

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

Thursday, April 10, 1947

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

Prayer by the Rev. T. Albert Lawrence of Anson.

Journal of yesterday read and approved.

**Papers from the Senate
Non-Concurrent Matters**

From the Senate: Bill "An Act to Incorporate the Saco Sewerage District" (H. P. 1313) (L. D. 950) which was passed to be engrossed in the House on April 7th as amended by Committee Amendment "A".

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

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

From the Senate: Bill "An Act relating to Reciprocal Contracts of Indemnity" (H. P. 1631) (L. D. 1306) which was passed to be engrossed in the House on March 20th.

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.

**House Reports of Committees
Divided Report
Tabled**

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Conveyance of Elementary School Pupils" (H. P. 337) (L. D. 210)

Report was signed by the following members:

Messrs Leavitt of Cumberland
Edwards of Oxford
—of the Senate.
Marsans of Monmouth
Lord of Camden
Russell of Gorham
Miss Longstaff of Crystal
Messrs. Lee of Dover-Foxcroft
Fuller of Buckfield
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft H. P. 1681) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. Bishop of Sagadahoc
—of the Senate.
Broggi of Sanford
—of the House.

(On motion by Mr. Broggi, the two Reports, with accompanying papers, were tabled pending acceptance of either report, and the New Draft ordered printed)

Ought Not to Pass

Mr. DeSanctis from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Hazel Arris Rawstron, of Auburn (H. P. 818) (L. D. 474)

Same gentleman from same Committee reported same on Resolve in favor of Nellie D. Pennell, of New Gloucester (H. P. 819) (L. D. 475)

Reports were read and accepted.

Tabled

Mr. Burgess from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation to Telephone and Telegraph Companies" (H. P. 1629) (L. D. 1302)

(On motion by Mr. Cole of Portland, tabled pending acceptance of Committee Report)

Tabled

Mr. Burton from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Imposing an Income Tax" (H. P. 1474) (L. D. 1078)

(On motion by Mr. Bell of Thomaston, tabled pending acceptance of Committee Report)

Tabled

Mr. Elliott from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to a Severance Tax on Forest Stumpage in Organized Towns" (H. P. 1591) (L. D. 1242)

(On motion by Mr. Webber of Bangor, tabled pending acceptance of Committee Report)

Tabled

Mr. Jordan from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to the Taxation of Railroads" (H. P. 1626) (L. D. 1298)

(On motion by Mr. Haskell of Portland, tabled pending acceptance of Committee Report)

Tabled

Mr. Jordan from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Exemption from Taxation of Properties Acquired by Public Subscription" (H. P. 1324) (L. D. 893)

(On motion by Mr. Sleeper of Rockland, tabled pending acceptance of Committee Report)

Mr. Lombard from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to an Excise Tax on Flying Machines" (H. P. 1358) (L. D. 959)

Report was read and accepted.

Tabled

Mr. Morison from the Committee on Taxation reported "Ought not to pass" on Bill "An Act to Provide Increased Revenue for Cities and Towns" (H. P. 1633) (L. D. 1314)

(On motion by Mr. Cole of Portland, tabled pending acceptance of Committee Report)

Mr. Jordan from the Committee on University of Maine reported "Ought not to pass" on Joint Resolution relating to Policy for the University of Maine (H. P. 75) (L. D. 62) as legislation is inexpedient.

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

Mr. CHASE: Mr. Speaker, this is a Resolution introduced by me in order to afford to the Legislature an opportunity to discuss the policy of the university with respect to size, admission and tuition policy if the Legislature should deem that such discussion would be fruitful.

At the hearing it appeared to develop that the Legislature did not, in any large numbers, entertain any convictions on the subject and that the trustees of the university should continue to carry on as best they could, therefore the report of the committee, that legislation is inexpedient, is entirely agreeable to me.

Thereupon, the House adopted the "Ought not to pass" report of the committee.

Tabled

Mr. Boulier from the Committee on Ways and Bridges reported "Ought not to pass" on Bill "An Act relating to Repairs of Roads in De-organized Towns" (H. P. 785) (L. D. 500)

(On motion by Mr. McKeen of Lovell, tabled pending acceptance of Committee Report)

**Ought to Pass
Printed Bill**

Mr. Brewer from the University of Maine reported "Ought to pass" on Bill "An Act relating to Construction of Dormitories at the University of Maine" (H. P. 193) (L. D. 138)

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

**Ought to Pass with Committee
Amendment**

Mr. McGlaulin from the Committee on Judiciary on Bill "An Act relating to Trial Justices" (H. P. 1636) (L. D. 1316) 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. 1636, L. D. 1316, Bill "An Act Relating to Trial Justices."

Amend said bill by striking out in the last 2 lines of section 1 thereof, the underlined words: "governor and council, to be paid out of the general fund of the state", and inserting in place thereof the underlined words: 'county commissioners, which shall be paid from the county treasury in equal monthly installments'.

Further amend said bill by striking out in the 6th line of section 2 thereof, the underlined words "governor and council", and inserting in place thereof the underlined words 'county commissioners'.

Further amend said bill by inserting after the underlined word "costs" in the 6th line of section 2 thereof, the underlined punctuation and word ' fees'.

Further amend said bill by striking out in the 6th, 7th and 8th lines of section 2 thereof, the following underlined words: "shall be paid over according to law, except that costs heretofore received by trial justices or their fees", and inserting in place thereof the following un-

derlined words: ', except as otherwise provided by law.'

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

Mr. Mills from the Committee on Judiciary on Bill "An Act relating to Inheritance Taxes" (H. P. 1024) (L. D. 655) 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. 1024, L. D. 655, Bill "An Act Relating to Inheritance Taxes."

Amend said bill by adding at the end thereof a new underlined subsection to be numbered IX, and to read as follows:

IX. Debts of the decedent, and other deductions allowed resident estates, shall be allowed non-resident estates only when, and to the extent that, it is necessary to pay the amounts of such deductions from the proceeds of sale of real property or tangible personal property in Maine, or directly by the transfer of such property.

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

First Reading of Printed Bills

Bill "An Act to Incorporate the Public Loan Corporation of Augusta" (H. P. 1675) (L. D. 1388)

Bill "An Act to Incorporate the Family Finance Corporation" (H. P. 1676) (L. D. 1387)

Bill "An Act relating to Pollution of Streams" (H. P. 1677) (L. D. 1389)

Bills were read twice and tomorrow assigned.

Tabled

Bill "An Act relating to Liquor Licenses in Unorganized Territory" (H. P. 1670) (L. D. 1390)

(On motion by Miss Longstaff of Crystal, tabled pending first reading)

The SPEAKER: The Chair at this time recognizes the gentlewoman from Crystal, Miss Long-

staff, and appoints her Speaker pro tempore and requests the Assistant Sergeant-at-Arms to escort the lady to the rostrum.

Thereupon, Miss Longstaff was escorted to the rostrum, where she assumed the Chair, amid the applause of the House, the members rising, and Speaker Ward retired.

