

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

Friday, March 28, 1947.

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

Prayer by the Rev. Shibley Malouf of Hallowell.

Journal of yesterday read and approved.

Papers from the Senate

From the Senate: The following Communication:

**STATE OF MAINE
SENATE CHAMBER**

March 27, 1947.

Honorable Harvey R. Pease, Clerk
House of Representatives
State House
Augusta, Maine.

Sir:

Pursuant to Joint Order No. 8, this is to inform you that the Senate today adopted the Majority Report "Ought not to pass" on Bill "An Act Relating to the Sanitary Water Board," which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 11, 1947.

Respectfully,

(Signed)

CHESTER T. WINSLOW,
Secretary.

The Communication was read and ordered placed on file.

Bill Received by Unanimous Consent

From the Senate: Bill "An Act to Incorporate the Town of Mars Hill School District" (S. P. 483) (L. D. 1345)

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

In the House, was received by unanimous consent and referred to the Committee on Legal Affairs in concurrence.

**Senate Reports of Committees
Ought to Pass in New Draft**

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to the Taking of Fur Bearing Animals from the Traps of Another" (S. P. 255) (L. D. 717) reporting same in a new draft (S. P. 474) (L. D. 133) under same title and that it "Ought to pass"

Report of the Committee on Temperance on Bill "An Act relating to Eligibility of Certain Clubs for Li-

quor Licenses" (S. P. 223) (L. D. 567) reporting same in a new draft (S. P. 476) (L. D. 1329) under same title and that it "Ought to pass"

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

In the House, Reports were read and accepted in concurrence, the Bills read twice and assigned for third reading the next legislative day.

Ought to Pass

Report of the Committee on State Hospitals reporting "Ought to pass" on Resolve Providing for Purchase of Land for the Bangor State Hospital (S. P. 300) (L. D. 793)

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

In the House, Report was read and accepted in concurrence, the Resolve read once, and assigned for third reading the next legislative day.

**Ought Not to Pass
Bill Substituted For Report
Tabled**

From the Senate: Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Salary and Expense Account of Lieutenant-Governor" (S. P. 423) (L. D. 1209)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed.

(In the House, on motion by Mr. McGlaulin of Portland, tabled until later in today's session)

**Ought Not to Pass
Resolve Substituted for Report
Tabled**

From the Senate: Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor (S. P. 422) (L. D. 1208)

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

(In the House, on motion by Mr. McGlaulin of Portland, tabled until later in today's session)

Non-concurrent Matter

An Act relating to Clerk Hire in County Offices in Sagadahoc County

(H. P. 185) (L. D. 133) which was passed to be enacted in the House on March 20th and passed to be engrossed on March 7th.

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

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act relating to Deposit of Potatoes into Waters of the State" (H. P. 1537) (L. D. 1167) which was passed to be engrossed in the House on March 20th as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" and Senate Amendment "A".

In the House: The House voted to recede and concur with the Senate.

Ought to Pass in New Draft Amended

Report of the Committee on Legal Affairs on Bill "An Act relating to Re-organization of the Police Department of the city of Lewiston" (S. P. 319) (L. D. 873) reporting same in a new draft (S. P. 475) (L. D. 1331) under title of "An Act Amending the Charter of the city of Lewiston" and that it "Ought to pass"

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

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

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

Senate Amendment "A" to S. P. 475, L. D. 1331, Bill "An Act Amending the Charter of the City of Lewiston."

Amend said Bill by striking out all of section 10 thereof and inserting in place thereof the following:

Sec. 10. Effective date of salary provisions. In view of the emergency cited in the preamble, the salary provisions in this act shall take effect on April 1, 1947 and shall remain in full force and effect.

Further amend said Bill by adding

at the end thereof the following: **'Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.'

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

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

From the Senate, the following order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, March 31st, 1947, at 4:30 o'clock in the afternoon. (S. P. 484)

Came from the Senate, in that body read and passed.

In the House, the order received passage in concurrence.

Mr. Chase of Cape Elizabeth was granted unanimous consent to address the House.

Mr. CHASE: Mr. Speaker and Members of the House: The United States government War Department has proposed to the town of Scarborough that it will dredge a channel through the outer bar of Pine Point provided the town will appropriate ten thousand dollars to provide a landing and to protect the government against damages attributable to the project. In order for the town to take advantage of this offer, which must be now accepted if at all, legal authority is required from the Legislature prior to the holding of a town meeting for this purpose. For this reason, and in view of this emergency, I ask for unanimous consent to introduce this bill.

