

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 5, 1947

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

Prayer by Rev. Ondon C. Stairs of Gardiner.

Journal of yesterday read and approved.

**Papers from the Senate
Senate Reports of Committees
Ought to Pass**

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Limiting Actions by Depositors to Recover Money Paid on Forged Signatures" (S. P. 84) (L. D. 110)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, report was read and accepted in concurrence and the Bill read twice and tomorrow assigned.

**Ought to Pass with Committee
Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to the Right of Safe Deposit Companies to Open Safe or Box" (S. P. 83) (L. D. 109) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

Committee Amendment "A" to S. P. 83. L. D. 109, Bill "An Act relating to the Right of Safe Deposit Companies to Open Safe or Box."

Amend said bill by inserting after the underlined word "officer" in the 16th line of that part designated as "Sec. 87" thereof, the underlined words 'or branch manager'.

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

The following Bills and Resolves were received, and upon recommen-

dation of the Committee on Reference of Bills, were referred to the following Committees:

Claims

Resolve in favor of Delwin L. Weeks, of Oakland (H. P. 812) (Presented by Mr. Berryman of Sidney) (Ordered printed)

Resolve in favor of Samuel Clark, Jr., of Oakland (H. P. 813) (Presented by same gentleman) (Ordered printed)

Resolve in favor of the town of Fort Fairfield (H. P. 814) (Presented by Mr. Dorsey of Fort Fairfield) (Ordered printed)

Resolve in favor of Richard Rollins, of Bangor (H. P. 815) (Presented by Mr. Fuller of Buckfield) (Ordered printed)

Resolve in favor of the town of Albion for Burial Expenses of Charles Hurd (H. P. 816) (Presented by Mr. Hammond of Albion) (Ordered printed)

Resolve in favor of J. Austin Gott, of Tremont (H. P. 817) (Presented by Mr. Savage of Mount Desert) (Ordered printed)

Resolve in favor of Hazel Arris Rawstron, of Auburn (H. P. 818) (Presented by Mr. Woodbury of New Gloucester by request) (Ordered printed)

Resolve in favor of Nellie D. Pennell, of New Gloucester (H. P. 819) (Presented by same gentleman by request) (Ordered printed)

Sent up for concurrence.

Resolve in favor of Charles G. Roberts, of Sanford (H. P. 820) (Presented by Mr. Broggi of Sanford)

Resolve in favor of Mandel Bachelder, of Lincoln (H. P. 821) (Presented by Mr. House of Lincoln)

Resolve in favor of E. F. Additon, of Greene (H. P. 822) (Presented by Mr. Turner of Leeds)

Sent up for concurrence

Counties

Bill "An Act relating to Rental for the Millinocket Municipal Court" (H. P. 823) (Presented by Mr. Boulter of Stacyville) (Ordered printed)

Sent up for concurrence

Inland Fisheries and Game

Bill "An Act relating to Bounty on Foxes" (H. P. 824) (Presented by Mr. Day of Monticello) (Ordered printed)

Bill "An Act relating to Bounty on Bears" (H. P. 825) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to Transportation of Deer Beyond Limits of the State" (H. P. 826) (Presented by Mr. Fowler of Augusta)

(Ordered printed)

Bill "An Act relative to Beaver Dams" (H. P. 827) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relative to Transportation of Deer" (H. P. 828) (Presented by same gentleman)

(Ordered printed)

Resolve Establishing the Opening Date for Fishing for White Perch in Wassookeag Lake in Dexter in the county of Penobscot (H. P. 829)

(Presented by Mr. Campbell of Garland)

(Ordered printed)

Resolve to Create a Commission to Study and Revise Existing Inland Fish and Game Laws (H. P. 830) (Presented by Mr. McGlauffin of Portland)

(Ordered printed)

Sent up for concurrence

Judiciary

Bill "An Act relating to Penalty for Failure to Report After Motor Vehicle Accidents" (H. P. 831) (Presented by Mr. Brewer of Presque Isle)

(Ordered printed)

Tabled

Bill "An Act to Institute a Land Use Survey" (H. P. 832) (Presented by Mr. Chase of Cape Elizabeth)

On motion by Mr. Chase of Cape Elizabeth, tabled pending reference)

Bill "An Act relating to Following of Motor Vehicles on Highways" (H. P. 833) (Presented by Mr. Cole of Portland)

(Ordered printed)

Bill "An Act relative to Seizure and Disposition of Game and Equipment" (H. P. 834) (Presented by Mr. Fowler of Augusta)

(Ordered printed)

Bill "An Act Requiring Vehicles to Stop Upon Signal" (H. P. 835) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to Filing of Descriptions of Land Taken for Highway Purposes" (H. P. 836) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relative to Penalties" (H. P. 837) (Presented by same gentleman)

(Ordered printed)

Bill "An Act relating to the Use of Light for Motor Vehicles" (H. P. 838) (Presented by same gentleman)

(Ordered printed)

