Norway (H. P. 1474) tabled on April 11th by Mr. Morneauult of Fort Kent, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Morneauult that "Ought to pass in new draft under new title" report of the committee was accepted and the new draft was tabled for printing under the Joint Rules.

The SPEAKER: The Chair lays before the House the tenth tabled and today assigned matter, Resolve Authorizing the Forest Commissioner to Advertise and Sell Cer-

tain Stumpage in the Town of Ashland (H. P. 1423) (L. D. 1096) tabled on April 11th by Mr. Williams of Clifton, pending final passage; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House, for the purpose of later introducing an amendment which was recommended by the Committee on State Lands and Forest Preservation, I would now ask that the House reconsider its action whereby it passed this resolve to be engrossed.

The SPEAKER: For the purpose of offering an amendment, the gentleman from Clifton, Mr. Williams, moves that the House reconsider its action, under suspension of the rules, whereby this resolve was passed to be engrossed.

The motion prevailed.

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

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

House Amendment "A" to H. P. 1423, L. D. 1096, "Resolve Authorizing the Forest Commissioner to Advertise and Sell Certain Stumpage in the Town of Ashland."

Amend said Resolve by striking out all of the last paragraph thereof and inserting in place thereof the following:

Resolved: That the proceeds of such sale shall constitute a fund to be used by a special legislative joint committee for the purpose of studying public reserved lots in the state.

On motion by Mr. Rollins of Greenville, the amendment was tabled pending adoption, and specially assigned for tomorrow morning.

The SPEAKER: The Chair lays before the House the eleventh tabled and today assigned matter, House Amendment "A" to Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer" (H. P. 1338) (L. D. 998) which bill has already been read twice, and tabled on April 11th by Mr. Gowell of Poland, pending adoption; and the Chair recognizes that gentleman.

Mr. GOWELL: Mr. Speaker, I rise to question a point of order. This morning I had not had the amendment for some reason; it got lost in the maze in my desk, and after reading the amendment, I had a question which I believe it would

be pertinent to raise at this time. The subject matter before us is a bill, "An Act to Provide a Tonnage Tax on Commercial Fertilizer." The amendment, as proposed by the Representative from Presque Isle, Mr. Brewer, is an amendment which proposes to double the present arrangement whereby we raise the money through license fees.

The question I wish to ask is: Is this amendment germane to the subject, namely, "An Act to Provide a Tonnage Tax on Commercial Fertilizer"?

The SPEAKER: The gentleman may question the germaneness of the amendment, and he may debate the question if he cares to, restricting his debate only to the question of germaneness.

Mr. GOWELL: Mr. Speaker, the amendment reads this way: "The 5th sentence of section 164 of chapter 27 of the revised statutes is hereby amended to read as follows:

"The person who shall file said certificate shall pay annually to the commissioner a registration fee as follows: \$10 \$20, each for the nitrogen and the phosphoric acid and \$5 \$10 each for the potash and the magnesium contained or said to be contained in the fertilizer, this fee to be assessed on any brand offered for sale, distribution, or transportation in the state." The \$10 is deleted in the amendment and \$20 substituted "each for the nitrogen and phosphoric acid," and \$10 instead of \$5 "each for the potash and the magnesium contained or said to be contained in the fertilizer, this fee to be assessed on any brand offered for sale, distribution, or transportation in the state."

This seems to me not to pertain to a fertilizer tax, as the title of the bill would indicate. I just ask for a ruling on it.

The SPEAKER: Is there any further discussion on the point of order that has just been raised?

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

Mr. BREWER: Mr. Speaker, as I offered this amendment, I would like to argue that I can see no difference, whether this tax is collected by tonnage or whether this tax is collected by a registration fee. The company, directly, pays it. Indirectly, I suppose, the consumer pays it; they pass it along. I see no difference. It is a question of a technicality. I certainly would question other bills that have recently

gone through as to germaneness to the subject.

I would say, for those who might be interested, my amendment merely doubles the old formula rate. Originally the fertilizer companies filed; for every formula they filed, a registration fee was collected. About 90% of the formulas — possibly not 90%, but a good many of them—have been cut down through this war, so that money enough was not received by the Department of Agriculture to carry on the inspection work.