The SPEAKER: The Clerk will read the title.

"Bill, An Act to Permit the Town of Scarborough to Take Advantage of a Proposed Government Project."

The SPEAKER: Is there objection to the reception of this bill? The Chair hears none and it has been received by unanimous consent.

On motion by Mr. Chase, the bill was referred to the Committee on Legal Affairs and ordered printed, and, on further motion by the same gentleman, under suspension of the rules, was sent forthwith to the Senate.

Mr. Sargent of Bucksport, was granted unanimous consent to address the House.

Mr. SARGENT: Mr. Speaker and Members of the House: In the last Legislature, in the blanket road resolve, a certain amount of money was set aside for some drainage work in the town of Bucksport in connection with road improvement. Later developments and new plans which have been made have indicated that this money is no longer needed for that purpose. I wish to present a resolve reallocating that same money to the repair of a road in the same town.

The SPEAKER: The gentleman from Bucksport, Mr. Sargent, requests unanimous consent to present a resolve. The Clerk will read the title.

"Resolve Reallocating Road Resolve Money Previously Allocated to Road in Bucksport."

The SPEAKER: Is there objection to the reception of this resolve? The Chair hears none and it has been received by unanimous consent.

On motion by Mr. Sargent, the resolve was referred to the Committee on Ways and Bridges and sent up for concurrence.

Orders

On motion by Mr. DeSanctis of Madison, it was

ORDERED, that Mr. Carville of Eustis be excused from attendance next week because of business.

On motion by Mr. Burton of Milo, it was

ORDERED, that Mr. Kent of Randolph be excused from attendance three days next week because of business.

House Reports of Committees Ought to Pass in New Draft

Mr. Dorsey from the Committee on Agriculture on Bill "An Act relating to State Sealer of Weights and Measures" (H. P. 1138) (L. D. 838) reported same in a new draft (H. P. 1655) under same title and that it "Ought to pass"

Mr. Ames from the Committee on Sea and Shore Fisheries on Resolve relating to Fishing in Pleasant River (H. P. 1319) (L. D. 916) reported same in a new draft (H. P. 1656) under title of "An Act relating to Fishing for Salmon in Pleasant River" and that it "Ought to pass"

Reports were read and accepted

and the new drafts ordered printed under the Joint Rules.

Ought to Pass Printed Bills

Mr. Haskell from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Notice in Trust Estates to be Sold" (H. P. 1503) (L. D. 1133)

Mr. Peirce from same Committee reported same on Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lands (H. P. 955) (L. D. 558)

Mr. Perkins from same Committee reported same on Bill "An Act relating to Qualifications of the Recorder of the Gardiner Municipal Court" (H. P. 1585) (L. D. 1238)

Mr. Williams from same Committee reported same on Bill "An Act relating to Licenses for Lease of Real Estate by Probate Courts" (H. P. 1504) (L. D. 1129)

Mr. Adams from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Protection of Alewives in town of Orland" (H. P. 1321) (L. D. 918)

Mr. Heansler from same Committee reported same on Bill "An Act relating to the Digging of Clams for Commercial Purposes in the towns of Waldoboro and Bremen" (H. P. 1320) (L. D. 917)

Mr. Sterling from the Committee on Towns reported same on Bill "An Act relating to Relief of Paupers in Deorganized Towns" (H. P. 887) (L. D. 449)

Reports were read and accepted and the Bills and Resolve, having already been printed, the Bills were read twice under suspension of the rules, the Resolve read once, and assigned for third reading the next legislative day.

Ought to Pass with Committee Amendment

Mr. McGlauffin from the Committee on Judiciary on Bill "An Act relating to the Apportionment of Estate Taxes" (H. P. 1353) (L. D. 954) 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. 1353, L. D. 954, Bill "An Act Re-

lating to the Apportionment of Estate Taxes."

Amend said bill by inserting in the 4th line of section 2 thereof, after the word "contract," and before the word "limitation" the word 'compromise.'

Further amend said bill by striking out the last 2 words in the 3rd line of the 2nd paragraph of section 2 thereof, and which are "for contribution"

And further amend said bill by striking out in the 7th and 8th lines of the 2nd paragraph of section 2 thereof, the following words: "the person entitled to contribution under the provisions of chapter 269 of this repealing act", and inserting in place thereof the following words: 'a person interested in the estate'

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

Mr. McGlauffin from the Committee on Judiciary on Bill "An Act Relating to Obstructions of Snow and Ice on Traveled Roads" (H. P. 1505) (L. D. 1130) 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. 1505, L. D. 1130, Bill "An Act Relating to Obstructions of Snow and Ice on Traveled Roads."