Passed to be Engrossed

Bill "An Act relating to Permits for Digging Into and Opening Streets and Highways" (S. P. 165) (L. D. 404)

Bill "An Act Concerning Agricultural Cooperative Associations" (S. P. 405) (L. D. 1154)

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 and Assigned

Bill "An Act relating to Privileges of Club Liquor Licensees" (S. P. 411) (L. D. 1159)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Williams of Auburn, tabled pending third reading and specially assigned for Wednesday, April 16th)

Bill "An Act relating to Control of the Sale of Alcohol" (S. P. 429) (L. D. 1214)

Bill "An Act relating to Privately Owned Airports" (S. P. 497) (L. D. 1361)

Bill "An Act relating to Inheritance and Estate Taxes" (H. P. 1391) (L. D. 1010)

Resolve to Continue the Interim Commission to Study Methods to Assure Greater Productivity of the Forest Lands of the State (S. P. 442) (L. D. 1235)

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

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

Amended Bills

Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Appropriations" (H. P. 195) (L. D. 140)

Bill "An Act relating to Bonds of State Officials and Employees" (H. P. 440) (L. D. 259)

Bill "An Act relating to Payment of Expenses of Wife Pending Libel for Divorce" (H. P. 918) (L. D. 615)

Resolve Appropriating Money to Repair Fish Screen at Meduxnekeag Lake (H. P. 1159) (L. D. 768)

Bill "An Act to Provide a Retirement System for State Employees" (H. P. 1180) (L. D. 837)

Bill "An Act to Incorporate the Willco Finance Co." (H. P. 1295) (L. D. 902)

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

At this point, Speaker Ward assumed the Chair.

The SPEAKER: As a remembrance of this occasion, Miss Longstaff, the Chair takes pleasure in presenting to you this gavel.

Thereupon, the gentlewoman from Crystal, Miss Longstaff, was escorted to her seat, amid the applause of the House, the members rising.

Passed to Be Enacted Emergency Measure

An Act to Incorporate the Town of Dixfield School District (H. P. 1446) (L. D. 1051)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Create the Castle Hill-Chapman - Mapleton Community School District (H. P. 1465) (L. D. 1069)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 122 voted in favor of same and none against, and accordingly, the Bill was passed to be

enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act Changing the Definition of a Hotel for the Purposes of Liquor Licenses (H. P. 1326) (L. D. 895)

An Act relating to Penalties for Operating Motor Vehicles While Under the Influence of Intoxicating Liquor or Drugs (H. P. 1602) (L. D. 1270)

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

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, House Majority Report "Ought not to pass" and House Minority Report "Ought to pass" of the Committee on Judiciary on Bill, "An Act Relating to Control of Rentals." (H. P. 1173) (L. D. 742) tabled on April 3rd by the gentleman from Portland, Mr. Allen, pending consideration; and the Chair recognizes that gentleman.

Mr. ALLEN: Mr. Speaker and Members of the House: In moving to accept the Minority Report "Ought to pass" on this Bill, "An Act Relating to Control of Rentals," I would like, in a brief way, to go over briefly with you the reason this bill is in here, a late development on this bill which changes completely, in my estimation and in the estimation of others the importance of this bill, and to show you why I feel the people of Maine will be benefitted by the passage of this State rent control bill.

Last July, in the Special Session of the Legislature, I brought this bill in to be considered. At that time, as I have stated here on this floor not more than two weeks ago, rent control was out of the window completely, nationally and statewide. Rents were being jumped fifty, sixty and seventy-five per cent, and people were being literally forced from their homes.

As I said at that time, I considered and I still consider the number three necessity of life of much more than passing importance. I feel the welfare of Maine's nearly one million people is something that we must consider and consider care-

fully, each of us who represent thousands of people back home.

In July, the bill which was finally turned out of the Judiciary Committee, which was a redraft of a combination of the Allen rent control bill and the Donahue bill, came out "Ought to pass" and was passed by the House of Representatives seventy-nine to thirteen.

Despite the wide margin of passage, this bill at the time had an emergency proposition tacked onto it, in view of the emergency which certainly existed, and therefore it lacked the necessary two-thirds of the elected membership for passage.

As I said here this year, and as I said last July, I was particularly interested to see in some three hundred letters and telegrams which I received from all over the State, the fact that the people in the small towns were as much or more affected than were those of us who lived in the larger cities of the State. I thought that was significant of the fact that this was not merely a problem for Cumberland County, or Androscoggin or Penobscot, but this was a problem affecting evidently the little small towns and villages from one border of our State to the other. It was with that thought and this confidence that this bill was designed to help our people in the emergency, that I presented it here in January.

Let me make myself clear that I consider any control, including my own bill, a necessary evil. I do not consider that controls and regulations should be a permanent thing. I shall never advocate that. However, I do feel that for a year or so, due to the shortage of housing, that we must in some way protect these thousands and thousands of people who cannot find rents or who are being evicted from their homes.

The situation in many of our towns, according to a check which I have made, has not materially changed since July. An increasing number, obviously, of service men coming home are not finding homes in which to live. This is a crisis which is still, as it was in July, a problem of all our people. Mr. Speaker, may I have a glass of water?

Several weeks ago this bill was heard before the Committee on Judiciary, and was reported out, as you know, with an eight to two report unfavorably.

I have information here which I

have just received from Washington which makes me believe that there is a great possibility that the Judiciary Committee might well have considered a different opinion had we known these facts.

At that time I could only tell them that there was a possibility that Washington might turn rent control back to the state governments. I am informed from Washington from a reliable source, in a letter which I received yesterday, that the Senate Banking and Currency Committee has reported out favorably a bill which is gaining widespread support and which is very likely to pass the Congress, in which there is this clause; and, Members, it is an important one for us to consider this morning. I quote:

"State control will supersede Federal control whenever the Governor of the state advises the administration that the Legislature of the state has adequately provided for rent control."

Members, that boils down to merely this: We have to decide this morning whether we wish to continue under federal rent control or whether we prefer to have state rent control. You will have one of the two, and it is up to us to decide which one we feel is better for the people of Maine.

I think you will agree with me and with the majority of people in this State that rent control in the first place was usurped by the federal government and is purely and simply a state's right; I think you will agree that if we have to have rent control for an emergency, for a time being, that we had much rather have a simple control by our own state than we would the lather of red tape and bureaucracy which comes out of Washington, and which has not, in my estimation taken care of the situation any better than we could with a simple bill such as L. D. 742. That is important. That, in my estimation, is the most important fact facing us in considering this bill.

What is the situation today? The situation today as it was in July is the fact that there is a definite housing shortage; there are nowhere near enough homes to take care of our people, and, should controls be lifted completely at this time, I am told reliably—and I am surely in hearty agreement—that we would have again a boost of fif-

ty, seventy-five or one hundred percent on rents and force people out of their homes.

Food is our first necessity of life, clothing is our second, and Members, shelter is our third, and, as elected representatives of the people of this State it is our duty to seriously consider a matter which is of such importance to them.

