

# 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**

Tuesday, May 13, 1947.

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

Prayer by the Reverend Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

**Non-Concurrent Matters**

From the Senate: Resolve Providing Water Facilities for the Passamaquoddy Indians at Pleasant Point (H. P. 1535) (L. D. 1166) which was finally passed in the House on April 22nd and passed to be engrossed on April 14th as amended by Committee Amendment "A".

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.

From the Senate: An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers (S. P. 478) (L. D. 1336) which was passed to be enacted in the House on April 24th and passed to be engrossed as amended by Senate Amendment "A" on April 16th.

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

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

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

Mr. MARSANS: Mr. Speaker, I present an order and move its passage. I might say a word or two in regard to the order, if I may.

The SPEAKER: The Clerk will read the order.

The CLERK: (reading)

ORDERED, that the Clerk of the House be paid for his services in connection with the preparation and printing of the Register of Bills that he was directed to have prepared by Joint Order, H. P. 1458, an amount equal to four-fifths of the weekly salary received by him at the regular session.

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

Mr. MARSANS: As the members recall, we put in a special order, asking our Clerk to do this special work over and above those things which form the regular category of his assigned work, or the job that he is supposed to do during the interim period, and this will require four or five days' extra work on the Clerk's part, and I think it is only fair that he should receive reimbursement for that work.

Thereupon, the order received passage.

**Orders of the Day**

The SPEAKER: The Chair would state at this time that there is no further business which can be acted upon at this time, and it will be necessary for the House to recess from time to time throughout the day if we are to facilitate the closing of the session.

It is very important for every member to remain here at Augusta. It is also important for each member to get in touch with the absent members so that we may have a sufficient number of members to pass emergency bills which are required, in order for us to conclude the session.

On motion by Mr. Mills of Farmington,

The House recessed until 12:30 E.S.T.

**After Recess**

12:45 E.S.T.

The House was called to order by the Speaker.

The SPEAKER: Is it the pleasure of the House to take up, out of order and under suspension of the rules, the items appearing on Supplement No. 1 of the House Advance Journal.

The motion prevailed.

**Non-Concurrent Matters**

From the Senate: An Act relating to Salary of Superintendents of Schools" (H. P. 111) (L. D. 95) which was passed to be enacted in the House on May 1st and passed to be engrossed on February 28th.

Came from the Senate passed to be engrossed as amended by Sen-

ate Amendment "A" in non-concurrence.

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

Resolve in favor of the University of Maine for General Operations (H. P. 79) (L. D. 67) which was finally passed in the House on April 29th and passed to be engrossed on April 17th.

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

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

The following papers were taken up out of order under suspension of the rules:

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER

May 12, 1947

Honorable Harvey R. Pease  
Clerk of the House  
93rd Legislature  
Sir:

Pursuant to Joint Rule 8, the House is hereby informed that the Senate today indefinitely postponed

(1)—the following Bills:

Bill "An Act Relating to Allocation of Moneys by Governor and Council." (S. P. 247) (L. D. 710)

Bill "An Act to Increase the Working Capital of the State Liquor Commission." (S. P. 248) (L. D. 711)

Bill "An Act Relating to Increasing the Maximum Payment in Aid to the Blind." (S. P. 488) (L. D. 1354)

Bill "An Act Providing for the Perambulation of the Maine and New Hampshire Boundary Line." (H. P. 850) (L. D. 506)

Bill "An Act Relating to Duties of Governor-Elect with Advisory Committee on Budget". (H. P. 1318) (L. D. 915)

Bill "An Act Relating to Permanent State Trust Funds." (H. P. 1479) (L. D. 1080)

Bill "An Act Relative to Bounty on Bobcat, Loupcervier and Canada Lynx." (H. P. 1624) (L. D. 1284)

which were previously passed to be enacted in the House; also,

(2)—the following Resolves:

"Resolve Directing Commissioner of Sea and Shore Fisheries to Make Study of Life and Habits of Seals." (S. P. 118) (L. D. 355)

"Resolve Providing for Fire Protection at the Augusta State Hospital." (S. P. 269) (L. D. 813)

"Resolve in Favor of a Special Recess Committee to study the Creation of Domestic and Family Courts and Reports to the Legislature. (S. P. 283) (L. D. 806)

"Resolve in Favor of the City of Calais to Aid in Rebuilding School." (S. P. 342) (L. D. 975)

"Resolve in Favor of the University of Maine." (H. P. 325) (L. D. 203)

"Resolve Appropriating a Fund to Repair and Recondition the Lot and Monument of a Former Maine Governor." (H. P. 1016) (L. D. 649)

"Resolve Appropriating Money for Military Expenses." (H. P. 1262) (L. D. 934)

"Resolve in Favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War." (H. P. 1497) (L. D. 1122)

"Resolve to Provide Funds for Construction and Improvement of Bangor Airport in Old Town." (H. P. 1642) (L. D. 1328)

which were previously finally passed in the House; also, House; also,

(3) the Senate today adopted the Minority Report "Ought Not to pass" from the Committee on Ways and Bridges on

"Resolve in Favor of a Bridge across the St. John River," (H. P. 1231) (L. D. 835)

which came from the House previously, the Majority Report "Ought to Pass in a new draft" (H. P. 1762) and under the same title," accepted, and the bill in new draft having been passed to be engrossed; also, the Senate today failed to pass

Bill "An Act Relating to the Salary of Local Health Officers," (S. P. 296) (L. D. 797)

which was previously passed to be enacted in the House.

Respectfully,

(Signed)

CHESTER T. WINSLOW  
Secretary.

The Communication was read and ordered placed on file.

**Passed to be Enacted**

An Act Creating a Commission to Study the Need for a Medical School (Amended Title) (S. P. 164) (L. D. 403)

An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon (S. P. 510) (L. D. 1396)

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.

**Veto Message  
State of Maine  
Office of the Governor  
Augusta**

May 13, 1947

To the Honorable Senate and House of Representatives  
93rd Legislature

There is returned herewith, without approval, Legislative Document No. 1460, "An Act Increasing the Share of the State in Pari Mutuel Pools."