Amend said bill by striking out all of that part designated as "Sec. 23," thereof, and inserting in place thereof the following:

'Sec. 23. Placing obstructions on any traveled road; penalty. Whoever places rocks, stones, snow, ice or other obstructions in such a manner as to obstruct traffic on a traveled road, and leaves them there, shall be punished by a fine of \$1 not more than \$10 for each offense, to be recovered on complaint, to the use of the town where the offense is committed.'

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

Mr. Silsby from the Committee on Judiciary on Bill "An Act Re-

lating to Obstructions of Public Ways" (H. P. 1503) (L. D. 1128) 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. 1503, L. D. 1128, Bill "An Act Relating to Obstructions of Public Ways."

Amend said bill by striking out in the 10th line thereof, the underlined word "permit" and inserting in place thereof the underlined word 'turn'.

Further amend said bill by striking out in the 11th line thereof, the underlined words "to turn".

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

"Sec. 2. R. S., c. 84, § 78, amended. The 1st sentence of section 78 of chapter 84 of the revised statutes is hereby amended to read as follows:

'Whoever wilfully violates any provision of the preceding section shall be punished, for the first offense, by a fine of not less more than \$5 \$50, nor more than \$10, and costs, and for each subsequent offense, by a fine of not less more than \$10 \$100, nor more than \$25, and costs, and shall be further liable for double the amount of the actual damage, to be recovered in an action on the case by the city, town, or plantation, or, in behalf of any unorganized place, by the county where the offense is committed.'

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

Mr. Woodbury from the Committee on Towns on Bill "An Act relating to Expenses of Town and City Clerks" (H. P. 1525) (L. D. 1118) 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. 1525, L. D. 1118, Bill "An Act Relating to Expenses of Town and City Clerks."

Amend said bill by inserting after the first underlined word "the" in the third line of Section 27A thereof, the underlined word 'annual'

Further amend the third line of Section 27A of said bill by striking out the underlined word "meetings" and inserting in place thereof the underlined word 'meeting'

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

First Reading of Printed Bills

Bill "An Act relating to Tuition for Pupils from Towns Not Maintaining a Standard Secondary School" (H. P. 1651) (L. D. 1349)

Bill "An Act relating to the Fort Fairfield Municipal Court" (H. P. 1653) (L. D. 1348)

Bills were read twice and tomorrow assigned.

Passed To Be Engrossed

Bill "An Act Relieving Towns from Care of Neglected and Dependent Children" (S. P. 246) (L. D. 663)

Bill "An Act relating to Immunization Against Certain Infectious Diseases" (S. P. 293) (L. D. 800)

Bill "An Act relating to Penalty for Posing as Indian in Vending" (S. P. 367) (L. D. 1035)

Bill "An Act relating to Veterinary Surgeons" (S. P. 402) (L. D. 1151)

Bill "An Act relating to the Employment of Minors" (S. P. 471) (L. D. 1318)

Bill "An Act relating to Salary of State Auditor" (H. P. 22) (L. D. 12)

Bill "An Act to Increase the Clerk Hire in the Office of Recorder of the Portland Municipal Court" (H. P. 178) (L. D. 126)

Bill "An Act to Increase the Salary of the Register of Deeds in Cumberland County" (H. P. 179) (L. D. 127)

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

Tabled

Bill "An Act to Provide for an Increase to be Paid for Clerk Hire in the Office of the Register of Deeds

in the county of Cumberland and Salary of Deputy Register of Deeds" (H. P. 180) (L. D. 128)

(Was reported by the Committee on Bills in the Third Reading, read the third time, and on motion by Mr. Haskell of Portland, tabled pending passage to be engrossed.)

Bill "An Act to Increase the Salary of the County Commissioners for Cumberland County" (H. P. 181) (L. D. 129)

Bill "An Act relating to Salary of Clerk of Courts and Deputy Clerk of Courts of Cumberland County" (H. P. 188) (L. D. 152)

Bill "An Act to Increase the Salary of the County Treasurer and the Deputy Treasurer of Cumberland County" (H. P. 264) (L. D. 181)

Bill "An Act relating to the Amount to be Paid for Clerk Hire in the Office of Register of Probate in the county of Cumberland" (H. P. 265) (L. D. 182)

Bill "An Act relating to Clerk Hire in Cumberland County Clerk of Courts Office" (H. P. 266) (L. D. 183)