The SPEAKER: The gentleman must confine himself to arguing the germaneness, not to a history of the legislation.

Mr. BREWER: Mr. Speaker, I think I have said about all I can to cover the matter. In other words, the only question, to my mind, is the tax. Either way, it is merely a matter of how to place it. That is all.

The SPEAKER: Any further discussion? The Chair recognizes Mr. Ela of Anson.

Mr. ELA: Mr. Speaker, I do believe that this amendment is germane to the title. You could quibble about whether you ought to find out how much tonnage there was, or not. I think this is a sincere effort to take care of—

The SPEAKER: The gentleman must confine his argument only to the question of germaneness at this point.

Mr. ELA: Mr. Speaker, I think the brands do refer to the tonnage which is actually produced and sold in this State.

The SPEAKER: The House may be at ease. The Chair wishes to make a formal ruling in writing for the record.

House at Ease

310. P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Gowell.

Mr. GOWELL: I wish at the present time to withdraw my request for ruling in regard to the germaneness of the amendment in question on the bill to provide a tonnage tax on commercial fertilizer.

The SPEAKER: The gentleman has the right to withdraw the question he has raised on a point of or-

der. The question is now on the adoption of the amendment.

The Chair recognizes the gentleman from Poland, Mr. Gowell.

Mr. GOWELL: Mr. Speaker and Members of the House of Representatives: In order that I may clear up one or two points, I wish to emphatically state at the present time that while it has been suggested that I work for a fertilizer company in the State of Maine and that is exactly where I obtain my livelihood as an employee of a fertilizer company, yet at the present time I do not receive a cent of salary or expenses or money in any way from a fertilizer company because when I came to this 92nd Legislature I asked for and was granted a leave of absence in order that I might work in the Legislature from the standpoint of a free man.

I want it further understood that at the present time because of the few brands of fertilizer that are being put out by the various fertilizer manufacturers of the State of Maine, there is to be in the current fiscal year a deficiency from the amount that is required to carry on our fertilizer analysis inspection. In the present fiscal year it will probably be necessary for the Department of Agriculture, in order to make their inspections to ask for a special amount of money to be taken out of the general appropriation to cover the cost of this year's inspection. It has already been determined that there will not be enough money and it will have to come from somewhere; there are no provisions whereby it can be taken from any source whatever. The provisions of this amendment do not become operative until 90 days after the adjournment of this Legislature because this is not an emergency measure.

With those few words I wish to read, to save time, the few notes that I have prepared in regard to the amendment and the fertilizer tax measure in general. Let me say as a preface that at the present time there is only one state in the United States that has no regulations regarding a registration tax on fertilizer. There are nineteen states in this union that have a brand and tonnage tax and twenty-nine, of which the nineteen are a part, have a tonnage tax alone. These tonnage taxes range from six cents in Massachusetts and Con-

necticut to fifty cents per ton in Tennessee so that the matter of tax on commercial fertilizer for defraying the expenses connected with them and this bill that is now before us is not a new bill but for the purpose of setting up a fund to be used by the Bureau of Inspection in the Department of Agriculture in order that they will be able to carry on the fertilizer inspection work in the State of Maine. All of the fertilizer companies operating in Maine have, up until this time, been required to pay a license fee of \$25.00 for each brand mentioned, or about that amount.

While I do not believe that the license fee was heavy, and I do want to repeat that while I do not believe this license fee was heavy, since the beginning of the war and due to wartime restrictions, the fertilizer manufacturers have found it necessary to sharply curtail the number of brands the individual company puts out; in fact it is almost cut in half. Two years ago a bill, somewhat similar to this one, although in some respects quite different, was introduced by the Department of Agriculture but failed to pass. The deficit caused by the certification of brands had to be taken out of the general appropriation and this is where it became evident that some provision had to be made for the providing of the deficit and it was decided that the fertilizer industry should carry its own load and bear the expense of these inspections. Nobody questioned but what the fertilizer inspection work of the Department of Agriculture is absolutely necessary, not only for the protection of the farmers who buy fertilizer but for the protection of the large manufacturers that there shall not be a manufacturer in the State of Maine who will not live up very largely to the provisions of the law.