While the need of additional revenue by the State for the next fiscal biennium is very important to the State, I do not believe that need is such as to justify my signature on this bill.

Pari mutuel pools were authorized in Maine in order to assist the agricultural associations. One paragraph of Section 12 of Chapter 77 of the Revised Statutes, 1944 states:

"The commission is directed to assign such dates for holding harness horse races or meets for public exhibition, with pari mutuel pools, as will best serve the interests of the agricultural associations of Maine and may accordingly refuse to issue a permit if the issuance of the permit would in the opinion of the racing commission be detrimental to the interests of said agricultural associations or any of them."

I am convinced that the above quotation explains clearly the primary reason for authorization of pari mutuel pools. I do not consider that the additional revenue which might result from approval of this act transcends that of assisting the agricultural associations. The great majority of the agricultural associations in this State have opposed this bill and publicly have gone on record saying the passage of such a bill as this would "seri-

ously endanger the welfare of Maine's agricultural fairs." In this opinion they are supported by past and present members of the racing commission. In addition to believing the passage of this bill would do injury to the agricultural associations in violation of intent of the law which opened up pari mutuel betting in Maine, I also believe this an unsound financial measure. In vetoing a bill two years ago entitled "An Act Relating to Horse Races" I said:

"It does not seem advisable however at this time to extend further the reliance of the State on income from taxes of this nature. A State which depends too largely on income of this type builds on shifting sands and plants the seed of future financial disaster.

"Even if the anticipated revenue were to accrue there is good reason to doubt that there would be any net gain to the people of Maine. Sound business interests in communities which have become commercial racing meccas uniformly agree that there is little gain therefrom to the community and its surrounding territory, for what is taken in as 'easy money' is too often paid out to provide aid and assistance to an increased number of citizens who have dissipated their earnings at the races."

This Legislature itself has refused to open wider the doors of racing and gambling in the State of Maine by defeating an act to provide for the payment of a Veterans' Bonus out of the proceeds of "Running Horse Racing."

If such action is not advisable for payment of a veterans' bonus, I do not see how it is justifiable, particularly as an emergency, for the benefit of private business interests.

With these thoughts paramount in my mind, I return herewith, without approval, Legislative Document No. 1460.

Respectfully submitted,

(Signed) HORACE HILDRETH  
Governor of Maine

The SPEAKER: The Chair will state, for a clearer understanding of the members, that Article IV, Part Third, of the Constitution of Maine, Section 2, provides that

"Every bill or resolution having the force of law, to which the concurrence of both houses may be necessary, except on a question of adjournment, which shall have passed both houses, shall be pre-

sented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent together with the objections, to the other house, by which it shall be reconsidered, and, if approved by two-thirds of that house, it shall have the same effect, as if it had been signed by the Governor. . . .”

That is part of Section 2, so much as applies to this particular measure.

House Rule 56 is as follows: “When a bill or resolve shall be returned by the Governor with his objections,”

The Chair retracts that in regard to the previous statement. Section 2 of Article IV continues as follows: “. . . . but in all cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both houses respectively. . . .”

House Rule 56 provides that: “When a bill or resolve shall be returned by the Governor with his objections, the question shall be stated by the Chair, Shall this bill become a law notwithstanding the objections of the Governor? and the same in substance in case of a resolve; which question may be postponed to a day within the session, not exceeding one week, or may be committed. But no other question shall apply to bills and resolves originating in either branch.”

The pending question is: Shall this bill become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: In supporting the affirmative of the proposition that this bill should become law, notwithstanding the failure of the Governor to sign it, I would remind the House that this bill has twice been debated in the House and has twice passed the House by an overwhelming majority. The objections which have been mentioned by the Governor in his message were carefully considered by the House.

In the beginning there were marked objections by some of the fair associations but, as you all know, this bill was modified so that under the bill, as it now stands, horse racing at night terminates on the last Saturday in July, at which time, there are very few country fairs being held.

In the later days of the history of the bill, it appeared that some of our large fair promoters were by no means as strongly opposed to the bill as at first. In fact, in the last debate on the subject, the gentleman from Presque Isle, Mr. Brewer, gave us to understand that the race track at Gorham would not be the only race track in the State where night racing would be held.

On the side of the county fairs, the local fairs, it has been repeatedly said that these fairs serve as community centers, places where old friends meet. I do not see how the introduction of night racing can, in the least, interfere with these old customs which have made the fairs famous. I think the old people and the young people, who have been attending these fairs for many years, will keep on doing so. That is to say, this night racing is something entirely new; it will not interfere with the programs of the established fairs and, for that reason, it should not be rejected because of our country fairs, agricultural fairs.

The main reason that I see for passing this bill over the objection of the Governor is that it does bring in new revenue. For four months, we have been trying to uncover this new revenue; this bill was brought forward, as I understand, partly at the suggestion of members of the Appropriations Committee. It is a good bill; it does bring in the revenue; I do not see why night racing should be any more offensive to the public than day racing, and since the Governor's premises on which he based his veto have been carefully considered by the House and twice rejected, I feel that the House, at this time, should refuse to yield and should, as it is bound to do under our Constitution, insist upon this means of providing revenue.

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

Mr. RUSSELL: Mr. Speaker, when this matter first came up in this House, as an individual, I spoke

against it. I spoke against it because of the feelings that had been aroused by the experiences we had had in the Town of Gorham. We had had night racing there before. Today, however, and since that time—and today, I am speaking in behalf of a group of citizens in the Town of Gorham. We have in the Town of Gorham a very prosperous grange organization, the members of which are representative citizens of that town and they have passed a resolution, one sentence of which I would like to read to you: "Whereas we think that night racing would bring an undesirable element to our town and probably would be the means of depriving some of our children from having proper food and clothing, also it might increase town aid to some of our families." Those are the same sort of reasons that I mentioned individually. Since that time, there has been held here in the City of Augusta a State-wide conference of the Congregational Christian Church, laymen and ministers, alike, some three hundred and fifty of them, who unanimously passed a resolution condemning the extension of pari-mutuel betting and night racing and so forth. So, I not only speak for myself, I speak as a representative of my town, I speak for a great church of the State of Maine. I surely hope that a very large part of this audience will recognize the good sense of our Governor in vetoing this bill.