Bill "An Act relating to Weights and Measures" (H. P. 582) (L. D. 405)

Bill "An Act relating to the Registration and Licensing of Dogs" (H. P. 583) (L. D. 406)

Bill "An Act to Increase the Salary of the Sheriff of Washington County" (H. P. 1212) (L. D. 829)

Bill "An Act relating to Workshops and Factories Found Unsafe, Insanitary, or Injurious to Health" (H. P. 1397) (L. D. 1014)

Bill "An Act relating to Excise Taxes on Liquors" (H. P. 1562) (L. D. 1191)

Bill "An Act relating to the Brewer Water District" (H. P. 1641) (L. D. 1325)

Resolve to Modify the Conditions of the Gift from B. C. Jordan to the State for the Purpose of Encouraging Cultivation of Forests (S. P. 399) (L. D. 1148)

Resolve in favor of Robert E. Cook of Portland (H. P. 1157) (L. D. 767)

Resolve relating to Certain Equipment Issued to Officers of Maine State Guard (H. P. 1356) (L. D. 957)

Resolve Granting a Pension to Dorothy L. Springer, of Lisbon Falls (H. P. 1647) (L. D. 1338)

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

Amended Bills

Bill "An Act relating to Mineral Oil in Food" (S. P. 294) (L. D. 799)

Bill "An Act Creating the Westport-Wiscasset Bridge District" (S. P. 376) (L. D. 1061)

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

Tabled

Bill "An Act Continuing the Division of Veterans Affairs" (S. P. 472) (L. D. 1319)

Was reported by the Committee on Bills in the Third Reading, read the third time, and on motion by Mr. Bird of Rockland, tabled pending passage to be engrossed.

Bill "An Act relating to Salary of Clerks in the Office of Clerk of Courts in Kennebec County" (H. P. 267) (L. D. 184)

Bill "An Act to Increase the Salary of the Clerk of Courts in Penobscot County" (H. P. 348) (L. D. 217)

Bill "An Act Increasing the Salaries of the Judge and Clerk and Clerk Hire of the Bangor Municipal Court" (H. P. 510) (L. D. 331)

Bill "An Act to Incorporate the Fort Kent School District" (H. P. 1612) (L. D. 1278)

Bill "An Act to Incorporate the Farmingdale School District" (H. P. 1617) (L. D. 1290)

Bill "An Act to Incorporate the Chelsea School District" (H. P. 1618) (L. D. 1291)

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

From the Senate: the following Order:

ORDERED, the House concurring, that notwithstanding provisions of the previously passed Joint Order, the balance of the compensation established by law for the Representatives at the Legislature of the Penobscot and Passamaquoddy Tribes of Indians, be now paid on lists certified by the Secretary of the Senate and Clerk of the House.

Came from the Senate read and passed.

In the House, was taken up out of order, under suspension of the rules, read and passed in concurrence.

Additional paper from the Senate, out of order and under suspension of the rules.

From the Senate: The following Communication: (S. P. 485)

DEPARTMENT OF STATE
STATE OF MAINE
AUGUSTA

March 27, 1947.

To the Honorable Senate of the Ninety-third Legislature of the State of Maine:

I have the honor to herewith transmit proposals of An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes.

This measure is in accordance with the provisions of Section 18 of Article XXXI of the Constitution of the State of Maine. The measure is proposed by what is purported to be not less than 12,000 electors. A number of said petitions were filed March 25, 1947, the remainder March 27, 1947.

Respectfully,

(Signed) Harold I. Goss,

Secretary of State.

The Communication was placed on file.

The following Order:

ORDERED, the House concurring, that the communication, Bill "An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes," (I. B. 1) and accompanying petitions, be referred to the Committee on Judiciary for investigation and report as to the sufficiency of the petitions with power to summons witnesses (S. P. 486)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

Orders of the Day

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

Mr. McGLAUFFIN: Mr. Speaker, I now move to take from the table Item 7. Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor. (S. P. 422) (L. D. 1208).

The **SPEAKER**: The gentleman from Portland, Mr. McGlauffin,

moves to take from the table Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor, tabled by that gentleman earlier in today's session. Is this the pleasure of the House?

The motion prevailed.

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

Mr. MCGLAUFLIN: Mr. Speaker, I now move the acceptance of the "Ought not to pass" report of the committee.

When I found that this measure had reached this House, I thought it must be a joke. This is a proposal to amend the Constitution of the State of Maine. In order to amend the Constitution, it is necessary that two-thirds of both branches of this Legislature deem it necessary before it is even submitted to the people.