This bill will allow a rise of fifteen per cent above rentals now being charged. The primary purpose of this bill is to protect the people from excessive rents, but I am cognizant of the fact that our landlords in this state, many of them, were frozen at sub-par rents and are entitled to relief. If you pass the State Rent Control bill today, as landlords you will be better off, and as tenants you will be protected by State law rather than trying to go through the red tape of federal regulation. I hope you will deeply consider the importance of this measure, and I move and urge you to support the minority report "Ought to pass" on bill "An Act Relating to Control of Rentals."

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

Mr. PERKINS: Mr. Speaker and Members of the House: I am speaking to you this morning as a signer of the majority report "Ought not to pass." It would be well at the start for us to consider what this bill is that we are talking about. It is a short bill, L. D. 742. The first section of the bill is as follows: "All persons, partnerships, associations and corporations, either as owners or in control of dwelling houses, apartment houses, flats, rooms, rooming houses and hotel rooms, are hereby prohibited from demanding or receiving for rents or accommodations therein rentals more than 15 per cent of that paid or charged on January 1, 1947."

That is the first section, and that is all there is to this bill that is of any importance. It is simply an arbitrary freezing of rents. Section 2 simply relates to stays of writs of possession by the court. Section 3 simply provides a penalty and treble damages that may be brought against those who overcharge. Section 4 is an exemption that it shall not apply to seasonal dwellings, and Section 5 is the penalty.

Now, Mr. Speaker and Members of the House, I wish to talk to you

of what the legal situation is today.

This bill is unnecessary because the Federal Government has already established regulation of rentals in prescribed areas where the need of rental control has been found to exist. The Federal Government has thus pre-empted this field, so that the State law would apply only in areas where such control is not necessary.

As long as there is federal rent control, if you pass this bill you will have federal control in one part of the state and state control in another part of the state. If, of course, Congress passed a law and said that the state control bill would supersede the federal law, of course you would all be under the state law, but the situation at this moment is: if this bill were passed part of the state would be under federal control and part under state control. Confusion and misunderstanding would follow. The federal law would apply in one town, while in an adjoining town the state law, operating in a different manner, would be in effect.

Now this bill, the reason that we voted "Ought not to pass" was based upon reasons which I will now give to you.

This law, if passed, would be inequitable, and, in my opinion, would be unconstitutional, and the reason that it would be unconstitutional,—I wish to call your attention to Section 1 of this act—is that there is no machinery set up in this bill under which inequalities relative to rents could be adjusted.

The law would be inequitable, because it would be applied in accordance with an arbitrary rule, to all rentals regardless of whether the rentals on January 1, 1947, were reasonable or unreasonable, normal, sub-normal or abnormally high. It would permit the owner of rented property who was receiving the maximum obtainable return on the value of his property on that date to continue to collect the same rental and to increase it by 15%, while a landlord who was collecting a much smaller rental for property of equal value, because of relationship or sentimental reasons, would be denied the right to receive an equal return on his property.

I illustrate that by this example: Here are two buildings perhaps worth four thousand dollars apiece, side by side. One man is charging forty dollars a month, which is a

fair rental on the date set in this bill. Right next door is another house just like it, and for some reason or other, because the boy has come home from the service, or it may be his father or mother or relative or some friend, that landlord is receiving fifteen dollars. If there comes a change in the tenancy under this act, the landlord can only receive fifteen dollars a month while the other one, the forty dollar rent, the landlord can increase his rent by fifteen per cent. And those two landlords, right there side by side, in the same sort of house, would receive different rents for their property, and they would receive it simply because this act places an arbitrary fifteen per cent increase in the bill.

This inequality of treatment and the failure to provide any right of hearing before some department of the State government, or other tribunal, would deprive the owner of rented property of the due process of law guaranteed to him under the constitution of the United States and the constitution of Maine.

The fourteenth amendment of the Constitution of the United States includes the following provisions:

"Nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The right to receive a reasonable rental for the use of one's property is an incident and attribute of his title.

To deprive him of the right to collect a fair rental is in substance and effect, to deprive him of the property itself. Such a deprivation can be made only by "due process of law." *Smythe vs Ames*, 169 U. S.

Due process of law does not mean the enactment of a statute. *Saco vs Wentworth* 37 Me. 171. It refers to the means and methods by which a statute is to be administered and applied.

The "law of the land" which is the equivalent of "due process of law" is the right of trial according to the process of the common law. *State vs. Learned*, 47 Me. 432.

The phrase "due process of law" as used in the United States Constitution implies an opportunity to be heard before some tribunal which has jurisdiction to grant relief, a subject which I had occasion

earlier in the session to discuss with this House.

The right to be heard before some competent tribunal is of the very essence of "due process of law".

State vs. Cote 117 Me.

The requirement that a person shall not be deprived of his life, liberty or property without due process of law was intended to secure the individual from an arbitrary exercise of the powers of government unrestrained by established principles of private right.

Opinions of the Justices, 58 Me. 595.

It would be difficult to conceive of a law which would be more arbitrary than the bill under consideration. It freezes rents according to an arbitrary rule, which has no relation to established facts. It arbitrarily adopts the rentals in effect on January 1, 1947 as reasonable. This date was arbitrarily drawn from the air. There is no basis of fact to suppose that rentals existing on that date were more reasonable than those in effect on some other date that might have been selected. And the 15% variation which would be permitted is admittedly arbitrary.

These arbitrary provisions are to be applied without any opportunity for an owner of property to be heard before any tribunal, to have the reasonableness of the rent charged by him investigated or passed upon by any board, commission or other tribunal having power to grant relief in case of undue hardship.

You will recall under federal regulation such a tribunal is set up where landlords can go and have their rents adjusted.

Even in the case of public service corporations, which owe a duty to the public in return for the franchise and monopoly granted them, their rates may not be arbitrarily limited. They may not be required to furnish the use of their services at rates which are not compensatory. They are entitled to reasonable rates and whether rates in a given case are reasonable or unreasonable is a question of fact to be determined upon a hearing by a regulatory commission. No such commission or bureau is set up here.

This is even more certain in the case of the regulation of purely private property.

The leading court decision on the power of a State to limit the return

which a person may receive for the use of his property is Smythe vs Ames 169 U. S. citing C. N. & C. P. Ry. vs Minnesota 134 U. S. 458. United States Supreme Court said:

"If the Company is deprived of the power of charging reasonable rates for the use of its property, and such deprivation takes place in the absence of an investigation by judicial machinery, it is deprived of the lawful use of its property, and thus, in substance and effect, of the property itself, without due process of law and in violation of the Constitution of the United States; and insofar as it is thus deprived, while other persons are permitted to receive reasonable profits upon their invested capital, the company is deprived of the equal protection of the laws."

Congress in the enactment of rent control legislation has recognized the safeguards required by the Constitution in measures of this character, which this bill now before us ignores. It has conferred jurisdiction upon local rental control boards to make adjustments in individual situations where hardship would otherwise result. No such control here. Increases of rent may be allowed where additions or improvements have been made to the rented premises, to meet higher taxes or maintenances costs or whenever the rent in any case was below the rates generally prevailing by reason of relationship of the parties or any other "peculiar circumstances."