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

Mr. McCLURE: Mr. Speaker and Members of the House: We, in the House, passed this emergency measure by a two-thirds vote on this bill, when the people of the State were represented by more of their representatives than are here today. Many of our fellow members were unable to stay away from their personal business any longer, but I feel that if they were present, today, they would support this revenue raising measure and vote to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Harris.

Mr. HARRIS: Mr. Speaker and Members of the House: I think that every time I have spoken on this bill, it has been on the amount to be taken from the bettors. I gather

from all the remarks made here that there are not any bettors in the House. I would call that taxation without representation and I believe we had a Revolutionary War once over that very thing. But, aside from what I consider the unfairness of it, I think that the pari-mutuel betting in the State of Maine has survived for twelve years for just one reason, that is that it has only been one week in each place and it has not been long enough in one place to dip all of the water out of the well, so to speak. And I believe that if we race down there six weeks this year, we will have in this Legislature, two years from now, petitions to stop all pari-mutuel betting in the State of Maine. Now, that is one feature of this bill.

I would just like to say one word more about vetoing a bill, about voting on a bill that has been vetoed by the Governor. I want to say this: I would expect the House members of the minority party to naturally vote to overcome a Republican Governor's veto. On the other hand, I would expect the Republicans to respect the wishes and judgment of their Governor and the State Racing Commission. Therefore, I hope that the veto is not overruled.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: It is not necessary for me to state my position on this matter or review the things that I said previously. I do want to state, however, first, I believe that the revenue that would be received has been overestimated. Second, that I do not believe any revenue from this source would prove to be of any real or lasting benefit, and it is my belief and sincere conviction that the merchants located within fifty to seventy-five miles of any race track where gambling is conducted regularly each day will suffer; you will hear from them within a few weeks after any such track starts operating. Third, I too believe that there are many homes where too large a percentage of the family income will be squandered at such race tracks to the detriment of the children and members of the family. This, too, will result in family difficulties and increasing costs to the respective communities and the State of

Maine. I also believe that the passage of this bill would be detrimental and against the best interests of our agricultural fairs throughout the State of Maine. I know that the associations in the area of the State where I live are opposed to this bill. Therefore, I hope that this measure will not become law and I shall vote to sustain the veto.

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

Mr. JORDAN: Mr. Speaker, there is just one thing I would like to clear up in the minds of the members of the Legislature, who are now going to vote upon this measure. We voted it as an emergency measure which required a vote of two-thirds and we passed it.

Now, if you will look back two years ago, we had three weeks of Grand Circuit racing at Old Orchard. The first week in July, there was a race meet at Gorham. That comprised the whole month of July. The only thing, the only difference, this bill is going to make is two weeks in June when there is going to be night racing, to be sure. We have night racing at the present moment. Our so-called fairs which do not start until after August 1st hold race meets through the months of June and July and I would like to know how they can criticize this meet here when they do have no fairs at that particular time and they hold those meets as purely and simply race meets.

Now this will not hurt any fair at all. It will give the Gorham track two weeks, to be sure, extra than what they have had before. What I mean by that is that Old Orchard is not going to have the Grand Circuit any longer. Therefore, I can find no reasonable excuse for this veto. I can not see any reason why the House should not stand up and vote the same way they voted before, and I certainly hope that the House will stick by the vote they had the other day and override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Lovell, Mr. McKeen.

Mr. McKEEN: Mr. Speaker and Members of the House: If you will look back over a period of years, it will be easy for you to remember when our agricultural associations throughout the State of Maine were down and out. Over fifty per cent

of the grounds were mortgaged. They were head over heels in debt, unable to pay any premium to the farmer. This period ran along for several years until the Legislature discovered the critical condition in which our agricultural organizations were placed. And, for that reason, they created pari-mutuel betting. Today, our fairs are in a financially fine state, paying out thousands and thousands and thousands of dollars to the farmers in premiums, exhibiting the best cattle that the world produces, doing everything possible for the 4-H Club.

Now, let us see what happens. Along comes some individual and sees what a rake-off he is going to make by running night races. He even will go as far as to stipulate just how wide his track shall be, just what kind of shape it shall be in, and so forth and so on. He holds out better invitations to the horse-men, better accommodations, everything that is impossible for our fairs to hold out. Gentlemen, this bill is going to benefit no one but just a few individuals who see a chance to make thousands and thousands of dollars for themselves.

There is another bad feature about this bill. I voted against the bill and there is no reason why I should not speak and vote against it this time. If the people of the State of Maine think that they are going to drink and gamble themselves into prosperity, it is my opinion that they have got another thought coming to them. I regret to say that we have had many good, fair, honest tax measures put up here before this Legislature to vote on that they voted down. But no, they see where they can get their hands into some of this money here and pull it out of the people who are less able to pay it. This is the way they want to pay their taxes, and let me tell you for every dollar that you ever get this way, you will pay out two. I hope we support the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. DeSanctis.

Mr. DeSANCTIS: Mr. Speaker and Members of the House: I wish to call your attention to the next to the last paragraph of the Governor's veto message. I quote: "This Legislature, itself, has refused to open wider the doors of racing and gambling in the State of Maine by defeating an act to provide for



the payment of veterans' bonus out of the proceeds of running horse races." I remember very distinctly two years ago in the 92nd Legislature, of which I was a member, both branches passed a bonus measure for running races and the then Governor that we now have vetoed that bill and the veto was sustained. It also has been mentioned, today, by a previous speaker that the members of the Republican Party should go along with the Governor's veto. Well I kind of disagree with him there, I believe that we are living in a democracy, this is a free country, and I shall vote to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker and Members of the House: I presume that perhaps there are other members of the House who find themselves in the same situation as I am. I voted against this bill when it first came up, but when it was very apparent that the majority wanted it, I voted for it to pass as an emergency. But now that the Governor, the leader of our party, deems that it is an unwise measure, I certainly shall vote to sustain his action.

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

Mr. WEBBER: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Bangor, Mr. Webber has moved the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present. Those in favor of the Chair entertaining the motion for the previous question will please rise and stand in their places until counted and the monitors have made and returned the count.