I wish also to state at this time, and that very definitely, that this present bill did not originate with the Department of Agriculture. Two years ago a similar bill did originate with the Department of Agriculture, nor was it sponsored by the Department of Agriculture. There is no question but what it would be possible to double the licensing fee as provided by the amendment submitted to you this morning but this method does not seem to be as fair a method as does

the method which is proposed by the bill and which I think is fair.

Under the licensing method, every company pays a flat sum for each brand manufactured. When this license fee is paid the company may manufacture ten ton or 10,000 tons of one brand for the same \$25.00 or \$50.00 license fee, as the case may be, and that is all they have to pay for either brand, whether they manufacture ten ton or 10,000, \$25.00 under the old law, approximately, or \$50.00 under the new amendment. Take the \$25.00 for example, which is approximately the present law, the company may manufacture in the State of Maine but three brands and even though they sell 50,000 tons during the year, the total license fee is \$75.00 or thereabouts. On the other hand, a company operating in a diversified farming area and finding it necessary because of the conditions to which they must cater, might find it necessary to manufacture as much as twelve brands and must pay \$300.00 even though they do sell but fifty tons of fertilizer in the single year as a total.

In this connection I would like to add that frequently farmers want special brands and although this means only a small tonnage, it costs the fertilizer company a \$25.00 fee and I doubt if these special requests would be granted if the fee should be increased. The orchards sometimes want special brands. The man who particularly wishes to have a certain kind of tree fertilizer or a particular brand, only a small tonnage of each brand, it costs the regular registration fee for the privilege of selling to these companies, as perhaps a special fee of \$25.00 isn't very much and consequently we most always would be willing, if the company is requested, the manufacturers have been willing to grant the request, but if the registration fee is double, it is a question whether a man who wants five or six tons would get it. Under the tax system each manufacturer reports the tonnage of fertilizer sold in Maine in a year and pays a tax and this is what is specified in the present bill and according to the total tonnage which they manufacture sells during the current year.

This information, and I want this to be clearly understood, too, goes only to the Department of Agriculture, is strictly confidential and

no injustice is suffered by anyone. I would predict that if the bill as presented is passed the license fee would be abolished by some future legislation and the necessary revenue to carry on this fertilizer inspection would probably be derived from a tonnage tax alone.

It is interesting to note at present that this bill as it was written was given an unanimous "Ought to pass" report, was sent back by the Committee on Agriculture to this House with an "Ought to pass" report and for some reason was returned to the Committee on Agriculture and for the second time. It is very evident the Committee on Agriculture felt the bill met adequately all the present needs and is a fair basis for obtaining the desired revenue. Therefore, they reported it out of committee "Ought to pass".

As a consequence of this history and of the nature of the tax I sincerely hope that this bill as written will pass the House and that the motion to accept the amendment will not be supported by this House. I thank you.

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

Mr. BREWER: Mr. Speaker, I think Mr. Gowell has presented a very able talk. Whichever way the tax happens to run it has merits and demerits but I would point out to you that under the way that Mr. Gowell suggests the bill go you are taxed on a ton basis which to my mind again is unfair because a good many companies put out a concentrated fertilizer and they in turn would put up two tons for a ton unit for a one-half of the three cents which a fellow putting out one ton would pay three cents for. Now there wasn't any opposition to this bill when presented because at that time the differences had not been ironed out, we knew we had opposition but after the bill had come out of the committee we found a solution whereby under the amendment no objection whatsoever was raised.

You may ask why there is opposition to a tonnage tax. For some unknown reason the fertilizer companies do not care to divulge the tonnage sold. Somebody asked me if there was something that had not ought to be done, the way they were conducting their business, but I do not see it that way. We all

have secrets of our own professions which we do not care to tell the other fellows. I contacted all the fertilizer companies in Aroostook County before I arrived at a solution that would satisfy everyone. Every company I contacted said that they would prefer not to divulge their tonnage. If we needed the money, they felt we were justified, in carrying on the work of the Department of Agriculture, in putting on a license fee when they filed their formulas, but they did not want it on a tonnage tax.