Now what is the sudden necessity for this bill? I have never heard of any Governor of the State of Maine who proposed it. I have never learned that the present Governor wants it. In fact, I have heard no demand on the part of anybody in this State until this bill was introduced. When this matter came before the Judiciary Committee there was just one man, so far as I recall who appeared for it, and he himself had no expectation that it would get a favorable report from our Committee, because he himself told me that he hoped he could get one vote.

There was one man who appeared against the bill, and that was a man who claims that he is the head of the Communist Party of Maine, and he said, very aptly I thought, that he did not see why we should pay \$5000 a year to have a man just hanging around waiting for the Governor to die.

Now I tried to think of what reasons there can be to suddenly bring about this necessity for amending the Constitution, and there has occurred to me two things: There is the possibility that somebody who wants to be Governor thinks that it will be advisable to have that assistance later on. There is also the possibility that some future Governor, when he comes up for a second term, would like a little more time for campaigning and would

therefore need assistance at that time, but neither of those reasons were presented.

As I recall it, the only reason presented before the Judiciary Committee for passing this bill was because they had it in quite a number of other states, and this bill was copied practically word for word from Massachusetts. Now isn't that a whale of a reason for changing the Constitution of Maine because somebody else has it somewhere else? They have an Empire State Building in New York. By all means let us have one in Augusta. Let us copy everything that everybody does anywhere else.

If you men and women think that a necessity has suddenly arisen sufficient to create this new office and pay him, as the bill says, \$5000, and then a large expense account, as Mr. Gordon said to hang around waiting for the Governor to die, then vote for this measure by all means. I do not see any sense in passing this measure and I want to say to the Members of the House that when we found our judgment on principle, when we follow principle, sound judgment, good common sense, and logical reasoning, our decisions are pretty safe, but when you depart from those principles, the Lord only knows where you are going.

When the vote is taken, Mr. Speaker, I ask for a division.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I do not intend to take up any of our time arguing on a measure of this kind when there are so many empty seats here. I have found out that there is a feeling throughout the State for a measure of this kind, and I think we ought to have the privilege of having the bill lie on the table pending acceptance of the Committee Report. I think in justice to the other Members, and in justice to the proponents of the Bill, that there should be more present in the House than there is at the present time, so with your permission and the permission of the Members of the House I would like to place this bill on the table pending acceptance of the report of the Committee, and have it especially assigned for next Friday morning.

Mr. Speaker, I would like to

amend my motion. I was just informed, and rightly so, that perhaps there would not be any more present next Friday than there is now, so I would move that this matter be specially assigned for next Wednesday morning.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that this matter be laid on the table, pending the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the committee, and be specially assigned for Wednesday, April 2nd. All those in favor of the motion to lay this matter on the table will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had. Forty-one having voted in the affirmative, and 60 in the negative, the motion to table did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker and Members of the House: I agree with my colleague from Portland, strange as it may be. This Lieutenant-Governor saw the light of day only a few days ago. Due to the fact that he was smuggled in in a can, I believe this is the proper place to tie that can. The creator of this added expense to the taxpayers of Maine stated he took the measure off the table only to give the Lieutenant-Governor a chance to die with his boots on, and was as surprised as anyone when he found that he was still alive after the vote.

Maine, with a population not as great as Metropolitan Boston, cannot afford this luxury as long as we are unable to take care of those measures which we have already created. I believe we should vote with the Committee report "Ought not to pass"

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the House accept the "Ought not to pass" report of the committee. The same gentleman requests a division. All those in favor of the motion of the gentleman from Portland, Mr.

McGlauffin, will rise and remain standing until counted and the monitors will make and return the count.

A division of the House was had. One hundred having voted in the affirmative, and 5 in the negative, the motion prevailed, and the "Ought not to pass" report of the committee was accepted in non-concurrence.

The SPEAKER: The Chair lays before the House the second today assigned matter which was tabled earlier in this morning's session, Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Salary and Expense Account of Lieutenant-Governor" (S. P. 423) (L. D. 1209) and the Chair recognizes the gentleman from Portland, Mr. McGlauffin.

Mr. McGLAUFFIN: Mr. Speaker, for the moment I forgot that there was a second bill here relating to this Lieutenant-Governor. (Laughter)

I now move that the "Ought not to pass" report of the committee be accepted.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the "Ought not to pass" report of the Committee on Judiciary on Bill "An Act relating to Salary and Expense Account of Lieutenant-Governor" (S. P. 423) (L. D. 1209) be accepted.