Bill "An Act to Establish the Town of Lincoln Municipal Court" (H. P. 839) (Presented by Mr. House of Lincoln)

(Ordered printed)

Bill "An Act to Incorporate Kennebec Loan Company" (H. P. 840) (Presented by Mr. Peirce of Augusta)

(Ordered printed)

Bill "An Act Repealing the Farm Lands Loan Act and Disposing of Assets" (H. P. 841) (Presented by Mr. Sterling of Caratunk)

(Ordered printed)

Bill "An Act to Authorize the Creation of Public Bodies to be known as Housing Authorities to Serve Urban Areas in the State" (H. P. 842) (Presented by Mr. Weeks of So. Portland)

(Ordered printed)

Resolve Designating an Expiration Date for the Civilian Defense Act (H. P. 843) (Presented by Mr. Mills of Farmington)

(Ordered printed)

Resolve Proposing an Amendment to the Constitution to Provide for an Increase of the Municipal Debt Limit to Ten Per Cent of the Last Regular Municipal Valuation (H. P. 844) (Presented by Mr. Sweetser of Cumberland)

(Ordered printed)

Sent up for concurrence

Legal Affairs

Bill "An Act Amending the Charter of the City of Rockland" (H. P. 845) (Presented by Mr. Bird of Rockland)

(Ordered printed)

Bill "An Act to Authorize the Transfer by the Spurwink Congregational Church and the Acceptance by the Inhabitants of the town of Cape Elizabeth of the Spurwink Church and Property" (H. P. 846) (Presented by Mr. Chase of Cape Elizabeth)

(Ordered printed)

Bill "An Act to Incorporate Georgetown School District" (H. P. 847) (Presented by Mr. Curtis of Bowdoinham)

(Ordered printed)

Bill "An Act to Amend the Act Providing for the Retirement of Firemen in the City of Augusta Upon Half Pay" (H. P. 848) (Presented by Mr. Fowler of Augusta) (Ordered printed)

Bill "An Act to Amend the Act Providing for the Board of Commissioners of Police for the city of Augusta" (H. P. 849) (Presented by same gentleman) (Ordered printed)

Bill "An Act Providing for the Perambulation of the Maine and New Hampshire Boundary Line" (H. P. 850) (Presented by same gentleman) (Ordered printed)

Bill "An Act to Incorporate the Hartland School District" (H. P. 851) (Presented by Mr. Laughton of Ripley) (Ordered printed)

Bill "An Act to Incorporate the Town of Easton School District" (H. P. 853) (Presented by Mr. MacPherson of Easton) (Ordered printed)

Bill "An Act relating to the Appointment and Removal of the Chief of Police of the City of Lewiston" (H. P. 854) (Presented by Mr. Malenfant of Lewiston) (Ordered printed)

Bill "An Act relating to Notice as to Sufficiency of Safeguards" (H. P. 855) (Presented by Mr. Weeks of So. Portland by request) (Ordered printed)

Bill "An Act relating to Penalty for Town Officers' Neglect in Fire Prevention" (H. P. 856) (Presented by same gentleman by request) (Ordered printed)

Bill "An Act relating to Certificates After Fire Inspection of Buildings" (H. P. 857) (Presented by same gentleman by request) (Ordered printed)

Bill "An Act relating to Investigation by Insurance Commissioner in Fire Prevention" (H. P. 858) (Presented by same gentleman by request) (Ordered printed)

Bill "An Act relating to the Filling of Vacancies in the Superintending School Committee in the town of Fairfield" (H. P. 859) (Presented by Mr. Woodworth of Fairfield) (Ordered printed)

Bill "An Act relating to the Town Manager Form of Government for the town of Camden" (H. P. 852) (Presented by Mr. Lord of Camden) (1000 copies ordered printed)

Bill "An Act to Incorporate the Town of Lebanon School District" (H. P. 860) (Presented by Mr. Randall of No. Berwick by request) (1000 copies ordered printed) Sent up for concurrence.

On motion by Miss Longstaff of Crystal, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Pensions

Resolve Providing for an Increase in State Pension for Ada Cowan, of Rome (H. P. 861) (Presented by Mr. Brown of Wayne)

Resolve Providing for an Increase in State Pension for Lettie C. White, of Thorndike (H. P. 862) (Presented by Mr. Brown of Unity)

Resolve Providing for State Pension for Joseph Henry Wentworth, of Waldo (H. P. 863) (Presented by same gentleman)

Resolve Providing for an Increase in State Pension for Beula B. Knight, of Unity (H. P. 864) (Presented by same gentleman)

Resolve Providing for an Increase in State Pension for Margaret Everett, of Fort Fairfield (H. P. 865) (Presented by Mr. Dorsey of Fort Fairfield)

Resolve Providing for an Increase in State Pension for Susie Devine, of Fort Fairfield (H. P. 866) (Presented by same gentleman)