For that reason in Aroostook County, where eighty per cent or more, probably eighty-five or ninety per cent, of the fertilizer sold in the State of Maine is sold, those companies as you say objected to it and we are willing to go along on that basis, but we object to the tonnage tax too.

Now I think, if my memory does not fail me, possibly \$3500. of money is involved, and it is not a question of which is right or wrong, but the question to my mind is which is the nicer way to get this money to carry on the work of the Department of Agriculture: under a license fee to which nobody objects or a tonnage tax which most of us in the delegation are opposed to. We were fortunate enough two years ago to kill just such a bill. Now in view of all these things I wish you would just remember one thing, the Department of Agriculture needs the money. We in the appropriation committee are anxious to see them get the money. We can get the money under this amendment, where to my knowledge outside of Mr. Gowell there is not any objection whatever from the fertilizer companies or us in Aroostook County and I remember that we paid last year a potato tax of \$187,000 at one cent a barrel on potatoes we sold. Somehow or other we just don't like the sound of that word "tax", T-A-X, and that is what it means to us. Under my amendment you can get the money but the other, the tonnage tax, the fifty cents a ton, which I pointed out to you, is unfair, and the fertilizer companies do not want it. There certainly will be objections and I hope that my motion for the committee amendment will prevail.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Wright.

Mr. WRIGHT: Mr. Speaker, in regard to the so-called "tonnage tax," it seems to me that a new tax bill put on the statute books to raise the insignificant sum of \$3,000 is absolutely uncalled for.

In reply to the statement that the registration fee would be unfair, if it is doubled, it must be unfair if it is singled, and they make no move to remove the registration fee. If we pass a tonnage tax, it is not going to cure the unfairness of the registration fee, if it is unfair. For that reason, I say, I do not believe a new tax bill to raise such a small sum of money is called for at this time.

The SPEAKER: The question is on the motion of the gentleman from Presque Isle, Mr. Brewer, that House Amendment "A" be adopted.

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

Mr. SWEETSER: Mr. Speaker, I am a member of the Committee before which this matter had been discussed. We believed that we had heard about all the arguments there were, at the time of the hearing. Since then, as Mr. Brewer has suggested, we have heard the argument from that section of the State which feels that they would have an unfair burden, and we have reconsidered this matter twice in Committee.

The original bill called for a 6c per ton tax and we revised it in the new draft and reduced that to 3c. The gentleman from Limestone, (Mr. Wright), just mentioned that he thought it would be unfair to the companies that were paying a tax on a large volume of fertilizer and that there was no objection raised from these companies who had a number of formulas but were having to pay the fee on a number of formulas. He brought to your attention, also, the fact that the fee for analysis would continue.

Now, we feel that this is a fair measure. The company in the southern portion of the State which is designed in such fashion that it is selling perhaps 15 different formulas to a type of agriculture that is widely diversified and requires a particular fertilizer for garden truck, a different one for corn, a different one for snap beans for the canners, a different one for strawberries, and still a different one for orchards and so on, they are paying

under the present plan an unfair proportion of the total cost because of the number of analyses which they offer.

Now, it would help balance the situation, if these companies which only put out one or two different grades of fertilizer and sell a larger volume pay a heavier proportion of the tax. If I make myself clear, the individual or company selling 10,000 tons under two formulas would pay only two license fees, and a heavy proportion of the taxation. The other company with perhaps 15 formulas and only 500 tons would be paying a heavy portion of the license fees, and a small portion on a tonnage basis. I think this is the fair way of taking care of the situation until the time comes when these formulas come back under normal conditions.

The question has been raised in the lobby that this is a tax measure; that it is intended to take care of the emergency. I see no reason why the next Legislature—if they wish to do it—can't repeal this measure, if the emergency is over and conditions come back with a large number of formulas by practically all of the companies. I still support Mr. Gowell and hope Mr. Brewer's motion will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Gowell.

Mr. GOWELL: Mr. Speaker, when the vote is taken, may we have a division of the House?