A sufficient number arose.

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

The question before the House now is: Shall the main question be put now? All those in favor will say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House is: Shall this bill

become a law notwithstanding the objections of the Governor. All those in favor of this bill becoming a law, notwithstanding the objections of the Governor, will say aye and those who are opposed will say no, as the Clerk calls the roll. The Clerk will call the roll.

#### Roll Call

YEA—Adams, Anderson, Atherton, Bell, Berry, Berryman, Boulter, Bove, Bowker, Brown, Milford; Brown, Unity; Brown, Wayne; Burgess, Carville, Chase, Cape Elizabeth; Christensen, Clements, Cole, Collins, Cousins, DeSanctis, Dicker, Dostie, Lewiston; Ellis, Finnegan, Foley, Fowler, Fuller, Hallowell; Hammond, Hayward, Hobbs, House, Jalbert, Jennings, Jordan, Saco; Jordan, South Portland; Kelly, Labbe, Laughton, Lombard, Lord, MacPherson, Malenfant, Marshall, McClure, McGown, Moreau, Nadeau, Palmer, Palmeter, Patterson, Peirce, Randall, Rich, Robbins, Sargent, Seeger, Sharpe, Silsby, Sleeper, Smith, Exeter; Smith, Westbrook; St. Pierre, Thomas, Thompson, Tremblay, Webber, Weeks, Wight, Woodworth.

NAY—Allen, Ames, Benn, Bickford, Burton, Byron, Campbell, Chase, Limington; Curtis, Day, Elliott, Emerson, Fuller, Buckfield; Gray, Hall, Hanson, Harris, Haskell, Hatch, Johnston, Kent, Lee, Longstaff, Marsans, McKeen, Mills, Morison, Nichols, Payson, Perkins, Plummer, Rankin, Rollins, Ross, Russell, Snow, Stearns, Sterling, Sweetser, Tabb, Torrey, Turner, Williams, Auburn; Williams, Topsham.

ABSENT: Bird, Brewer, Broggi, Brown, Baileyville; Cadorette, Carey, Cormier, Daniels, Dean, Dorsey, Dostie, Winslow; Doucette, Dufour, Fitch, Gallant, Heanssler, Holt, Judkins, Lacharite, Leavitt, Legard, Lessard, Martin, McGlauffin, Meloon, Moulton, Muskie, Poulin, Prout, Savage, Smart, Stetson, Violette, Woodbury.

Yes 70, No 44, Absent 34.

Mr. NICHOLS of Windham: Mr. Speaker - -

The SPEAKER: For what purpose does the gentleman rise?

Mr. NICHOLS: Mr. Speaker, I want to change my vote to "No". I was trying to keep this roll call and I got mixed up.

The SPEAKER: The Clerk will call the name of the gentleman from Windham, Mr. Nichols.

The CLERK: Nichols.

Mr. NICHOLS: "No".

Mr. ROLLINS of Greenville: Mr. Speaker - -

The SPEAKER: For what purpose does the gentleman rise?

Mr. ROLLINS: Mr. Speaker, I wish to change my vote.

The SPEAKER: The Clerk will call the name of the gentleman from Greenville, Mr. Rollins.

The CLERK: Rollins.

Mr. ROLLINS: "No".

The SPEAKER: Seventy having voted in the affirmative and forty-four in the negative, making a total of one hundred and fourteen members present, seventy being less than two-thirds, the veto has been sustained.

Mr. ROLLINS: Mr. Speaker - -

The SPEAKER: For what purpose does the gentleman rise?

Mr. ROLLINS: I move that the House reconsider its action just taken and that the motion lie on the table.

The SPEAKER: The gentleman may not move to reconsider the action. The motion is not in order.

Mr. McCLURE of Bath: Mr. Speaker - -

The SPEAKER: For what purpose does the gentleman rise?

Mr. McCLURE: I move that the rules be suspended, Mr. Speaker.

The SPEAKER: What rule does the gentleman wish to suspend?

Mr. McCLURE: The order that we cannot reconsider this.

The SPEAKER: The Constitution of Maine provides such action.

Is it the pleasure of the House to take up two additional enactors at this time?

#### Passed to be Enacted

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

#### Finally Passed

Resolve in Favor of the University of Maine for Buildings (H. P. 80) (L. D. 68)

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

On motion by Mr. Mills of Farmington, the House voted to take from the table the first tabled and unassigned matter, An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1948, and June 30, 1949, tabled by that gentleman on May 12th pending passage to be enacted.

Mr. MILLS: Mr. Speaker, I move the pending question.

The SPEAKER: This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of its passage to be enacted 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: One hundred and ten having voted in the affirmative and one in the negative, one hundred and ten being more than two-thirds of the entire elected membership of the House, the bill has been passed to be enacted as an emergency measure. It will be signed by the Speaker and sent to the Senate.

On motion by Mr. Mills of Farmington, the House voted to take from the table the second tabled and unassigned matter, An Act to Provide Revenue for the Construction and Extension of Airports, and to Regulate and Control the Expenditures Thereof, tabled by that gentleman on May 12 pending passage to be enacted.

Mr. MILLS: Mr. Speaker, I move the pending question.

The SPEAKER: This being an emergency measure, under the Constitution, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of its passage to be enacted 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: One hundred and six having voted in the affirmative and none in the negative, one hundred and six being more than two-thirds of the entire elected membership of the House, the bill has been passed to be enacted as an emergency measure. It will be signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair will remind the members that on all of these emergency matters, with the small House, it is very necessary that you all vote if you are in favor of the emergency matter. Failing passage, it will be necessary to reconsider and lay the matter on the table, and you will be delaying the final adjournment of this Legisla-

ture if you fail to vote on these matters when you are in favor of them.

The Chair would like to state at this time that there will be further emergency measures which will require passage on the part of this House before we can reach final adjournment, and it is very necessary that every member remain until we can dispose of those matters. There are no further matters which can be acted upon at this time.

On motion by Mr. Mills of Farmington,

The House recessed until 4:00 P. M. E. S. T.

#### After Recess

4:00 P. M., E. S. T.

The House was called to order by the Speaker.