Resolve Providing for a State Pension for Elvin L. Trimm, of Charleston (H. P. 867) (Presented by Mr. Elliott of Corinth)

Resolve Granting a Pension to Eunice Brackett of Clinton (H. P. 868) (Presented by Mr. Hammond of Albion)

Resolve Providing for a Pension for Grace Bryant of Jefferson (H. P. 869) (Presented by Mr. Johnston of Jefferson)

Resolve Providing for an Increase in State Pension for Peter King of Whitefield (H. P. 870) (Presented by same gentleman)

Tabled

Resolve Granting a Pension to Mary E. Dunbar of Portland (H. P. 871) (Presented by Mr. McGlauffin of Portland)

(On motion by Mr. McGlauffin of Portland, tabled pending reference)

Resolve Providing for State Pension for Lester A. Fogg, of North

Lovell (H. P. 872) (Presented by Mr. McKeen of Lovell)

Resolve Providing for a State Pension for Rober' Craig, of Dedham (H. P. 873) (Presented by Mr. Sargent of Bucksport)

Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the Enfield Water District" (H. P. 874) (Presented by Mr. House of Lincoln)

(Ordered printed)

Bill "An Act to Amend the Charter of Winthrop Water District" (H. P. 875) (Presented by Mr. Marsans of Monmouth)

(Ordered printed)

Sent up for concurrence.

Salaries and Fees

Bill "An Act relating to the Salaries of Various Officers of Franklin County" (H. P. 876) (Presented by Mr. Mills of Farmington)

(Ordered printed)

Bill "An Act relating to the Salary of the Recorder of the Augusta Municipal Court" (H. P. 877) (Presented by Mr. Peirce of Augusta)

(Ordered printed)

Sent up for concurrence.

State Lands and Forest Preservation

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Rights in Timber and Grass on Reserved Lands in Somerset County to C. Max Hilton, of Greenville (H. P. 878) (Presented by Mr. Benn of Smyrna)

(Ordered printed)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Rights in Timber and Grass on Reserved Lands in Penobscot County to Hinch & Company, Inc. of Danforth (H. P. 879) (Presented by same gentleman)

(Ordered printed)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Rights in Timber and Grass on Reserved Lands in Penobscot County to Stanley J. Hinch, of Danforth (H. P. 880) (Presented by same gentleman)

(Ordered printed)

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Ralph M. Robinson, of Sherman Mills (H. P.

881) (Presented by Mr. Sharpe of Anson)

(Ordered printed)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to Alice E. Ward, of Hampden Highlands (H. P. 882) (Presented by Mr. Thomas of Hampden)

(Ordered printed)

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Somerset County to Frank Lynott, of Rockwood (H. P. 883) (Presented by Mr. Webber of Bangor)

(Ordered printed)

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Piscataquis County to Ernest G. Hathorn of Bradford, Maine and Mabel I. Lafland, as heirs at law of Iva M. Hathorn, Deceased, late of said Medford Township (H. P. 884)

(Ordered printed)

Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Piscataquis County to Mabel I. Lafland, of Medford Township (H. P. 885) (Presented by same gentleman)

(Ordered printed)

Resolve Authorizing the Treasurer of State to Convey the Interest of the State in Certain Land in Bangor to Fred M. Cousins (H. P. 886) (Presented by same gentleman)

(Ordered printed)

Sent up for concurrence.

Towns

Bill "An Act relating to Relief of Paupers in Deorganized Towns" (H. P. 887) (Presented by Mr. Jennings of Strong)

(Ordered printed)

Sent up for concurrence.

Ways and Bridges

Bill "An Act relating to Repairs of Roads in Deorganized Towns" (H. P. 785) (Presented by Mr. McKeen of Lovell)

(Ordered printed)

Sent up for concurrence.

Resolve in favor of the town of Morrill (H. P. 738) (Presented by Mr. Ames of Northport)

Resolve in favor of the town of Searsmont (H. P. 739) (Presented by same gentleman)

Resolve in favor of the town of Belmont (H. P. 740) (Presented by same gentleman)

Resolve in favor of the town of Medway (H. P. 741) (Presented by Mr. Boulhier of Stacyville)

Resolve in favor of the town of Sanford (H. P. 742) (Presented by Mr. Broggi of Sanford)

Resolve in favor of the town of Rome (H. P. 743) (Presented by Mr. Brown of Wayne)

Resolve in favor of the town of Vienna (H. P. 744) (Presented by same gentleman)

Resolve in favor of the town of Mt. Vernon (H. P. 745) (Presented by same gentleman)

Resolve in favor of the town of Fayette (H. P. 746) (Presented by same gentleman)

Resolve in favor of the town of Wayne (H. P. 747) (Presented by same gentleman)

Resolve in favor of the town of Orient (H. P. 748) (Presented by Mr. Corson of Hodgdon)

Resolve in favor of the town of Linneus (H. P. 749) (Presented by same gentleman)

Resolve in favor of the town of Haynesville (H. P. 750) (Presented by same gentleman)