In my opinion, Mr. Speaker and Members of the House, not only is this bill unnecessary, but, as I have just stated to you, in my opinion and in the opinion of the majority of the Judiciary Committee the bill is not only inequitable as drawn but is in violation of the Constitution not only of our State but of the United States.

I hope, Mr. Speaker and Members of the House, that the motion of the gentleman from Portland, Mr. Allen, will not prevail, and when the vote is taken I ask for a division.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I would like to make one more remark, if I may, to clarify the situation regarding the sections of this bill.

In July, the bill which I intro-

duced at the Special Session set up a special board, a rent control board and it provided an appropriation of money for the expenses of that board. The bill which you have with you today, Members, the bill which I put into this session of the Legislature, is a redraft, taking out some features of my original bill in July and some features of the Donahue bill; it is a bill which is drawn up by the Judiciary Committee of the 92nd Legislature.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, it may be that some of the remarks I will make on this bill are unrelated to the exact subject matter of it.

I wish to go back a little and refresh your recollection of ten years ago when we were hearing the first rumors of what would happen when the country would again go to war. You perhaps remember we heard the expression "M-Day," "M-Day" was to be mobilization day, and at that time the resources, the individuals and everyone, every human and industrial resource of the country, was to be put behind the machinery of carrying on a war. But, when the time came, it did not happen. Human resources in part were put behind the war effort, put under the strictest of regimentation and regulation, whereas a large segment was left untouched and left free of that strict regulation.

Many of us wondered why there was so much opposition in the Maine Legislature, to be exact, to propositions which were placed before Congress to put all the people behind the war effort and to say that when we are in war we are all in it and we should all be behind the wheel. We found that this Maine Legislature protested vigorously against the mobilization of all manpower, against the work or fight proposition; we found that the Maine Legislature sent a memorial to Congress objecting to that type of thing on constitutional grounds, and the big proponent of that opposition has spoken this morning on constitutional grounds against this proposition. So that constitutional issue is overruled, in my estimation, by the urgency and necessity of the situation.

Here we have large numbers of men returning from that war, men

who did not profit from the war financially and men who now are able, through the benevolence of the federal government to have credit in purchasing homes, in a measure through the G. I. Bill of Rights and other fine pieces of legislation. Those who are renting property in uncontrolled areas, renting homes, are entirely at the mercy and the whims of those who own the property.

Now in Maine, there has not been much difficulty in this State, I do not think, but in some instances there has been difficulty. I know of property owners in uncontrolled areas who have put the rent up exorbitantly. They should not be allowed to do it. I say that the police power of the State under the general welfare clause is broad enough to allow us here to set the bar against rent gouging.

Now if we set a low bar where landlords and property owners would be injured, I say there would be some merit to the constitutional argument that has been presented. But who is to be injured? What landlord will be treated harshly if we say that he shall have no more than fifteen per cent over his January 1, 1947 rental? No one will be injured, Members. The rentals at this time are at a high level. We are only saying that you shall go no further than fifteen per cent over your January 1, 1947 rentals. That is to prevent the rent gouger from taking advantage of the scarcity of housing that exists in the State of Maine. I dare say no one will argue there is a scarcity of houses particularly in our urban areas.

I hesitate to say that this is a veteran's measure, but I believe it benefits returning service men and veterans more than any other group, because they are the ones who are coming back and looking for homes. I say to you that the power of the State of Maine is sufficient to allow us here to say that beyond fifteen per cent of what you were receiving on January 1st you shall not go. Certainly the police power of the State is that broad.

I hope the minority report will be accepted.

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

Mr. McGLAULIN: Mr. Speaker and Members of this House: I had no thought of speaking on this

matter this morning. I did not dream for a moment that it would be necessary, after the report, the majority report of the Judiciary Committee on this matter.

Mr. Perkins has covered the matter eloquently and well. I am against the passage of this bill.

No one thing has troubled lawyers like myself more than this rent proposition. In many cases I have had clients who had reduced their rents before this rent control came in, sometimes to accommodate a relative and sometimes to accommodate a person who happened to be in hard circumstances; but when the government took that rent control as of March of a certain year they were caught at that low rent. I recall one client that owned a house where she was getting twenty dollars a month, and right beside her was another house, no better in any shape whatsoever, and they were getting forty dollars a month, but she could not raise her rent.

Now for several years the landlords have been tied up so that they have had no control at all over their own property, they could not get the tenants out as long as they paid their rent. If a man bought a piece of property it took ninety days to get possession of that property. The law as carried out by the O. P. A. has been an absolute nuisance to the landlords during this whole period, but they have submitted to it and they submitted to it willingly and readily to help out the government.

In this matter of taking control of the rents, in my opinion the government of the United States has no control over our laws and our courts in Maine, and yet every last lawyer did not raise that question; we all tried to go along with the government, we wanted to help our citizens, because we are patriotic. But if the time comes when the government takes off this rent control, then the landlord should have a right to carry on according to the laws of the State of Maine as they have been, and they should not be crippled by any fifteen per cent.

I am against the motion of the gentleman from Portland, Mr. Allen.

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

Mr. PEIRCE: Mr. Speaker and Members of the House: I was a

member last summer of the Judiciary Committee which drafted this unconstitutional measure which you are now considering.

At the public hearing last summer, you will recall that the real estate operators in the State of Maine almost unanimously appeared before the committee and said they were in favor of such legislation as it was not only desirable but necessary at the time. What are the conditions now, eight months later, which have changed that necessity?

You see a little building going on here and there, about all of it under priority regulations. The veteran who has an income or a salary of at least sixty dollars a week can afford to build one of these \$7500 houses which contractors are now putting up, and which cost before the war \$3000 or \$4000. That is the change: a few of these small houses.

I think the veterans have been receiving a raw deal on rents. The powerful real estate lobby in Washington, and more recently in the State of Maine, have had just about their own way in the last few months, but they are still unable in fact to offer us any satisfactory accommodation in any volume.

This is a serious problem. Until real estate men and contractors can build housing for veterans in volume, I sincerely believe that some sort of rent control is necessary. The State of Maine is about as hard hit in housing as any part of the country. I know that in my own constituency, the City of Augusta, there is a serious housing shortage.

This is a veterans' measure. I would like to represent the veterans in my constituency in this Legislature; I would like to see the Legislature do something for them. This is a small way, in my opinion, of assisting the veterans. I hope that the Legislature will agree with me that it is desirable to assist them in this manner. Although this particular legislation was constitutional eight months ago and is probably unconstitutional now, I would like to suggest to the Legislature that it will be possible to amend the bill, eliminating whatever constitutional defects there may be. I think that the gentleman from Boothbay Harbor (Mr. Perkins) and others who have argued the constitutionality of this

measure will agree that more than a hundred years ago the courts of this State and the Federal courts did run roughshod over human rights and gave preference to private rights. In the last thirty or forty years the trend is definitely the other way, not only in this State but in the federal courts, and the courts have recognized that human rights are on a footing almost equal to private rights. That is one of the questions which a court will take into consideration in deciding the constitutionality of such a measure.