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

Mr. ROLLINS: Mr. Speaker, I now renew my motion for reconsideration.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, has moved reconsideration of the vote taken on the communication of the Governor returning without his approval "An Act Increasing the Share of the State in Pari-Mutuel Pools.

As previously ruled by the Chair, this motion for reconsideration is not in order.

The Chair will read from the Constitution of Maine under Article IV, Part Third, "Sec. 2. Every bill or resolution having the force of law, to which the concurrence of both houses may be necessary, except on a question of adjournment, which shall have passed both houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the house, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent together with the objections, to the other house, by which it shall be reconsidered, and, if approved by two-thirds of that house, it shall have the same effect,

as if it had been signed by the Governor."

The Chair will state that this question was raised in Congress some years ago.

A bill was returned to the house with the objections of the president. It was moved, that the house on reconsideration agree to pass the bill, the objections of the president to the contrary notwithstanding, the vote was taken and two-thirds not voting in favor thereof, the bill was not passed. Thereupon, a motion was made to reconsider the vote by which the house refused to pass the bill notwithstanding the objections of the president.

Mr. Mann raised the question of order that the vote could not be reconsidered. The speaker sustained the point of order and said: "The vote was taken under the provisions of the constitution, after reading the constitutional provisions, he continued: The Chair thinks the motion to reconsider does not apply. This question so far as the Chair has found has never been raised but once, and that was June 12th, 1844 (66 years previous) when John W. Jones was speaker, here the Speaker read the ruling of Speaker Jones. The decision was that inasmuch as the vote now proposed to be reconsidered was taken in a manner expressly provided by the constitution, and having thus been taken, the decision must be final, and no motion to reconsider is in order.

The SPEAKER: Is it now the pleasure of the House to take up, out of order and under suspension of the rules, the items appearing on Supplement Number 2, to the House Advance Journal?

The motion prevailed.

#### Non-Concurrent Matters

From the Senate: Resolve in favor of Freedom Academy (S. P. 375) (L. D. 1059) which was finally passed in the House on May 9th and passed to be engrossed on May 7th.

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

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

From the Senate: Resolve in favor of Bridgton Academy (S. P. 416) (L. D. 1202) which was finally

passed in the House on May 8th and passed to be engrossed as amended by House Amendment "A" on May 7th.

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

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

From the Senate: Resolve in favor of Portland Junior College (H. P. 414) (L. D. 244) which was finally passed in the House on May 8th and passed to be engrossed as amended by Senate Amendment "A" on May 7th.

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

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

#### House Committee Report Ought Not to Pass

Mr. Hayward from the Committee on Ways and Bridges on the following Resolves:

H. P. 103. Resolve in Favor of the Town of Bingham.

H. P. 202. Resolve in Favor of the Town of Machiasport.

H. P. 215. Resolve in Favor of the Town of Dresden.

H. P. 278. Resolve in Favor of the Town of Milford.

H. P. 321. Resolve in Favor of the town of New Gloucester.

H. P. 359. Resolve in Favor of the Town of Limestone.

H. P. 373. Resolve in Favor of the Town of Woolwich.

H. P. 383. Resolve in Favor of the Town of Harpswell.

H. P. 516. Resolve in Favor of the Town of Oakfield.

H. P. 523. Resolve in Favor of the Town of Conner.

H. P. 564. Resolve in Favor of the Town of Farmingdale.

H. P. 569. Resolve in Favor of the Town of Norway.

H. P. 693, L. D. 448. Resolve in Favor of the Town of Skowhegan.

H. P. 706. Resolve in Favor of the Town of Richmond.

H. P. 709. Resolve in Favor of the Town of Madison.

H. P. 713. Resolve in Favor of the Town of West Gardiner.

H. P. 724. Resolve in Favor of the Town of Skowhegan.

H. P. 725. Resolve in Favor of the Town of Skowhegan.

H. P. 768. Resolve Relating to the Road Leading from Benton to Unity.

H. P. 792. Resolve in Favor of the Town of Pownal.

H. P. 811. Resolve in Favor of the Town of Fairfield.

H. P. 963. Resolve in Favor of the Town of Lincoln.

H. P. 991. Resolve in Favor of the Town of Milo.

H. P. 994. Resolve in Favor of the Town of Dexter.

H. P. 995. Resolve in Favor of the Town of Garland.

H. P. 1004. Resolve in Favor of the Town of New Sharon.

H. P. 1007. Resolve in Favor of the Town of Chesterville.

H. P. 1008. Resolve in Favor of the Town of Chesterville.

H. P. 1014. Resolve in Favor of the Town of Van Buren.

H. P. 1015. Resolve in Favor of the Town of Van Buren.

H. P. 1041. Resolve in Favor of the Town of Leeds.

H. P. 1120. Resolve in Favor of the Town of Dover-Foxcroft.

H. P. 1123. Resolve in Favor of the Town of Westfield.

H. P. 1131. Resolve in Favor of the Boy Scouts of America.

H. P. 1132. Resolve in Favor of the City of Brewer.

H. P. 1135. Resolve in Favor of the Town of Woolwich.

H. P. 1233. Resolve in Favor of the Town of Rumford.

H. P. 1240. Resolve in Favor of New Canada Plantation.

H. P. 1250. Resolve in Favor of the Town of Fryeburg.

H. P. 1338. Resolve in Favor of the Town of Belgrade.

H. P. 1421. Resolve in Favor of the Town of Greenwood.

H. P. 1422. Resolve in Favor of the Town of Hanover.

H. P. 1423. Resolve in Favor of the Town of Upton.

H. P. 1454. Resolve in Favor of the Town of Newry.

H. P. 1455. Resolve in Favor of the Town of Newry.

H. P. 1622. Resolve in Favor of the Town of Merrill.

reported "Ought not to pass".

Report was read and accepted.

#### Senate Papers Out of Order

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: The following Orders:

**ORDERED**, the House concurring, that the bound copies of the Legislative Record of the 93rd Legislature, complete with a suitable index, be delivered to the members of the 93rd Legislature not later than December 31, 1947, under the direction of the Secretary of the Senate and the Clerk of the House. (S. P. 554)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

**ORDERED**, the House concurring, that H. P. 22, L. D. 12, Bill "An Act Relating to Salary of State Auditor," be recalled from the Governor to the Senate. (S. P. 555)

Came from the Senate read and passed.