Resolve in favor of the town of Bowdoin (H. P. 751) (Presented by Mr. Curtis of Bowdoin)

Resolve in favor of the town of Georgetown (H. P. 752) (Presented by same gentleman)

Resolve in favor of the town of Bowdoinham (H. P. 753) (Presented by same gentleman)

Resolve in favor of the town of Corinth (H. P. 754) (Presented by Mr. Elliott of Corinth)

Resolve in favor of the town of Alton (H. P. 755) (Presented by same gentleman)

Resolve in favor of the town of Charleston (H. P. 756) (Presented by same gentleman)

Resolve in favor of the town of LaGrange (H. P. 757) (Presented by same gentleman)

Resolve in favor of the town of Castle Hill (H. P. 758) (Presented by Mr. Ellis of Castle Hill)

Resolve in favor of the town of Ashland (H. P. 759) (Presented by same gentleman)

Resolve in favor of the town of Hartford (H. P. 760) (Presented by Mr. Fuller of Buckfield)

Resolve in favor of the town of Peru (H. P. 761) (Presented by same gentleman)

Resolve in favor of the town of Sumner (H. P. 762) (Presented by same gentleman)

Resolve in favor of the town of

Buckfield (H. P. 763) (Presented by same gentleman)

Resolve in favor of the town of Hebron (H. P. 764) (Presented by same gentleman)

Resolve in favor of the town of Canton (H. P. 765) (Presented by same gentleman)

Resolve in favor of the town of Albion (H. P. 766) (Presented by Mr. Hammond of Albion)

Resolve in favor of the town of Benton (H. P. 767) (Presented by same gentleman)

Resolve relating to the Road Leading from Benton to Unity (H. P. 768) (Presented by same gentleman)

Resolve in favor of the town of Clinton (H. P. 769) (Presented by same gentleman)

Resolve in favor of Washington Plantation (H. P. 770) (Presented by Mr. Jennings of Strong)

Resolve in favor of Freeman Township (H. P. 771) (Presented by same gentleman)

Resolve in favor of Perkins Plantation (H. P. 772) (Presented by same gentleman)

Resolve in favor of the town of Appleton (H. P. 773) (Presented by Mr. Lord of Camden)

Resolve in favor of the town of Appleton (H. P. 774) (Presented by same gentleman)

Resolve in favor of the town of Hope (H. P. 775) (Presented by same gentleman)

Resolve in favor of the town of Hope (H. P. 776) (Presented by same gentleman)

Resolve in favor of the town of Camden (H. P. 777) (Presented by same gentleman)

Resolve in favor of the town of Camden (H. P. 778) (Presented by same gentleman)

Resolve in favor of the town of Dixmont (H. P. 779) (Presented by Mr. McGown of Carmel)

Resolve in favor of the town of Carmel (H. P. 780) (Presented by same gentleman)

Resolve in favor of the town of Newburg (H. P. 781) (Presented by same gentleman)

Resolve in favor of the town of Kenduskeag (H. P. 782) (Presented by same gentleman)

Resolve in favor of the town of Plymouth (H. P. 783) (Presented by same gentleman)

Resolve in favor of the town of Etna (H. P. 784) (Presented by same gentleman)

Resolve in favor of the town of Jay (H. P. 786) (Presented by Mr. Morison of Wilton)

Resolve in favor of the town of Wilton (H. P. 787) (Presented by same gentleman)

Resolve in favor of the town of Otisfield (H. P. 788) (Presented by Mr. Nichols of Windham)

Resolve in favor of the town of Dresden (H. P. 789) (Presented by Mr. Palmer of Nobleboro)

Resolve in favor of the town of Dresden (H. P. 790) (Presented by same gentleman)

Resolve in favor of the town of Pownal (H. P. 791) (Presented by Mr. Patterson of Freeport)

Resolve in favor of the town of Pownal (H. P. 792) (Presented by same gentleman)

Resolve in favor of the town of Warren (H. P. 793) (Presented by Mr. Payson of Union)

Resolve in favor of the town of Parkman (H. P. 794) (Presented by Mr. Ross of Brownville Jct.)

Resolve in favor of the town of Abbot (H. P. 795) (Presented by same gentleman)

Resolve in favor of the town of Guilford (H. P. 796) (Presented by same gentleman)

Resolve in favor of the town of Orland (H. P. 797) (Presented by Mr. Sargent of Bucksport)

Resolve in favor of the town of Lamoiné (H. P. 798) (Presented by Mr. Savage of Mt. Desert)

Resolve in favor of the town of Southwest Harbor (H. P. 799) (Presented by same gentleman)

Resolve in favor of the town of Swan's Island (H. P. 800) (Presented by same gentleman)

Resolve in favor of Long Island Plantation (H. P. 801) (Presented by same gentleman)

Resolve in favor of the town of Tremont (H. P. 802) (Presented by same gentleman)