Mr. Speaker, I hope that the motion to adopt the minority report will prevail.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: It was not my intention to speak on this measure, although I signed the majority "Ought not to pass" report, but there are several matters that have come up this morning and been mentioned, that I feel make it necessary that I speak.

The Federal law has not yet been enacted. Should it be enacted with a provision that it was suspended and our law became operative, if we had adequately provided for the situation, I am wondering how this bill would be viewed. This only provides for certain things. It permits eviction of the tenant, and that is one thing that would enable an unscrupulous landlord to circumvent the law under this bill because the tenant could be evicted and a new tenant could give a bonus, as they do in many areas, and still pay the same rental. Certainly he wouldn't be telling about it. You would be unable to prove it.

Another point in connection with increases and in connection with fixing rentals as of January, 1947, has been mentioned by the gentleman from Farmington (Mr. Mills) that rents have gone up to an unreasonable extent in uncontrolled areas. We would now bring them under the provisions of this act and invite them to increase their rentals by another fifteen per cent. They would merely say: "Here is the law that says I can increase it fifteen per cent." That would apply to a large part of the State of Maine.

Now I would like to comment just a brief moment in regard to the veterans. I have practiced law in

the Lewiston-Auburn area, and it has come directly to my attention that large numbers of veterans have purchased dwelling units in those two cities, under the G. I. Bill of Rights.

Unfortunately, I believe they have paid excessive prices in many instances. Their costs are high. Some of the houses that they have bought have been two-family houses where they are getting only perhaps five dollars a week. A ten or fifteen per cent increase would not be adequate in those cases, if any increase was to be given.

On the other hand, the newer units that have been built are now priced at rentals that are excessive, and would be invited to increase their rentals. I have in mind two veterans particularly that bought two-family houses. One of those, after five months or so, finally got into the first floor apartment; he got in there and found that the tenant on the second floor was maintaining the premises in such condition that his family couldn't exist in the same house with them, and the process of getting them out was so complicated that he had to move out himself—of his own house.

I also have one at the present time that is under the same circumstances.

I appreciate the problem that is involved, but I do think the situation is easing to some extent. It will be further relieved in the summer months, when some people move out to summer camps, and building during the summer months should make it much better by the fall, and we will unquestionably have some Federal control which should extend, and I believe will extend, long enough so that the situation will be relieved. This bill would extend to the mid-summer of 1949—probably longer than is necessary. For those reasons, I believe that this bill should not be passed, and I believe that if we pass this bill in this State, it should cover the features that should be covered. It would require a lengthy bill with two many complicated provisions, setting up too many boards, and it would be too expensive to administer.

THE SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

MR. JALBERT: Mr. Speaker and Members of the House: I had intended this morning to go along

with the motion made by Mr. Allen. As a matter of fact, I have notes on my desk to the effect. I feel that after listening to the arguments presented by the gentleman from Augusta (Mr. Peirce) that possibly the bill is unconstitutional although it could be amended probably. I don't know just where I am. I thought it might be possible to recommit the bill and make the bill constitutional.

A member of the committee who signed the minority report admits that it possibly should be amended—just where are we?

THE SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

MR. MUSKIE: Mr. Speaker and Members of the House: I too, had no intention of speaking on this measure this morning, but as a lawyer who has reached into the red tape of the Federal Law which has been deplored this morning by Mr. Allen, I want to point out this fact: That there has been a lot of objection to the Federal Law because of this red tape, and because of the fact that an arbitrary date has been set for establishing rent ceilings. This law does away with the red tape. It also, however, sets an arbitrary date for establishing rent ceilings.

Personally, from the point of view of the clients I have represented in the past, I would prefer to have the red tape of the Federal law because that red tape is for the very purpose of adjusting the many hardships which arise because of the differences in circumstances between different landlords and different tenants in different areas of the State.

This bill attempts to simplify the problem too much. Referring to the statement made by the gentleman from Farmington, Mr. Mills, I think it is quite true that under the situation which faces us the police powers of the State would enable us to take into consideration the subject of rent control. However, I do not think that that police power would enable us to exercise that control arbitrarily. If it is possible, and I think it is, as is indicated by the Federal law in existence now—if it is possible to exercise rent control consistent with the due process and equal protection laws of the Constitution, then I say we would be held to that possibility by the courts of the State if the con-

stitutionality of such a law ever arose.

There is one other point in this bill which has been bothering me. Not only is there no provision for an administrative board to adjust hardship conditions, but also there is no provision for enforcing the law. I would assume that our established law enforcement agencies would have to enforce it.

I would like to call the attention of the House to the existence at present on our statute books of an anti-profiteering law which could have been used to cover the rent situations, which have been deplored on this floor this morning. It has not been used because our existing enforcement agencies are not equipped to handle the problem on the wide-spread scale on which it exists today. If they are not in a position to take advantage of existing statutes, then it does not seem to me they would be in a position to handle the problems that would be raised by the bill before us this morning. If this law, as the Federal law does, adequately took into consideration all the complications of the problem, then I might be in a different position this morning, but to do that would require the setting up of State agencies at an expense to the State and I do not think we would be willing to have them. With the Federal law in existence, I say this law is not necessary and I urge that the motion of the gentleman from Portland, Mr. Allen, will not prevail.

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

Mr. BICKFORD: Mr. Speaker and Members of the House: I just want to point out briefly two or three things as I know you are tired of this debating. But I can't see any common sense to the bill anyway. I will just read you a list of the Senators who were in favor of the so called Hawkes Bill, and out of the United States government there is sure to be some kind of rent control. I don't believe there is any man here in the House who knows about this situation but what would admit that. So what in the world and what good would it do to pass a State law if we have a national law which will of course supercede it?

I just wanted to call your attention to a few things. I have a lot

of stuff jotted down here, but I am not going to weary you any, but I want to tell you that there were fifty Senators voted in favor of the so called Hawkes Bill, and that Hawkes Bill was, in some measure, a help to the State. Now we have—perhaps I won't read them all for that would take too long—but I will say that our two Senators from Maine voted for that bill, Senator Brewster and Senator White and also the Senators from most of the other New England States.

Now I think you Members are fair-minded, and if this is true, if we didn't have national regulations, I don't think there is any question of a doubt but what we will have anyway, because those fifty members in the Senate represent a majority of the states, so how in the world are we going to get by without having some kind of a rent control bill? I could go on and tell you the injustices of the operation of this rent control but probably that isn't necessary. I did wish to bring just this one point before you, and I hope that the motion of the gentleman from Portland (Mr. Allen) will not prevail.

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

Mr. McCLURE: As a landlord and a so called free American, I believe the sooner that we remove all crack-brained governmental control and restrictions, the sooner we again will become a free and strong America, and I do not believe there is a member in this House who will not help the veterans in every way.