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

Mr. SLEEPER: Mr. Speaker, I wish to second the motion of the gentleman from Portland (Mr. McGlauffin) (Laughter)

The SPEAKER: All those in favor of the motion of the gentleman from Portland, Mr. McGlauffin, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the "Ought not to pass" report of the committee was accepted in non-concurrence.

Mr. Marsans of Monmouth was granted unanimous consent to address the House.

Mr. MARSANS: Mr. Speaker and Members of the House: Just as a point of information for the members of the House, I would like to bring to their attention the fact that their Committee on Education has brought forth a bill, "An Act to Increase State Aid to Towns for the Support of Schools to Establish

Minimum Salaries for Teachers." At the present time the bill is at the other end of the hall and will be coming to us in the near future. They are holding it in abeyance over the week-end in order that their members may study that particular measure, L. D. 1336, and also to go over additional data prepared by the Department of Education as to how this particular bill will affect each and every town in the State of Maine. I wanted to go over that briefly with you so that you would understand the various facts in connection with this bill and be able, perhaps, to talk it over with people back home over the week-end and formulate some clear ideas on the subject.

You will note this long sheet on your desks, a summary of figures compiled by the Department of Education, as I said, listing each and every town in the State of Maine. On the front of this sheet you will see the various headings of the columns and what the figures in the columns represent.

In order to perhaps clarify this a bit for you on the basis of your own home town, if you wish to turn the sheet to where your own home town appears, I will quickly run over these figures for you so you will know exactly what they refer to.

The first column on the left represents the present school tax in mills that your town is now having to raise; the cost of education in your town is represented by that school tax rate. The next column represents the amount that the town would be getting for each teaching position. Now I will have to explain a little bit in this way: Under the present law, each town receives \$300 for each teaching position plus an additional unit, the value of which at the present time is around \$38, which is given to towns according to the amount of their school tax rate, which starts at twelve and goes on to twenty-four and over in numerical values of three. If your school tax was twelve, thirteen or fourteen, that represents one additional unit you are getting on each teacher; if it is fourteen, fifteen, sixteen, it represents two units. The present unit value is around thirty-eight dollars and you would receive \$300 for each teaching position. Under the new bill you will be getting \$400 for each teaching position and \$100 extra for each unit value that your tax

rate puts you into; so if your community appears as \$450 you know your tax rate must be under twelve; if it is over \$450, it will be according to the bracket your tax rate puts you into. I think that will explain the variance in these numbers according to towns.

The next column after the column of towns is the amount the town is now raising to take care of their teachers' salaries, and the next column is the amount of State Aid that your town would receive under this bill and the amount you received last year according to the old law. In other words, the increase is represented in Column 7, the increase you would receive over last year. Column 8 represents the amount that your town would have to pay to teachers in that town in order to bring them up to the minimum established in the bill, that is the amount it is going to cost your town to bring up the teachers to this minimum. You get that from the increase in the State Aid. In the farthest column, Column 9, you get the amount of increase or the amount of cost to your town for this particular measure. Where it is going to cost you something you will find the figure in parenthesis.

In two-thirds of the cases, towns and municipalities are going to be helped to an amount over and above what it will cost them to pay their teachers' minimum salaries. In the cases where it is going to cost something, you check back and you will notice in the left hand corner they have a very low school tax rate and perhaps have not been quite adequately paying their teachers up to date, or, in some cases they are extending themselves and getting additional help from an additional fund from the State in an adjustment fund that is available to towns that cannot raise enough of their tax money for schools. It does not appear here, but a good many of these towns receive additional aid not pictured here. That explains the sheet, or at least I am attempting to explain it so you will know exactly what is taking place in your particular town. You might wish to have other parts of the bill explained.

Of course the major thing which is accomplished is to raise the level of your teachers' minimum salaries, and that is something that is important not only in the State of Maine but throughout the United

States where we are definitely losing our teachers because they find they can make a more adequate living going out into industry rather than staying in the teaching profession.

Throughout the country in the last four years three hundred and fifty teachers have left the teaching ranks in order to go into industry. Here in Maine the condition is equally bad. At the present time last year we had four hundred and fifty teachers we had to take on and give them sanctions and permits, teachers who did not have one year of professional training, merely high school graduates. This year there are seven hundred teachers your Department of Education will have to give sanctions and permits to.