Resolve in favor of the town of Mt. Desert (H. P. 803) (Presented by same gentleman)

Resolve in favor of the town of Cranberry Isles (H. P. 804) (Presented by same gentleman)

Resolve in favor of the town of Mexico (H. P. 805) (Presented by Mr. Stetson of Dixfield)

Resolve in favor of the town of Dixfield (H. P. 806) (Presented by same gentleman)

Resolve in favor of the town of Mercer (H. P. 807) (Presented by Mr. Woodworth of Fairfield)

Resolve in favor of the town of Fairfield (H. P. 808) (Presented by same gentleman)

Resolve in favor of the town of Mercer (H. P. 809) (Presented by same gentleman)

Resolve in favor of the town of Smithfield (H. P. 810) (Presented by same gentleman)

Resolve in favor of the town of Fairfield (H. P. 811) (Presented by same gentleman)

Sent up for concurrence.

Orders

On motion by Mr. Hayward of Machias, it was

ORDERED, that Mr. Christensen of Calais be excused from attendance this week because of illness.

House Reports of Committees Ought to Pass with Committee Amendment

Mr. Jordan from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Annual Excise Tax on Insurance Companies" (H. P. 63) (L. D. 48) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" to H. P. 63, L. D. 48, Bill, "An Act Relating to Annual Excise Tax on Insurance Companies".

Amend said bill by reinstating in the 7th line of that part designated "Sec. 131." thereof, after the word "premiums", the stricken out word "written".

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

Mr. Stetson from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Discrimination for Life Insurance Companies" (H. P. 59) (L. D. 47) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" to H. P. 59, L. D. 47, Bill, "An Act Relat-

ing to Discrimination for Life Insurance Companies."

Amend said bill by drawing a line thru the words "life or endowment" in the eleventh line of that part designated as "Sec. 133" and inserting in place thereof the word 'group', and further amend said bill in the thirteenth line of the same section by drawing a line thru the first word "such" and inserting in place thereof the word 'individual'.

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

First Reading of Printed Bills

Bill "An Act to Incorporate the Town of Lisbon School District" (H. P. 734) (L. D. 417)

Bill "An Act to Incorporate the Town of Machias School District" (H. P. 735) (L. D. 418)

Bills were read twice and tomorrow assigned.

Passed to be Engrossed

Bill "An Act Increasing the Salary of Mayor of the city of Gardiner" (S. P. 61) (L. D. 37)

Bill "An Act relating to Change of Purposes of Corporations Without Capital Stock" (S. P. 52) (L. D. 24)

Bill "An Act relating to Examination of Domestic Companies" (H. P. 93) (L. D. 73)

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

An Act Providing for Procedure for Eminent Domain for Park Commission (S. P. 28) (L. D. 2)

An Act Amending the Small Claims Law (S. P. 40) (L. D. 14)

An Act relating to Tenure of Office of Civil Officers Appointed by the Governor (S. P. 42) (L. D. 16)

An Act relating to Publication of Delinquent State, County and Forestry District Taxes (S. P. 43) (L. D. 17)

An Act relating to Collection of Unpaid Personal Property Taxes in Unorganized Territory (S. P. 44) (L. D. 18)

An Act relating to Writ of Audita Querela Before Justice in Vacation (H. P. 7) (L. D. 6)

Were reported by the Committee on Engrossed Bills as truly and

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

Orders of the Day

On motion by Mr. Allen of Portland, the House voted to take from the table the first tabled and unassigned matter, House Report "Ought Not to Pass" of the Committee on Judiciary on "Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms." (H. P. 33) (L. D. 31) tabled by that gentleman on January 23rd, pending acceptance of report.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I shall make a few brief remarks in support of this bill, at the end of which I shall move to substitute the bill for the report. I shall try to show you very briefly that this bill was designed to give the people of Maine an improvement in government and in governmental service.

This bill is non-partisan in nature. This bill is merely aimed to make it possible for the Governor of this State to carry on more efficiently his task as Chief Executive. It is designed to take away from the Governor of Maine the pressure from political factions which haunt any individual who resides in the front office. It is designed to make it possible for him to spend more time; it is designed to give him one hundred per cent of his time for service to the State rather than spending six, seven or eight months of his second year campaigning for reelection. There is nothing partisan in this issue. Those are the important points in a four-year term for Governor.

We are making no apologies for offering a bill in the Maine Legislature that will enable the people to have better and more efficient government.

May I quote from two sources in support of this legislation? First, as you will recall, in his Inaugural Message to us when we arrived here in January, the Governor said, and I quote:

"I believe that our Constitution should be amended to provide a single four-year term of office for the Governor, to prohibit a governor from succeeding himself, and to

provide for the governor's election in a year when a presidential election is not being held.