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

Mr. **MILLS**: Mr. Speaker, with regard to this order, I believe the difficulty with the bill as it stands is that this salary is retroactive, the passing of a bill to give a man back pay, dating back some time. It was not intended that way at all, as I understand it. That reason was brought out in the other branch, and that is the reason it was passed here. It is immaterial to me, but I think they have very real reason for wanting it back.

The **SPEAKER**: The question before the House is on the passage of this order. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the order received passage in concurrence.

**Passed to be Enacted  
Out of Order**

An Act relating to Applications for Old Age Assistance (S. P. 487) (L. D. 1355)

An Act relating to Reimbursing Towns for Tuition for Pupils Attending Secondary Schools (S. P. 501) (L. D. 1369)

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.

On motion by Mr. Mills of Farmington,

The House recessed until 7:30 P. M., E. S. T.

**After Recess**

**7:40 P. M., E. S. T.**

The House was called to order by the Speaker.

The **Speaker**: Is it the pleasure of the House to take up out of order and under suspension of the rules items appearing on Supplement No. 3 to the House Advance Journal?

The motion prevailed.

**\* Non-Concurrent Matter**

From the Senate: An Act relating to Salary of State Auditor (H. P. 22) (L. D. 12) which was recalled to the Senate from the Governor, and which was passed to be enacted in the House on April 21st, and which was passed to be engrossed on March 28th.

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

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

**Passed to be Enacted  
(Out of Order)**

An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers (S. P. 478) (L. D. 1336)

An Act relating to Salary of Superintendents of Schools (H. P. 111) (L. D. 95)

**Finally Passed**

Resolve in favor of the University of Maine for General Operations (H. P. 79) (L. D. 67)

Resolve Providing Water Facilities for the Passamaquoddy Indians at Pleasant Point (H. P. 1535) (L. D. 1166)

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

Final Reports of the following Joint Standing Committees:

Aeronautics  
Agriculture  
Banks and Banking  
Claims  
Counties  
Commerce  
Education  
Federal Relations  
Indian Affairs  
Inland Fisheries and Game

Interior Waters  
 Judiciary  
 Labor  
 Legal Affairs  
 Maine Publicity  
 Manufactures  
 Mercantile Affairs  
 Military Affairs  
 Mines and Mining  
 Motor Vehicles  
 Pensions  
 Public Buildings and Grounds  
 Public Health  
 Public Utilities  
 Salaries and Fees  
 Sea and Shore Fisheries  
 State Hospitals  
 State Lands and Forest Preservation  
 State Prison  
 State Sanatoriums  
 State School for Boys, State School for Girls, and State Reformatories  
 Temperance  
 Towns  
 University of Maine  
 Welfare.  
 Came from the Senate read and accepted.

In the House: Report was read.

The SPEAKER: The Chair recognizes the gentleman from Caratunk Plantation, Mr. Sterling.

Mr. STERLING: Mr. Speaker, I see that the Ways and Bridges Committee does not seem to be on here. I wonder if it has been omitted for some reason.

The SPEAKER: This is simply a list of the committees which have filed their final reports.

Thereupon, the report was accepted in concurrence.

**ORDER  
 (Out of Order)  
 Tabled**

Mr. Bell of Thomaston, presented the following order and moved its passage:

ORDERED, That the Clerk of the House be authorized to distribute to each member of the House, except those on the Judiciary Committee, a copy of the session laws of 1945; and be it further

ORDERED, That the Clerk of the House be authorized to distribute a copy of the Revised Statutes of 1944 to each member of the House, except those on the Judiciary and Legal Affairs Committees and except those who have previously in this session of the legis-

lature received a copy of the Revised Statutes of 1944.

On motion by Mr. Berryman of Sidney, the order was tabled pending passage.

The SPEAKER: The House may be at ease until the sound of the gong, a matter of twenty minutes.

**House at Ease**

**9:00 P. M. E. S. T.**

Called to order by the Speaker.

The SPEAKER: Is it the pleasure of the House to take up out of order and under suspension of the rules the items appearing on Supplement No. 4 to the House Advance Journal?

The motion prevailed.

**Finally Passed**

Resolve in favor of Freedom Academy (S. P. 375) (L. D. 1059)

Resolve in favor of Bridgton Academy (S. P. 416) (L. D. 1202)

Resolve in favor of Portland Junior College (H. P. 414) (L. D. 244)

**Passed to be Enacted**

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

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

The SPEAKER: The House may be at ease for approximately ten minutes.

**House at Ease**

**9:20 P. M. E. S. T.**

Called to order by the Speaker.

**Veto Message**

STATE OF MAINE  
 OFFICE OF THE GOVERNOR  
 AUGUSTA

May 13, 1947

To the Honorable  
 House of Representatives  
 93rd Legislature

There is returned herewith, without approval, Legislative Document No. 1065, H. P. 1461 "An Act Amending the Law Relating to the State Board of Arbitration and Conciliation."

This bill, which is not limited to disputes involving public utilities,

would authorize the Governor, by Proclamation, to declare that a dispute between an employer and his employes has created a public emergency. Upon such declaration and upon direction of the Governor, the State Board of Arbitration and Conciliation is authorized to settle the dispute on its own terms and both parties to the dispute, although unwilling so to do, must accept and carry out the Board's mandate. This legislation would force Labor to accept and work without its consent under conditions specified by the Board of Arbitration and Conciliation. The working man could thus be required to work against his own free will. The rights of free men should not be so limited.

In like manner, the bill requires Industry to accept and carry out the mandates of the Board, but such mandates so stifle the employer involved as to completely destroy his business.

This legislation is not constructive from the point of view of either Labor or Industry, and the past record of Labor and Industry in this State does not indicate that it is required for the protection of the public.

Free enterprise and free labor are the very bulwarks of this Nation and should not be lightly abandoned. This legislation goes far beyond that required to provide for the general welfare of this State.

Respectfully submitted

(Signed) HORACE HILDRETH  
Governor of Maine.