I have gone through, not at ten percent above costs, like most government work was done during this war, but under the control of the Federal government. I owned one piece of property in my city and there was no way I could control it under the rent control, and I had to sell it. I had a water bill that in three months was about seven times what it should have been. There was not a thing I could do about it. I hired the best legal talent in my city.

I believe, as I said before, we have had to put up with this so far, so lets go along with our Federal control and remove it as soon as we can. I will go along with the gentleman from Boothbay Harbor (Mr. Perkins).

Mr. ALLEN: Mr. Speaker—

The SPEAKER: Does the gen-

tleman wish to speak again on the subject?

Mr. ALLEN: Mr. Speaker, I refer to House Rule No. 14, which says that no member shall speak more than twice on the same question without first asking leave of the House, and I would ask that favor of the House if they are so willing.

The SPEAKER: The gentleman from Portland, Mr. Allen, requests permission to speak again on the subject matter. Is there objection? Cries of "Yes".

The SPEAKER: All those in favor will please rise and remain standing until counted and the monitors have made and returned the count.

Mr. BOWKER: Mr. Speaker, what is the question, please?

The SPEAKER: The question is on whether the gentleman from Portland, Mr. Allen, shall be given consent to speak a third time on the subject matter.

A division of the House was had.

The SPEAKER: Obviously more than one-half of the members having consented, the Chair recognizes the gentleman from Portland, Mr. Allen.

Mr. ALLEN: Mr. Speaker and Members of the House: Thank you for your courtesy in allowing me to speak for a third time on this measure. I merely wanted to bring out one point which was mentioned by the gentleman from Waterville (Mr. Muskie) regarding the anti-profiteering act. I take it that he refers to the Anti-Profiteering Act of 1919, now on the Maine Statutes. In the July Special Session I took the trouble to check thoroughly with the Attorney General's department and found that this anti-profiteering act is in no way related to the control of rentals. Thank you very much.

The SPEAKER: Is the House ready for the question? The question before the House is upon the motion of the gentleman from Portland, Mr. Allen, that the House accept the minority "Ought to pass" report of the committee, and the gentleman from Boothbay Harbor, Mr. Perkins, has requested a division.

All those in favor of the acceptance of the minority "Ought to pass" report will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-eight having voted in the affirmative and eighty-four in the negative, the motion did not prevail.

Thereupon the majority report "Ought not to pass" was accepted.

The SPEAKER: The Chair at this time notes that we have guests in the balcony. We have Grades VII and VIII from the Fryeburg Public School, Charles A. Soule, Superintendent, and we have from the Corinna Union Academy a class on Problems on Democracy, with Mr. Curran, and a class on Civics with Miss Farrington, and on behalf of the members of this House, the Chair bids you welcome here this morning. (Applause)

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on "Resolve in Favor of Hydro-Electric Power Development" (H. P. 1577) (L. D. 1222) tabled on April 4th by the gentleman from Greenville, Mr. Rollins, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker and Members of the House: I am today as ever, ever zealous of the powers of this Legislature. I think you will remember and recall that in many instances I have demonstrated that I was opposed to delegating the authority to other parties, therefore I might refer you to Filing No. 259, which lies before you. In this manner I am attempting to override the opposition at the hearing which was rightfully intended, and with which I whole-heartedly agree that the powers of the Legislature should not be delegated to other parties. Therefore, with your permission, at the proper time, I am going to attempt to substitute the bill for the "Ought not to pass" report, giving me an opportunity to present the amendment.

This amendment would refer this bill to your Legislative Research Committee. As we all know, there is more or less Federal money expended over the nation, and there is a need in Maine — it is only right that we, through our Research Committee, have a real report of just what the situation is, and what could be realized and what should be of benefit to the State of Maine.

There is nothing delegated, there is nothing mandatory.

This Legislature will act upon any recommendation that is presented to it, either at a special session or the next regular session. It is my thought that possibly your Legislative Research Committee might see fit to recommend the forming of a Water Resource Committee that would help to clean up the pollution in our streams, and develop some of our latent undeveloped water powers.

We just this morning passed a bill upon pollution; it has been before this House. Each and every member knows, regardless of what we have passed and what we have done, that there is nothing that will ever clean up our rivers unless we have assistance from the Federal government. As they develop, they also clean up and purify our streams, so they can be inhabited by fish again we hope.

If we continue to waste our natural resources, our waterpowers, as in the past, of which we in Maine control over half of New England's undeveloped waterpowers, we will continue to have our abandoned farms which each and every one of us sees along the road. We will have more towns, as time goes on, coming here to the Legislature and asking for deorganization, and we will have that ever-present problem magnified of our youth leaving our State to seek employment because there is none at home. We now are striving to increase appropriations and find money for the University of Maine that we may educate these youths or a majority of our ninety thousand boys who have come home from war. Why are we educating them? To send them out into the world? Why should not we endeavor to strive to develop something in Maine whereby they would stay in Maine? They were born in Maine, and they love Maine and they want to stay in Maine and work in Maine, and we want them to stay in Maine.

We, as a State, have accepted Federal funds for airports, Old Age Assistance, for roads and bridges and many other things, and in most instances we, as a State, as taxpayers, match those funds. These funds for development and cleaner streams are not matched through Federal grants. I believe that it is the duty of the State of Maine and this Legislature to at least investi-

gate and find out what might be our rightful share. I trust, with that in mind, that you will allow your Legislative Research Committee to make a study of the situation and report to the next Legislature.

I now move, Mr. Speaker, to substitute the resolve for the "Ought not to pass" report of the committee.

The SPEAKER: The question before the House is upon the motion of the gentleman from Greenville, Mr. Rollins, that the House substitute the resolve for the "Ought not to pass" report of the committee.

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

Mr. PEIRCE: Mr. Speaker and Members of the House: The question which is presented to you by my friend, the gentleman from Greenville, Mr. Rollins, is one which this House is perfectly capable of deciding here and now. The delay of taking a stand on this issue is not necessary as the issue is this: Do the people of the State of Maine want Federal public power development? Those of you who have followed T.V.A., Boulder Dam and Grand Coulee Dam know the results of tremendous Federal spending. We are paying for it today and we will be paying for it a hundred years from now, and what are we getting? We are getting some very complicated accounting procedures. The propaganda which has been put out in favor of public power is wholly misleading. It is presented to you as an economy measure; it is not economy. The fact is that the costs of the operation of these tremendous big power projects are divided and sub-divided. You get an arbitrary figure which is credited to the actual cost of production of power. That figure, time and time again, has been disproved. The major or a large portion of the cost of public power is credited to such nebulous items as navigation and flood control.

For many years army engineers have made studies, studies of flood situations in Maine rivers. They have not advocated flood control measures for any of the Maine rivers. I do not propose to speak at great length on this measure; I feel it is something that we can decide here and now without referring it to the Research Committee which certainly will have some very weighty problems to take up in the interim between the 93rd

and 94th Legislatures, therefore I hope that the motion of the gentleman from Greenville (Mr. Rollins) will not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. ROLLINS: Mr. Speaker, I might say in rebuttal to Mr. Peirce, and answering his question plainly—he says “What are we receiving from all these expeditures? That is exactly what I should like to know, that is my whole question. The State of Maine is receiving exactly nothing, but we are paying the freight. He says no Maine rivers are under discussion. Just last week our Senator Brewster put a bill into Congress to have the Army Engineers make a report and a survey on the Aroostook River, and that is one of the rivers of the State of Maine.