The SPEAKER: The question is on the motion of the gentleman from Presque Isle, Mr. Brewer, that the House adopt House Amendment "A", and the gentleman from Poland, Mr. Gowell, has asked for a division.

Mr. BREWER: Mr. Speaker, in regard to the argument that these people that have had individual formulas made would be charged extra, I will say that I doubt very much that any company would spread that cost over their total. I do not believe they will have to pay it, even though the companies say they will.

The SPEAKER: The question is on the motion of the gentleman from Presque Isle, Mr. Brewer, that the House adopt House Amendment "A", and the gentleman from Poland, Mr. Gowell, has asked for a division. All those in favor of the motion of the gentleman from

Presque Isle, Mr. Brewer, will rise and stand in their places until counted and the monitors have made and returned their count.

A division of the House was had. Forty-eight having voted in the affirmative and 41 in the negative, House Amendment "A" was adopted, and the bill was assigned for its third reading tomorrow morning.

Passed to be Engrossed

The following Bills and Resolves were taken up by special assignment:

Bill "An Act relating to Salaries of Court Stenographers" (S. P. 105) (L. D. 177)

Bill "An Act Clarifying the Law relating to Official Fees of Registers of Probate" (S. P. 160) (L. D. 363)

Bill "An Act relating to Fees of Registers of Probate" (S. P. 268) (L. D. 619)

Bill "An Act relating to Presumption of Death" (S. P. 425) (L. D. 1127)

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

Indefinitely Postponed

Bill "An Act relating to Probation Officers in Penobscot County" (S. P. 426) (L. D. 1126)

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

Mr. SOUTHARD: Mr. Speaker, I move that this bill, (S. P. 426) (L. D. 1126) be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Southard, moves that Item 5, Bill "An Act relating to Probation Officers in Penobscot County" be indefinitely postponed.

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

Mr. SOUTHARD: Mr. Speaker, and Ladies and Gentlemen of the House: Section 28 of Chapter 136 of the Revised Statutes already provides for the appointment of a probation officer and an assistant probation officer or other probation officers, if necessary. It also provides that their salaries shall be fixed by the County Commissioners.

Now, it would seem that if the citizens of Penobscot County desired to have an assistant probation officer, that the natural course would be to go to the Governor, state the need, and ask for such an appoint-

ment. Governor Hildreth tells me that he has never been approached or asked to appoint an assistant probation officer for Penobscot County.

Earlier in this session there was a bill introduced regarding appointment of a probation officer and assistant probation officer, but providing that the judge of the municipal court of the City of Bangor should do the appointing, and that the salary of the incumbent should be fixed—should be determined by a justice of the Supreme Court, a resident of Penobscot County, or by the Chief Justice of the Supreme Judicial Court. I don't know as I have any objection as to who sets the salary, but I do not want you gentlemen to think that the County Commissioners in Bangor are not qualified to decide a just compensation for a probation officer or an assistant. On objection from the delegation from Penobscot County, it was withdrawn and a new bill substituted. This bill that we now have before us does not provide that the municipal judge shall appoint the probation officers. That is still left in the hands of the Governor and Council. But, over here in the last part of the bill, it says, "In addition to the duties prescribed by law, the assistant probation officer shall attend all criminal sessions of the Bangor Municipal Court, unless otherwise excused by the Judge or Recorder, and he shall perform all such duties as may be assigned to him by the said court." In other words, this bill asks that the assistant probation officer becomes a lackey for the Judge of the Bangor Municipal Court, and it takes him out from under the jurisdiction of the probation officer, where he belongs. The assistant should be directly under the control of the head of the department, and for those reasons I hope this motion will prevail.

The **SPEAKER**: The question is on the motion of the gentleman from Bangor, Mr. Southard, to indefinitely postpone Item 5, Bill "An Act relating to Probation Officers in Penobscot County." 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.