Teachers will not stay in the teaching field where the salaries are not adequate to give them the type of living they demand. For that very same reason, we are not attracting youngsters in the teaching field because they can see no future in it for them. It is all very well and good to say your teachers can move out and get better living conditions, but our children have to stay in these schools, they are the ones who are suffering because of the deteriorating conditions in our present-day schools.

This bill will help additional boys and girls enter the teaching field. We need a replacement of between five and six hundred teachers in Maine every year. Our normal schools, in the past few years and this year will only be giving us two hundred and seventy-five. You can see that we are slowly creating a situation that is getting progressively worse and worse. We will have to improve it, or there is no telling where we will end.

It is true that this bill, if passed and enacted, is going to cost money. You see on the front sheet what it is estimated it will cost per year. Keep in mind, however, that we are well able to take care of this expense. The national income throughout the nation increased from 1932 to 1944 three hundred per cent. School expenditures in that same period increased twelve per cent. It is starting to catch up with us. You and I can see what is taking place in our town. School expenses are creeping up; more of our tax dollar is going to schools, and we must have additional aid

because we cannot carry the burden on our real estate. This is the aid that is coming from some other source. True, it means an over-all tax on the people of the State amounting to approximately \$1.60 a person. I think you and I would be willing to pay \$1.60 out of our pockets to improve the school situation in Maine.

I would like to have you talk this matter over with your people at home, explain it to them and get their sentiments on it. We are trying to do something here not only to help the teachers and help each municipality in helping them to carry the load, but primarily we are trying to help the boys and girls of the State of Maine. They are the ones we are looking to for our future.

If there are any individual questions later, I would be very glad to answer them to the best of my ability.

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

Mr. PERKINS: Mr. Speaker, I would like to ask a question of the gentleman from Monmouth, Mr. Marsans, through the Chair.

The SPEAKER: The gentleman may ask his question.

Mr. PERKINS: Mr. Speaker, I would like to find out how much this is going to cost our town, the formula for it. I find we get \$178 under this bill. How much is it going to cost my town to get that \$178? Do you hear me?

The SPEAKER: The gentleman from Monmouth, Mr. Marsans, may answer through the Chair.

Mr. MARSANS: Mr. Speaker, I take it that the gentleman from Boothbay Harbor (Mr. Perkins) has referred to the town of Boothbay Harbor. It will cost the town of Boothbay Harbor, in order to bring this additional aid into line, \$2160. They would receive, if this passes, additional aid from the State of \$2438. In other words that is the amount necessary to bring up their teachers, to pay them the additional amount they would receive, and they would have \$178 extra. Does that answer the gentleman's question?

Mr. PERKINS: Mr. Speaker, it is not quite clear to me. It is probably all right. I wanted to find out so I could look it over. I just did not understand at the moment.

The SPEAKER: The Chair recog-

nizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, may I ask a question of the gentleman from Monmouth, Mr. Marsans, through the Chair?

The SPEAKER: The gentleman may ask his question.

Mr. CHASE: Mr. Speaker, a hasty reading of this tabulation would indicate that in many instances the smaller the town the less it gets in proportion. Is that true of the tabulation in general?

The SPEAKER: The gentleman may answer.

Mr. MARSANS: Mr. Speaker, I think you will find it runs in proportion to their school tax rate rather than in proportion to their population. It is because of the low school tax rate they might have that they were not receiving as many benefits. A town whose tax rate was nine, ten or eleven would only be getting \$450. If the tax rate is up, they would naturally be getting more money. In most cases the attempts they have been making to further their own conditions are represented by the amount of their school tax rate.

Mr. CHASE: Mr. Speaker, would it be possible to ask the gentleman to generalize what the effect would be upon the town in relation to its policy of valuation of property? Would a town which had a low valuation and a high rate be helped or hurt as against a town which had a high valuation and a low rate?

The SPEAKER: The gentleman may answer if he cares to.

Mr. MARSANS: Mr. Speaker, that is a bit of a poser. I have been given to understand that these things usually offset themselves; they have a high valuation and a low rate or a low valuation and a high rate. I think that would be a matter for individual study in each individual town. If you can tell me to what extent the town is either over-valued or under-valued, I might be able to answer that a little bit more intelligently.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion by the gentleman from Union, Mr. Payson, the House voted to take from the table the 38th tabled and unassigned matter, Bill "An Act to Create a Legislative Research Committee." (H. P. 1646)

(L. D. 1332) which in the House was read twice; tabled on March 27th by that gentleman, pending third reading.

On further motion by the same gentleman, the Bill was given its third reading, passed to be engrossed, and sent up for concurrence.