"Under the present system, a governor takes office the first week in January and the legislative business is wound up in April. If a governor elects to run for a second term, he has only about eight months to devote himself to the duties of his office before he begins his campaign for reelection, and, regardless of party and of record, the incumbent governor is faced with the political necessity of spending an appreciable amount of time during the next nine months carrying on a primary campaign and an election campaign. Many states have recognized this and have increased the term of office to four years, even though some have not prohibited a governor from succeeding himself in office. I believe a four-year term without the ability to succeed one's self will give the state the maximum degree of efficient performance from its governors."

May I quote also an editorial which I believe was published yesterday or the day before in a State paper? I quote:

"One bill filed at the state legislature revives the old proposition of a single four year term for the office of governor. Again it has been noted that under the two years limit, the governor devotes much of his time to electioneering in order to win a second term in which he can execute the projects of state prepared during his first term. The history of the office shows that a majority of governors succeeded themselves for second terms, indicating that the electorate was not hostile to the notion of four years of service. Moreover, the second term has its practical side when the candidate notes that he must have another two years to complete the work of his administration.

The office in the past has attracted successful financiers, business men, and attorneys, but the successful candidates usually have been successful politicians or business men affluent enough to make a hobby of politics. But for many first term has its practical side when time between the executive duties of state and cross country electioneering. To any casual observer it is apparent that the governor speaks and acts with utmost freedom only during his second term. At that point he has but two years

to polish and establish the program that will justify his reputation for honesty and integrity. Give the man four years of unimpeded administration and the state will profit."

Gentlemen, if you have looked it up in the history of Maine, you will have found that over recent history, in the past fifty years or so, not more than one Governor has been refused four years of office by this State. He has automatically been given a four-year term, although he has had the misfortune of having to campaign for a second two years. He has spent time from his office, he has spent money, and, if he did not have that money, he must have been obligated to somebody for that money.

Down through recent history, whether the Governors have been good, bad or indifferent, the electorate has, by huge margins, reelected them to a second term. In other words, the State of Maine has given its governors four years anyway.

You probably are interested in knowing what other states are doing. Twenty-four states in the Union now elect their governors for four-year terms. What is more interesting, I think, to me, than the number of states is the fact that of those twenty-four states a majority of them have moved in this direction in the last few years. They have tried to give their governors every opportunity to be of service to the state without the influence that comes from the political interests outside; they have tried to give them an opportunity to carry out their program without having to think of the reaction of the people on the outside. I do not care who the man is, the best or the worst of governors, the best or the worst of men; they are all influenced to some extent, to a greater or to a less degree, by outside interference. In this way we would practically eliminate that interference.

I have taken this bill from the table this morning because I feel there is no sense of holding important legislation on the table until March and April. I think the time to discuss issues is when they come up. This is an important measure, and I think it warrants passage by a large majority.

The Federal government, as you have noticed in your papers, is moving swiftly, and, according to reports from Washington, without

too much opposition, towards a limitation of office for the President of the United States. There seems to be a growing conviction that if we elected our officeholders for single terms of reasonable duration they would not only have an opportunity of being in office long enough to give good service and become acquainted with their jobs, but it would avoid, as I say again, the problem of pressure from the outside.

Gentlemen, I intend to take no more of your time. This issue is clear-cut; it does not need lengthy debate. I have tried to point out why we feel this move will benefit our people.

Mr. Speaker, I move that the bill be substituted for the report of the committee, and when the vote is taken I move it be taken by a division.

The SPEAKER: The gentleman from Portland, Mr. Allen, moves that the Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms (H. P. 33) (L. D. 31) be substituted for the "Ought Not to pass" report of the committee. The gentleman from Portland, Mr. Allen, has asked for a division.

The Chair recognizes the gentleman from Portland, Mr. Mc-Glaufflin:

Mr. McGLAUFFLIN: Mr. Speaker and Ladies and Gentlemen of the House: This is not a new proposition. Governor Sewall made this recommendation when he was Governor. The matter came up before the Judiciary Committee and was carefully considered and was turned down. Again, at this session, the matter was considered by the Judiciary Committee and unanimously turned down.

Let me say here, that just because some Governor has an idea that he thinks is good is not any reason why this Legislature has got to follow his suggestion. We are independent members and we are not jumping at the crack of the whip for anybody.

Now let me explain that when the Constitution of this State was formulated the Governor was chosen for one year only, and the Legislature was also chosen for one year. After some sixty years, if I remember correctly, they decided that it would be beneficial to have the terms for two years, and the Constitution was amended, making

the Governor's term two years and making the legislative term two years also. The Constitution also provides that the sheriffs of the various counties shall be chosen for two years.

Now one of the reasons why we oppose making this change is that if you start by changing the term of the Governor from two to four years immediately there will be a call to change the term of the Legislature from two to four years; and there will be a call—and we have already had such bills before this Legislature since I was here—to have the sheriffs' terms for four years.

If the time has come when we are so much wiser than anybody that ever went before us so that we can now draw a perfect Constitution, let us have a Constitutional Convention and change the whole shooting-match, but let us not do it by piecemeal, having one change in the Constitution this year for Governor and another change the next year for the Legislature and the next year for the sheriffs, blundering up the Constitution with constant changes.