Passed to Be Engrossed

(Continued)

Bill "An Act to Aid Towns in Controlling Forest Fires" (S. P. 427) (L. D. 1128)

Bill "An Act relating to Examination and Registration of Osteopathic Physicians" (S. P. 428) (L. D. 1129)

Bill "An Act relating to Close Time on Deer in the counties of Hancock and Washington" (H. P. 1131) (L. D. 678)

Resolve Authorizing Preparation of a Digest of the Opinions of the Law Court (S. P. 346) (L. D. 894)

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.

Tabled and Assigned

Resolve Authorizing Purchase of Jefferson Camps (H. P. 1424) (L. D. 1097)

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

Amended Bills

Bill "An Act Creating the Greater Portland Public Development Commission" (S. P. 323) (L. D. 828)

Bill "An Act to Remove Floating Islands in Corundell Lake in Corinna" (H. P. 1255) (L. D. 880)

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

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

Mr. **ROLLINS**: Mr. Speaker, believing that you were working under a misapprehension this morning when you appointed me on the Committee of Conference on Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses" (H. P. 940) (L. D. 570) I would like now to submit my resignation.

The **SPEAKER**: The Chair accepts the resignation and thanks the gentleman.

The **SPEAKER**: The Chair recognizes the gentleman from Ma-pleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker, and Fellow Members: As we are approaching the closing days of this session, may I make a plea for harmony, not harmony of opinion — that is impossible — but harmony of spirit? We go through a session; things go along very nicely; then something comes up, and discord commences. Let us be helpful to one another. Let us consider bills on their merits, and not kill them because someone else killed your bill. Let us keep a spirit of harmony. Some of us will not always be here. We all want to be friends; that is the attitude I feel we should take. Some of us frequently make mistakes. Now, the way to learn is to find out. I am thankful to those who have helped me, helped me out of my mistakes. I want to ask the pardon of anyone whom I have not treated fairly. May God bless you all.

Now, Mr. Speaker, I wish to present my resignation from the committee to which you have appointed me, so you will be free to appoint someone whose opinions will more closely reflect the opinions of the majority on the problem in question.

The SPEAKER: The Chair thanks the gentleman and accepts the resignation.

The Committee was relative to (H. P. 940) (L. D. 570) Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses, and this morning we joined with the Senate which body asked the House for a Committee of Conference, the House having previously adhered to its action and rejected the bill.

The Chair has already appointed the gentlewoman from Bath, Miss Deering, and the Chair now appoints, in the place of the two members who have just resigned the gentleman from Clifton, Mr. Williams, and the gentleman from Brewer, Mr. Thompson.

The SPEAKER: The matters that are now in order are those tabled and unassigned matters which, pursuant to House Order providing that all matters tabled the preceding week and unassigned, be taken from the table on Tuesday of each week.

There are three matters to come off the table under that order.

The Chair now lays before the House the first tabled and un-

signed matter, House Amendment "B" to Bill "An Act Relating to the Hunting and Trapping of Foxes" (S. P. 362) (L. D. 902).

In the House, House Amendment "A" adopted, which was tabled automatically on April 4th because the amendment had not been reproduced, pending adoption of the amendment.

The Clerk will read the Amendment.

House Amendment "B" to S. P. 362, L. D. 902, Bill "An Act Relating to the Hunting and Trapping of Foxes."

Amend said Bill by striking out all of that paragraph designated "(1)" thereof and inserting in place thereof the following:

'(1) For a period of 2 years from July 9, 1945, it shall be lawful to trap or hunt foxes or to cause to have foxes trapped or hunted, at any time, on one's own land, within a distance of 100 yards from a shelter or range where poultry is raised or kept.'

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

Mr. WIGHT: Mr. Speaker and Members of the House: This amendment applies to a bill which has two separate and distinct parts. One of those parts gives the poultry owner the right to trap or cause foxes to be trapped on his own land within 100 yards of a poultry range or poultry house at any time of year. Now, the other part of the bill is an entirely different matter, and I believe goes entirely too far. This section permits hunting of foxes in any organized township at any time of year. A man may go out with a high-powered rifle on the Fourth of July, Labor Day, or any other day, ostensibly hunting foxes, but I know from the looks of some of the skins of the animals that possibly they shot other things in the summer time. There is a temptation there. I think we are opening the gates entirely too far by permitting promiscuous hunting in the summer time.