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

Mr. MCGLAULIN: Mr. Speaker, the Judiciary Committee unanimously reported this “Ought not to pass” for the reason that we did not propose to the Governor or any other body the right of this Legislature to pass on measures of this kind. We propose to keep it in our own hands, and it will not make the slightest difference what the Research Committee or any other body may think, we still oppose the delegating of that power, and I am against the proposition proposed by Mr. Rollins.

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

Mr. BROWN: Mr. Speaker and Members of the House: Again we are standing still and marking time and letting the most valuable resources of our State go to waste. We see the rest of the country being developed. What is taking place in the South regardless of what criticism we can level at TVA and some of the other developments in that area? Why is industry moving into the South? For the simple reason that they can go there and have cheap power.

What is the situation on the Pacific Coast? Out there, did they argue whether they should accept federal funds? No. What is the result? The people on the Pacific Coast today can buy electricity for a half a cent a kilowatt, the country is being developed, and we see

the trend in industry on the Pacific Coast. It is going to be developed faster than any other section of the United States. And why? Because they can have cheap power.

Here in Maine we should be looking forward to the future with the same possibilities. But no, we stand still, we fail to accept our proportional part of some of the federal funds which are being distributed in the rest of the country, with the result that fifty years from today we are going to be in the same position we are in at the present time.

So I think it is time that we started exploring the possibilities of the resources that we have in the State of Maine, so that our children will not have to leave the State of Maine and go some place else to find employment and earn a livelihood.

Some of the greatest engineers, hydro-electric engineers, in this country were men who went from the State of Maine. We had a chance back here a few days ago, Ladies and Gentlemen of this House, to have one of the greatest resources that the State of Maine has ever possessed, the development of the Quoddy project. Had that been done, today Washington County would be one of the thriving counties of New England. And yet, today, where do we stand? We do not know what the future holds for us down in that area.

So I think it is time that we started exploring the possibilities of the State of Maine. Why should we be hauling coal from down in Virginia and Pennsylvania and those areas up here to develop electricity when our rivers are flowing on to the sea and nothing is being done about it?

We argue that private enterprise should go ahead and do it. We have allowed private enterprise for the last one hundred and fifty years to develop those resources and they have not done it. So I think it is time that the people of the State of Maine had something to say about it.

I hope that the motion of the gentleman from Greenville (Mr. Rollins) will prevail, and that this House will go on record at this time of starting the movement to find out whether it is possible to develop these resources that are being wasted day after day and year after year.

The SPEAKER: Is the House

ready for the question? The question before the House is upon the motion of the gentleman from Greenville, Mr. Rollins, that the House substitute the resolve for the "Ought not to pass" report of the committee.

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

Mr. PEIRCE: Mr. Speaker, when the vote is taken I move that it be taken by a division.

The SPEAKER: The gentleman from Augusta, Mr. Peirce, requests a division.

All those in favor of substituting the resolve for the "Ought not to pass" report of the committee will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Fifty-five having voted in the affirmative and fifty-one in the negative, the motion prevails.

This being a printed resolve, is it the pleasure of the House that the rules be suspended and the resolve be given its first reading at this time?

The motion prevailed.

Mr. Rollins of Greenville presented House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1577, L. D. 1222, "Resolve in Favor of Hydro-Electric Power Development."

Amend the title of said Resolve so that it shall read as follows: "Resolve in Favor of an Investigation of Hydro-Electric Power Development."

Further amend said Resolve by striking out all of same and inserting in place the following: "Resolve that the research committee be authorized to conduct a study and survey of the desirability and practicability of accepting funds from the federal government for the construction or expansion of hydro-electric power reservoirs, dams and generating plants within the state of Maine."

And be it further resolved that the research committee shall report their findings and recommendations to the next legislature or any special session of the 93rd legislature.

House Amendment "A" was adopted, and the resolve was assigned for second reading tomorrow morning.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Report "Ought to pass" with Committee Amendment "A" of the Committee on Legal Affairs on Bill "An Act Relating to Board of Boiler Rules" (H. P. 1400) (L. D. 1017) tabled on April 7th by the gentleman from New Sweden, Mr. Anderson, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. ANDERSON: Mr. Speaker, as I have another amendment to offer to this bill, I move that it lie on the table and be specially assigned for tomorrow morning.

Thereupon, the motion prevailed, and the report, with accompanying papers, was tabled pending acceptance of the report and specially assigned for Friday, April 11th.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, House Report "Ought to pass" with Committee Amendment "A" of the Committee on Legal Affairs on Bill "An Act Relating to Auctions and Auctioneers" (H. P. 1289) (L. D. 943) tabled on April 7th by Mr. Williams of Auburn, pending acceptance of report and the Chair recognizes that gentleman.

The motion prevailed, and the House accepted the report of the committee, 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. 1289, L. D. 943, Bill "An Act Relating to Auctions and Auctioneers."

Amend said Bill by striking out of the headnote in the first paragraph the section number "82-G" and inserting in place thereof '82-H.'

Further amend the first paragraph of the Bill by striking out the figure "7" and inserting in place thereof the figure '8,' and by striking out the number "82-G" and inserting in place thereof '82-H.'

Further amend said bill by adding at the end thereof the following new paragraph:

'Sec. 82-H. Blooded animals may be sold without state license. The

provisions of sections 82-A to 82-G inclusive shall not prohibit any person employed by the owner of blooded animals from selling the same as auctioneers at public auction whether licensed by the state or not.'

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

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to the Appointment and Removal of the Chief of Police of the City of Lewiston." (H. P. 854) (L. D. 509) tabled on April 7th by the gentleman from Lewiston, Mr. Malenfant, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. MALENFANT: Mr. Speaker, I now move to substitute the bill for the "Ought not to pass" report of the committee.

Mr. Speaker and Members of the House: No doubt many of you must be familiar with our Police Commission in Lewiston. A certain group has had a bill before this House on the Lewiston Police Commission almost every year since 1917. In 1917 a certain group came in here and passed a Police Commission bill over the heads of the taxpayers of Lewiston. It was a commission of three Police Commissioners appointed by the Governor of the State of Maine. The Police Chief was appointed by the three commissioners for a term of four years. The citizens of Lewiston were very well satisfied with a four-year term for the Chief of Police, but they did not like the idea of having their Police Commissioners appointed by the Governor of Maine. Lewiston was the only city in the State of Maine on such a system. The Lewiston citizens feel bad about such a thing. They were refused a referendum; they had no chance to vote and decide if they wanted a police commission or not. The mayor who was mayor at the time refused to recognize the Police Commission; he appointed his own police department, and at the same time he took this matter to the court.