Let me show you another objection to this four-year term for Governor. Every other year there would be no Governor elected, and you would have Senators and Representatives to get out the vote. How big a vote do you think you would get? The only thing that gets out the vote now is because there is an interest in the contest for Governor. We are complaining constantly in the city of Portland because people do not get out to vote for members of the council. They have not any interest. You take away that stimulation of having the Governor elected and you will be amazed at how small an interest will be taken in State affairs.

Now I want to point out the fallacy of the argument of my friend from Portland (Mr. Allen) about giving the Governor four years. If you analyze it carefully, the only reason under Heaven that is given for the change is to accommodate one man; it is so that one man can get four years instead of two.

The gentleman from Portland, Mr. Allen, says that a Governor has to go out now and spend several months getting reelected. Let me point out to you that when we choose a Governor for two years we do not choose him to go out cam-

paigning for his reelection. He is chosen for two years. It is his duty to give us the best governorship he knows how for those two years, whether he is ever reelected again or not. And I want to point out further that I do not know of any governor that has fallen down on his job because he did not happen to have four years guaranteed to him. I think our governors have made pretty good governors.

Another thing: You cannot assume that there is only one man in this State that is qualified to be Governor of this State. There are twenty-five men in this room who are capable of making good governors of the State of Maine, and they have the right to compete for this office.

My brother from Portland, Mr. Allen, has quoted some comments. Here is one I happened to pick up from the Lewiston Journal:

"The Judiciary Committee also goes into action tomorrow. Among the bills for hearing is the one to make the term of Governor a one-term four years affair. We see no reason for changing the two years to four. We would not like to get stuck with a poor governor for four years, impeachments being what they are, rare and difficult to initiate."

I am opposed, and, speaking in behalf of the Judiciary Committee, we are opposed to the four-year term for Governor.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: Every other time I have spoken before the House I have always concurred with the member from Portland, Mr. McGlauffin, but I think this time I cannot do it, for several reasons.

Have you very really thought of the reason we are all here? We are here as representatives of the people, to do what we can for the State. Our real object is not to dig up ridiculous and foolish bills to put through; our object is to raise money to finance the different departments of the State, through different methods of taxation and other sources. Our real object, however, is to make our Constitution fit the changing world of today.

No doubt in 1820 one year was plenty long enough for a Governor to serve. The only thing that he had to do was put on a silk hat and

preside at the inaugural ceremonies. He did not have the sprawling mass of business our Governors have today. Later on, as the State grew older, they did find it expedient to give the Governor a two-year term; but even then a Governor was not confronted with the complex matters of work that he has to do now.

There is no doubt but what a man could do a much better job on a four-year term. I am not the idealist that the gentleman from Portland, Mr. McGlauffin, is, and I do not think there is any logical, sensible man but what is proud enough to want to get reelected, and he is in duty bound to himself, his friends and his own self-respect to fight to get that second election—and it is a fight. To complicate things still more, in the last few years we have adopted the primary system so that the Governor does not have to go through just one election; he has to go through two. The primary election is a bitter, tough, vindictive one. You have seen what our governors have to go through. It is expensive and costly, and we have got to the state where certain men cannot run for governor. I think the gentleman from Portland (Mr. Allen) mentioned that it costs a great deal of money, and if a man does not have that money himself he has to make obligations which in many cases can prove very embarrassing. There is no doubt but what it is our duty to change the Constitution to fit 1947, and there is no doubt but what the trend in the country today is for a four-year term for Governor, and an eight-year term for President perhaps.

Legislative bodies should be changed often, and there is no logical excuse, if we give the Governor four years to give the Legislature four years also. Every student of civil government and politics will tell you that the executive function is one function of government, the legislature is another and the judicial is another. In most cases it has always been arranged that the legislative branch should change complexion or have an election in the midst of the executive function. The judicial branch is generally appointed for a greater period of years. So I hope, Mr. Speaker, when the vote is taken, that the members of the House will realize what the gentleman from Portland, Mr. Allen, is really trying to do. He is not trying to upset anything; he

is just trying to model the government under the terms and conditions existing today. I say that the four-year term for Governor is one of the most progressive steps this House could take. I hope when the vote is taken that the majority will vote to substitute the bill for the report of the committee.

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

MR. PEIRCE: Mr. Speaker and Members of the House: The remarks I am about to make will indicate that since the committee made its report to the House I have changed my mind in regard to this particular bill. The hearing before the committee was very brief; no opposition whatsoever was expressed in open hearing on the bill. There are several features of this bill which appeal to me very strongly. First of all, and most important to my mind, is the fact that we have the recommendation from our Chief Executive, a man who has served in that capacity in an outstanding manner. He has done an excellent job. In my opinion he has been least subject to political pressure of any Governor which we have had in a long time. His recommendation is honest, sincere, and it is based on his own personal experience. The fact that Governor Sewall also made the same recommendation should also carry some weight.