Very few foxes are killed. Those foxes are about as smart an animal as we have in the State of Maine, and they keep out of sight. Mr. Speaker, very few have been killed, but other game has suffered by that summer hunting. So that summer hunting will kill very few foxes.

This amendment which we have before us simply eliminates that

year-round hunting in organized townships. It does permit a poultry raiser to trap or hunt within 100 yards of his poultry range or house at any time, and gives him adequate protection, so I hope this amendment will be adopted.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. MacKinnon.

Mr. MacKINNON: Mr. Speaker and Members of the House: This bill, Legislative Document 902, was considered very carefully by the Committee on Inland Fisheries and Game. The first bill to be sent to the committee was L. D. 69, which was unsatisfactory, and the Committee sent it out in a new draft. The new draft was L. D. 902 which we are considering at the present time. It is a copy of the law now in force in Maine, with the exception that the amendment to the bill prohibits night hunting. As the law now stands, for the past two years much trouble has been given the wardens by people hunting at night.

The amendment presented by the gentleman from Bangor (Mr. Wight) would allow night hunting and would prevent poultrymen from digging out fox dens. It would also take away from the poultrymen in Maine the protection they have now under the present law. The gentleman from Bangor (Mr. Wight) brought this matter to the attention of the Committee, and he failed to get the endorsement of any member of that Committee. And I now move, Mr. Speaker, that House Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Mexico, Mr. MacKinnon, moves that House Amendment "B" be indefinitely postponed. The question before the House is on the indefinite postponement of House Amendment "B". All those in favor of the motion will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. Fifty having voted in the affirmative and 27 in the negative, the motion prevailed, and House Amendment "B" was indefinitely postponed.

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

Mr. SNOW: Mr. Speaker, due to the fact that the gentleman from

Auburn, Mr. Williams, is absent, and he has an amendment which he wishes to present, by his request I move that this bill be retabled.

The SPEAKER: The gentleman from Auburn, Mr. Snow, moves that this bill be retabled pending its third reading. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

The SPEAKER: The Chair now lays before the House the second tabled and unassigned matter, Resolve for the Purchase of Five Hundred Copies of "The Length and Breadth of Maine", S. P. 93) (L. D. 135) which in the Senate was engrossed as amended by Committee Amendment "A", tabled on April 5th by Mr. Ward of Millinocket, pending passage to be engrossed; and the Chair recognizes that gentleman.

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

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

House Amendment "A" to S. P. 93, L. D. 135, Resolve for the Purchase of Five Hundred Copies of "The Length and Breadth of Maine".

Amend the title of said Resolve by striking out the words "Five Hundred Copies" and inserting in place thereof the words "One Hundred Copies".

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

The SPEAKER: The Chair now lays before the House the third tabled and unassigned matter, Bill "An Act to Increase the Salary of the County Treasurer of Cumberland County" (H. P. 1402) (L. D. 1073) which in the House, on April 2nd, was passed to be engrossed, and came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence, tabled on April 6th by Mr. Sanborn of Baldwin, pending motion of Mr. Haskell of Portland, to insist; and the Chair recognizes the gentleman from Baldwin, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Members of the House: This bill to

increase the salary of the County Treasurer of Cumberland County was the same as the original draft, therefore this amendment was made in the Senate.

I now move, Mr. Speaker, that we recede and concur with the Senate in the adoption of Senate Amendment "A".

The SPEAKER: There are two motions before the House, one to insist and the other to recede and concur. The motion of the gentleman from Baldwin, Mr. Sanborn, to recede and concur takes precedence. All those in favor of the motion to recede and concur will say yes; those opposed no.

A viva voce vote being taken, the motion prevailed.

House at Ease

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

Mr. WILLIAMS: Mr. Speaker, I move you, Sir, that we take from the table Bill "An Act Relating to Prevention of Bang's Disease by the Department of Agriculture" (S. P. 125) (L. D. 330), tabled by me earlier in today's session.

The motion prevailed, and on further motion by the same gentleman, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion by Mr. Ward of Millinocket,

Adjourned until ten o'clock tomorrow morning.