For a few weeks we had two police departments, one appointed by the mayor and one appointed by the Commission. Those appointed

by the mayor were on one side of the street and those appointed by the Commission were on the other side of the street.

Since that time, the Senator from Androscoggin County and the Representative from Lewiston fought hard to bring the Police Commission under home rule. It was only two years ago that they succeeded. But before they had a chance to bring the Commission back under home rule a certain group came here and changed the appointment of the Chief of Police from a four-year job to a life job.

Now they do not want a life job in our city building. It is just as bad as the closed shoe. If my bill goes through it will give more power to the Police Commissioners over the Chief of Police. Since he is appointed for life he is more independent, and in order to remove him the commissioners will have to take their case to the court if the Chief refuses to resign, and it will look bad for the department. They will have to stand a lot of things before they will do that and the public will suffer for it.

At the hearing before the Legal Affairs Committee, the three members of the Police Commission did not come up and oppose my bill. Due to the fact they did not come up and oppose my bill, in my opinion they would be very glad if the chief goes back on a four-year term. When they passed the bill making it four years the people of Lewiston did not know it was passed and there was no referendum. But there is a referendum attached to my bill.

I would like to see the people of Lewiston decide here whether they would like to have the Chief appointed for life or not. If my bill goes through, the rest of the officeholders in Lewiston might hesitate two years from now to come here and ask you to appoint them for life. If my bill falls and is defeated, two years from now you will have the rest of the officeholders of Lewiston coming up here and asking you to appoint them for life.

The people of Lewiston would like to keep the privilege of appointing and reappointing their city officials. I have a petition here, members of the House, signed by one hundred and fifty-seven taxpayers of Lewiston. A majority of them are business men and professional men. I did not ask for this petition. A business man came to me the other

night and asked me to bring that in, and he begged me to leave my bill on the table until he could get more petitions. But it is no use to leave my bill on the table any longer. It seems to me, Members, that I have proved to you that my bill ought to pass, because the citizens of Lewiston do not want the Chief of Police to have a life job. I hope my motion prevails.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker and Members of the House: As my colleague said, a few years ago the Police Chief was appointed for a four-year term. Two years ago, in the 92nd Legislature, a bill was presented and unanimously passed, appointing our police and fire chief at the pleasure of the Commission, removable only for cause. Since that time we have one of the best organized police departments in New England. I do not see any reason for changing this around every two years.

The Legal Affairs Committee had this bill under consideration for five or six weeks, and they have given their report "Ought not to pass," and I hope that the members of this House will favor this. Therefore, Mr. Speaker and Members of the House, I hope that the motion of the gentleman from Lewiston (Mr. Malenfant) does not prevail, and I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. St. Pierre.

Mr. ST. PIERRE: Mr. Speaker and Members of the House: I wish to praise the members of the Legal Affairs Committee for the fine work they did on that bill. We do not want to be the laughing stock of Lewiston, to come over here and change the term of the Police Chief to a four year term from a life term, so I hope the motion of the gentleman from Lewiston, Mr. Malenfant, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Doucette.

Mr. DOUCETTE: Mr. Speaker and Members of the House: I understand, and perhaps you also understand that the Legal Affairs Committee had this bill under consideration for five or six weeks. I wish to say in regard to that committee that they were tired of this, they gave us an "Ought not to pass"

report, and I believe they came to a very fine understanding and judgment for the benefit of the City of Lewiston. I therefore hope that the motion of the gentleman from Lewiston (Mr. Malenfant) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: This bill was reported out by the Committee on Legal Affairs "Ought not to pass" unanimously. Two years ago, it is true this bill was presented which made the chief of the Police Department of Lewiston and the Chief of the Fire Department in Lewiston both removable for cause. That also went through unanimously. I would like to have you keep in mind the fact that at that time our Police Commission was being appointed by the Governor of Maine. It was after this bill passed that the minority report of the committee, "Ought not to pass" on the privilege of having us in Lewiston appoint our own Police Commission was reported out. It worked out admirably well, and as some of the previous speakers have said, and as some of the Members of the House have told me individually as they have gone through Lewiston, we are proud of the fact that we now have, if I may be boastful about my city a bit, one of the finest police departments in Lewiston. Our Police Chief at this time holds the office of President of the Union of Police Chiefs. I hope that this motion of the gentleman from Lewiston (Mr. Malenfant) does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Malenfant.

Mr. MALENFANT: Mr. Speaker and Members of the House: The Chief was on a four-year term from 1917 to 1945. No one ever mentioned that change as to appointment until the appointment of the Police Commissioner came back to Lewiston. It was the very same members of the Commission. I did not see any reason two years ago to change that. The fact that the Police Commissioners did not come up to oppose my bill is because they know it will be much better if we have a four year term for the Chief. It will give more protection to the Police Department. The Chief might last longer on the job

on a four-year term than he will on a life job.

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

Mr. McCLURE: Mr. Speaker and Members of the House: I fully realize I should not enter into anything dealing with Lewiston, but will we be consistent if we as members of this House — we voted to ratify an amendment limiting the term of our national leader to ten years — if we turn around and vote to give a life term to some other office holder in our State? I will say I will go along with my colleague, Mr. Malenfant. I think it is good American legislation and a man can be reelected, if he does a good job, at the end of four years.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. St. Pierre.

Mr. ST. PIERRE: Mr. Speaker, I will say I have been working with the gentleman from Lewiston, Mr. Malenfant for the last two years, and I know why he put in this bill: because he has a grudge against the Chief.

The SPEAKER: The Chair will state that the gentleman cannot impute motives.

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

Mr. WILLIAMS: Mr. Speaker, it was not my intention to say anything in regard to this measure, but I do want to say that this matter of tenure for Police Chief is not peculiar in Lewiston. They have it in Auburn and I believe they have it in Portland. Most of our chiefs now are attending the F. B. I. school, receiving some training, and continuity in office is consistent with good law enforcement practice. The same thing applies to our chiefs in our fire department, and I note there has been no attempt in Lewiston to change the appointment of the Fire Chief.

I believe that this bill should not be substituted for the report of the committee, and I am opposed to the motion of the gentleman from Lewiston, Mr. Malenfant.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Lewiston, Mr. Malenfant that the House substitute the bill for the "Ought not to pass" report of the committee, and a division has been requested. All those in favor of substituting the bill for the "Ought not to pass" report of the committee will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Twenty-seven having voted in the affirmative and fifty-one in the negative, the motion does not prevail. Is it now the pleasure of the House to accept the "Ought not to pass" report of the Committee?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. Mills: Mr. Speaker, there is considerable material that we have not covered in today's assigned matters, but if we spend the whole afternoon in considering matters in executive session and so on, we will probably make more progress if we refrain from having a meeting this afternoon. I therefore move that we adjourn until tomorrow morning.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the House adjourn until tomorrow morning. The Clerk will read the notices.

The Chair wishes to remind the members at this time that, including the unfinished item on today's calendar there will be twenty-three matters for consideration at tomorrow morning's session.

The gentleman from Farmington, Mr. Mills, moves that the House do now adjourn. Is this the pleasure of the House?

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