The SPEAKER: The pending question before the House is: "Shall this bill become a law notwithstanding the objections of the Governor?"

The Constitution of the State of Maine provides that the vote shall be taken by the yeas and nays.

All those in favor of this bill becoming a law notwithstanding the objections of the Governor will say aye and those opposed will say no as the Clerk calls the roll. The Clerk will call the roll.

#### Roll Call

YEA—Berry, Brown, Unity; Chase, Cape Elizabeth; Jordan, So. Portland; McClure, Sharpe, Tremblay.

NAY—Adams, Allen, Ames, Anderson, Atherton, Bell, Benn, Berryman, Bickford, Boulter, Bove, Bowker, Brown, Wayne; Burgess, Burton, Byron, Campbell, Carville Chase, Limington; Christensen, Clements, Cormier, Cousins, Curtis, Day, DeSanctis,

Dicker, Dostie, Lewiston; Dostie, Winslow; Elliott, Ellis, Emerson, Finnegan, Fowler, Fuller, Buckfield; Fuller, Hal-  
lowell; Gray, Hall, Hammond, Hanson, Harris, Haskell Hatch, Hayward, House, Jalbert, Jennings, Johnston, Jordan, Saco; Kelly, Kent, Labbe, Laughton, Legard, Lombard, Longstaff, MacPherson, Malenfant, Marsans, Marshall, McGown, McKeen, Mills, Morison, Nadeau, Nichols, Palmer, Palmeto, Patterson, Payson, Peirce, Perkins, Plummer, Randall, Rankin, Rich, Robbins, Rollins, Ross, Russell, Sargent, Seeger, Silsby, Smart, Smith, Exeter; Smith, Westbrook; Snow, Stearns, Sterling, St. Pierre, Sweetser, Tabb, Thomas, Torrey, Turner, Weber, Weeks, Wight, Williams, Auburn; Williams, Topsham.

ABSENT: Bird, Brewer, Broggi, Brown, Baileyville; Brown, Milford; Cadorette, Carey, Cole, Collins, Daniels, Dean, Dorsey, Doucette, Dufour, Fitch, Foley, Gallant, Heanssler, Hobbs, Holt, Judkins, Lacharite, Leavitt, Lee, Lessard, Lord, Martin, McGlaulin, Meloon, Moreau, Moulton, Muskie, Poulin, Prout, Savage, Sleeper, Stetson, Thompson, Violette, Woodbury, Woodworth.

Yes 7, No 100, Absent 41.

Mr. LAUGHTON of Ripley: Mr. Speaker,—

The SPEAKER: For what purpose does the gentleman rise?

Mr. LAUGHTON: I wish to change my vote, Mr. Speaker.

The SPEAKER: The Clerk will call the gentleman's name.

The CLERK: Mr. Laughton.

Mr. LAUGHTON: "No."

The SPEAKER: Seven having voted in the affirmative and one hundred in the negative, and seven being less than two-thirds of the members present, the bill fails to become a law.

#### House at Ease

10:45 P. M., E. S. T.

Called to order by the Speaker.

The SPEAKER: Is it the pleasure of the House to take up out of order and under suspension of the rules the items appearing on Supplement Number 6 of the House Advance Journal?

The motion prevailed.

From the Senate: The following Communications:

STATE OF MAINE  
SENATE CHAMBER

May 13, 1947.

Honorable Harvey R. Pease  
Clerk of the House  
93rd Legislature  
Sir:

Pursuant to Joint Rule No. 8, the House is hereby informed that the Senate indefinitely postponed the following bills:

(1)

"Resolve Providing for Construction of Homes for Physicians at the Augusta State Hospital." (S. P. 371) (L. D. 814)

"Resolve in favor of the City of Calais to Aid in Rebuilding School." (S. P. 342) (L. D. 975)

"Resolve in favor of the University of Maine." (H. P. 325) (L. D. 203)

"Resolve to Authorize a Forest Survey for the State of Maine." (H. P. 1047) (L. D. 686)

which had previously been finally passed in the House; also,

(2)

Bill "An Act Relating to Taxation of Various Corporations." (S. P. 244) (L. D. 664)

Bill "An Act Relating to the Salaries of the Officers of the Legislature." (H. P. 1759) (L. D. 1506) which had previously been passed to be enacted in the House.

Respectfully,

(Signed)

Chester T. Winslow  
Secretary.

The Communication was read and ordered placed on file.

STATE OF MAINE  
SENATE CHAMBER

May 13, 1947.

From the Senate:

Honorable Harvey R. Pease  
Clerk of the House  
93rd Legislature  
Sir:

The Governor of the State having returned to the Senate (S. P. 233) (L. D. 644) Bill "An Act Relating to Pensions or Annuities of Deceased Teachers," with his objections to the same; the Senate proceeded to vote on the question: "Shall the bill become a law notwithstanding the objections of the Governor?"

A Yea and Nay vote was taken; 4 having voted in the affirmative

and 20 in the negative, bill failed to become a law.

Respectfully,  
(Signed)

Chester T. Winslow  
Secretary.

The Communication was read and ordered placed on file.

STATE OF MAINE  
SENATE CHAMBER

May 13, 1947.

From the Senate:

Honorable Harvey R. Pease  
Clerk of the House  
93rd Legislature

Sir:

The Governor of the State having returned to the Senate "Resolve in Favor of Hugh J. Andrews," (S. P. 30) (L. D. 1481) with his objections to the same, the Senate proceeded to vote on the question: "Shall the bill become a law notwithstanding the objections of the Governor?"

A Yea and Nay vote was taken: 9 having voted in the negative, the bill failed to become a law.

Respectfully,

(Signed)

Chester T. Winslow  
Secretary.

The Communication was read and ordered placed on file.

House Committee Report  
(Out of Order)

Mr. FINNEGAN from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1948, and June 30, 1949" (H. P. 413) (L. D. 295) reported same in a second new draft (H. P. 1763) under same title and that it "Ought to pass"

Report was read and accepted and the Bill was given its three several readings under suspension of the rules, passed to be engrossed and sent up for concurrence.

Veto Message

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

May 13, 1947.