The gentleman from Portland, Mr. McGlauffin, has suggested that it is out of place for this Legislature to accommodate our Governor. That argument to me appears to be very selfish. If we can assist the Governor of this State in doing a better job, in better serving the interest of the people of the State of Maine, then I feel that it is our duty to assist him to do that thing. Therefore I am changing my position and I am supporting the motion of the gentleman from Portland, Mr. Allen, to substitute the bill for the report.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Allen, to substitute the bill for the report. The Chair recognizes the gentleman from Portland, Mr. Meloon.

MR. MELOON: Mr. Speaker and Members of the House: Very briefly I would like to say to this House, the ladies and gentlemen present, that I am heartily in accord with

Mr. Allen's motion. I would like to see it prevail. Arguments have been put up by both Representative Peirce and Representative Sleeper with which I am heartily in accord. I do not feel that loss of interest in the mid-season election would be of great concern to any of us. I think our local elections will take care of themselves and interest will not be diminished by putting the Governor in for four years. I would like to be registered as very much in favor of it.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Allen, that the Resolve be substituted for the "Ought Not to pass" report. Is the House ready for the question?

A division has been requested.

All those in favor of the motion of the gentleman from Portland, Mr. Allen, will please rise and remain standing until the monitors have made and returned the count.

A division was had.

Seventy-four having voted in the affirmative and sixty in the negative, the motion prevailed, and the Resolve was substituted for the "Ought Not to pass" report of the committee.

This being a printed Resolve, under suspension of the rules it was given its first reading and tomorrow assigned for second reading.

On motion by Mr. McGlauffin of Portland, the House voted to take from the table "Resolve Granting a Pension to Mary E. Dunbar, of Portland (H. P. 871) tabled by that gentleman earlier in today's session pending reference.

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

MR. MCGLAUFFIN: Mr. Speaker, I had a conversation with Mr. Varney, the head of the Committee on Reference of Bills, regarding this very matter, and he told me that this ought to go to the Committee on Education, for this reason: This pension that is asked for is a teacher's pension and the funds come out of the teachers' pension fund, if allowed. Now the fact that it was a matter of pension probably caused the Reference Committee to overlook that fact. I move that this resolve be referred to the Committee on Education. (The Clerk then conferred with Mr McGlauffin)

Mr. Speaker, the Clerk informs me that the information that I was given that this comes out of the teachers' fund is incorrect. He tells me it comes out of a special legislative fund. In that case, I withdraw my motion.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. McGlaflin moves that the Resolve be referred to the Committee on Pensions and sent up for concurrence. Is this the pleasure of the House?

The motion prevailed.

On motion by Mr. Chase of Cape Elizabeth, the House voted to take from the table Bill "An Act to Institute a Land Use Survey" (H. P. 832) tabled by that gentleman earlier in today's session, pending reference.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, the Committee on Reference of Bills suggested that this bill be referred to the Committee on Judiciary. This is a bill which would authorize and instruct the Maine Development Commission, with the advice and assistance of such State departments as are directly related to the use of land, to institute and conduct a survey aiming at the best long-term use of the land of the State. So far as I can see, there is not a single legal, technical point involved in the bill.

The Committee on Judiciary, as we all know, is a very busy committee. While this is a short bill, its adequate consideration in line with a long-term policy would require a committee which had a good deal of time and which was pretty intimately familiar with the use of land in the State. The bill is of particular concern to rural communities and to farmers. By the title itself, "Land use," reference to the Committee on Agriculture is suggested, and I move that this bill be referred to the Committee on Agriculture.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, moves that the bill be referred to the Committee on Agriculture, ord-

ered printed, and sent up for concurrence. Is this the pleasure of the House?

The motion prevailed.

On motion by Mr. Bowker of Portland, the House voted to take from the table the third tabled and unassigned matter, House Report "Ought to pass in New Draft (H. P. 736) (L. D. 419) of the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Requirements of Foreign Insurance Companies to Obtain License" (H. P. 60) (L. D. 46) tabled by that gentleman on February 4th pending acceptance of report.

On further motion by the same gentleman, the House voted to accept the report of the committee. The new draft having been printed, the bill was given its first and second readings and tomorrow assigned for third reading.

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

The following Order:

From the Senate:

ORDERED, the House concurring, that notwithstanding joint orders now in effect, all Private and Special Acts, data for which shall be in the hands of the Revisor of Statutes on or before 12:00 Noon, February 5th, 1947, shall be received in the same manner as if received before 12:00 Noon, February 5th, 1947; and be it further

ORDERED, that the said Revisor shall file a list of the titles of Private and Special Acts, the data for which is in his hands at that time with the Secretary of the Senate and Clerk of the House (S. P. 187)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

The SPEAKER: If there is no further business to come before the House, the Clerk will read the notices.

On motion by Mr. Allen of Portland,

Adjourned until ten o'clock tomorrow morning.