On motion by the gentleman from Auburn, Mr. Williams, the House voted to take from the table the 13th tabled and unassigned matter, Bill "An Act Relating to Inspection of Motor Vehicles." (H. P. 1193) (L. D. 781), in the House, passage to be enacted reconsidered; tabled on March 20th by that gentleman, pending passage to be enacted.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: This bill, L. D. 781, is an amendment to the law relating to inspection of motor vehicles, having reference particularly to inspection stations. The proposed bill transferred from the State Police to the office of Secretary of State the duty of inspecting those stations.

It appears that this will cost probably about \$12,000 and would not serve any good purpose. I have taken this matter up with members of the Committee on Motor Vehicles and with the Secretary of State.

You have on your desks an amendment which I now offer, Number 182, to L. D. 781. This amendment strikes out all of the original bill, and amends the second sentence instead of the third sentence, which has the effect of killing the new bill as it now stands and substituting therefor an amendment to the second sentence. The second sentence provides what the requirements shall be for these inspection stations. The amendment changes that section and that sentence only by eliminating the requirements that the station shall be twelve feet in width and forty feet in length. It leaves that to the discretion of the heads of the department, the Secretary of State, to determine whether or not that particular garage or station is suitable to do the work properly.

I now offer this amendment and move its adoption.

The SPEAKER: The Chair understands that the gentleman from Auburn, Mr. Williams, moves that

the rules be suspended and that the House reconsider its action whereby it passed this bill to be engrossed on March 7th. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair understands that the gentleman from Auburn, Mr. Williams, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

House Amendment "A" to H. P. 1193, L. D. 781, Bill "An Act Relating to Inspection of Motor Vehicles."

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

R. S. 19, § 36 amended. The second sentence of section 36 of chapter 19 of the revised statutes is hereby repealed and the following enacted in place thereof:

"No application for a license to operate an official inspection station shall be considered unless the garage building to be used as an inspection station shall be of suitable length and width, shall have a level floor, shall be equipped with a screen or chart for the purpose of testing lights, and with tools and machinery necessary to make repairs to motor vehicles."

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

On motion by the gentleman from Auburn, Mr. Williams, the House voted to take from the table the 33rd tabled and unassigned matter, An Act Relating to Statute of Frauds (H. P. 1394) (L. D. 1012), tabled on March 26th by that gentleman, pending passage to be enacted.

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

Mr. WILLIAMS: Mr. Speaker, for the purpose of offering an amendment, I now move that the House reconsider its action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves, under suspension of the rules, that the House reconsider its action whereby the bill was passed to be engrossed on March 12th. Is this the pleasure of the House?

The motion prevailed.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I now offer House Amendment "A" to H. P. 1394, L. D. 1012, Bill "An Act Relating to Statute of Frauds," and move its adoption.

This amendment is not intended to change the bill as originally presented, but merely to clarify this act so that it will accomplish its purpose. In 1935, an amending law, Subsection 7, was combined with what is now the last paragraph in the amendment, Number 183, in such a manner that the meaning was not clear.

The proposed amendment repeals Subsection 7 of Section 1 of Chapter 106 of the Revised Statutes, and re-enacts Subsection 1, and adds to that Subsection 8 which was our original bill, and then re-enacts the last paragraph providing that these particular types of contracts must be in writing.

The SPEAKER: The gentleman from Auburn, Mr. Williams, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

House Amendment "A" to H. P. 1394, L. D. 1012, Bill "An Act Relating to Statute of Frauds."

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

"R. S., c. 106, § 1, sub-§ VII, repealed and replaced. Subsection VII of section 1 of chapter 106 of the revised statutes is hereby repealed and the following enacted in place thereof:

"VII. Upon any agreement to give, bequeath or devise by will to another, any property, real, personal or mixed;

VIII. Upon any agreement to refrain from carrying on or engaging in any trade, business, occupation or profession for any term of years or within any defined territory or both; provided that the provisions of this subsection shall not apply to any such agreement made prior to the effective date of this act; unless the promise, contract or agreement on which such action is brought, or some memorandum or note thereof, is in writ-

ing and signed by the party to be charged therewith, or by some person thereunto lawfully authorized; but the consideration thereof need not be expressed therein, and may be proved otherwise."

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

The SPEAKER: The House is proceeding under Orders of the Day.

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

On motion by Mr. Laughton of Ripley,

Adjourned to Monday, March 31st, at 4.30 o'clock in the afternoon.