To the Honorable Speaker of the House of Representatives:

There is returned herewith, without approval, House Paper 1069, Legislative Document 700, "AN ACT Relating to Determination of Val-



uation of Property with Relation to Inheritance Tax."

The Attorney General has written with reference to this Act as follows:

"This Act purports to repeal and replace Section 26 of Chapter 142 of the Revised Statutes, as it now exists, which is in conflict with Section 10 of Chapter 354 of the Public Laws of 1947, passed by the legislature and approved by the Governor on May 8, 1947, which provides that the State Tax Assessor shall determine the value of property.

"Furthermore, the provisions of this proposed legislation are contrary to the policy of this State, in that it places the burden upon the State to accept the appraised value of the property as submitted by attorneys for heirs in estates where inheritance taxes may be payable; and the only way that the State Tax Assessor or Commissioner could alter the appraised value of the property of the estate of a deceased person as set out in the inventory filed by the executor, administrator or trustee, is by petition in equity to the Probate Court in the county where the estate is being administered for alteration of such value, which places an undue burden upon the taxing agency of the sovereignty, whether it is the Inheritance Tax Commissioner, as provided under the present statute, or by the State Tax Assessor, as provided by Chapter 354 of the Public Laws of 1947.

"Therefore, as attorney for the State, I cannot approve this type of legislation."

In view of the foregoing I do not feel justified in signing this bill.

Respectfully submitted,

(Signed) HORACE HILDRETH  
Governor of Maine.

The SPEAKER: The pending question is: Shall this bill become law notwithstanding the objections of the Governor? Is the House ready for the question?

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

Mr. PERKINS: Mr. Speaker and Members of the House: I had not expected to address this House again, but this bill, on which we have received a veto, is a bill which received the consideration of your Judiciary Committee of this Legislature, which consists of ten lawyers. The Governor has simply adopted the opinion of the Attorney General as his veto message.

And I want to say to you, Mr. Speaker and Members of the House, that as far as the Judiciary Committee of this Legislature is concerned, I, as House Chairman thereof, do not accept the opinion of the Attorney General in a matter of law of this kind.

There are members on the Judiciary Committee who have practiced probate law in this State for nearly forty years and the object of the statute—the bill which was reported, and is now vetoed by the Governor, simply was passed for the purpose that the value of property in the estate of a deceased person should be determined in the probate courts of this State and not by a little Hitler up here in the State House. And as far as I am concerned, if I am the only man here, the only man or woman here, for that matter, I shall vote "yes" upon the pending question.

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

Mr. PEIRCE: Mr. Speaker, several weeks ago this House passed a bill which transferred the functions of the inheritance tax division from the Attorney General's office to the Department of the State Tax Assessor. One of the reasons I supported that legislation was that this bill supposedly went along with it and protected the interests of the estates against any arbitrary decisions which the Tax Assessor might make. I believe that this is very necessary companion legislation to that which we have already enacted, and I urge this House to vote "yes" on the question.

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

Mr. MILLS: Mr. Speaker, in arguing for this bill, I do not feel that I am opposing the Governor of the State, because I ask you to refer to the veto message. The veto message merely adopts the opinion of the Attorney General. It is summarized by the words "therefore, as attorney for the State, I do not approve this type of legislation." That is the Attorney General speaking to the Governor—he says "I do not approve this legislation." So the Governor says just below that: "In view of the foregoing, I do not feel justified in signing this bill."

Now the last time I was in the Legislature, in 1941, this same At-

torney General was Chairman of the Judiciary Committee. Now he happens to be Attorney General, and he is filing a minority report from the Attorney General's office which has the force of a veto, and I don't think he ought to be given all that power, I think it is more than he should exercise.

I may say this bill was introduced by the Honorable Oscar Dunbar of Machias, who has practiced law for a great many more years than the Attorney General has. I say that on the record. He probably knows a great deal more about law of this type. And this is no disparaging remark as far as the Attorney General is concerned; it is just a fact. Oscar Dunbar is one of the leading probate lawyers in the State of Maine; he knows more probate law than any of us.

This bill had a full hearing and had the unanimous consent of the Judiciary Committee, went through both branches of the Legislature unanimously. It is a protection to the people of the State of Maine against arbitrary, injudicious rulings from the State House. That was the purpose of it. It was a hedge against any difficulties that might be encountered in concentrating a lot of power in the Tax Assessor's office. I think it is a good bill notwithstanding the veto of the Governor.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not an attorney, but notwithstanding that fact, the last sentence here, also the second to the last paragraph, that is, gets me: "Therefore, as attorney for the State I can not approve of this type of legislation." I do not believe this bill involves party politics in any way but this thought strikes me: We have in Maine, in our Legislature, a Judiciary Committee. Nine attorneys serve on that committee, nine attorneys selected by the people. The opinion of one man is the opinion of a man who succeeds in getting enough votes from the members of the Legislature to be so elected and to serve as Attorney General.

I say it again, my remarks are not certainly political, my remarks are not from a legal standpoint—I am not an attorney—but this sentence: "... therefore, as attorney for the State, I can not approve

this type of legislation."! For my money, I will take a shot on the nine members of the Judiciary Committee who are attorneys and who were elected by the people and not through political maneuvers.

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

Mr. MILLS: Mr. Speaker, I wish to make a slight correction in the remarks that I made a minute or two ago. The author or person who introduced this bill, the sponsor of it, was not Oscar Dunbar. It was Representative Muskie from Waterville, who made a very able presentation before the committee as he has many times here in the House. The reason I had in my mind the Honorable Oscar Dunbar was the author of it was because of his intense interest in it. I assure you that he had just as much interest in it and believed in the bill just as much as he would have had he been the author of it.

The SPEAKER: The Chair recognizes the gentleman from Aurora, Mr. Silsby.

Mr. SILSBY: Mr. Speaker and Members of the House: I am tired and I know you good people are and I am not going to take the time to debate this issue tonight but I know it is a good bill and it should be passed and I shall vote "yes" when the vote is taken.

The SPEAKER: Is the House ready for the question?

The pending question is: Shall this bill become law notwithstanding the objection of the Governor? All those in favor of this bill becoming law notwithstanding the objections of the Governor will say aye and those opposed will say no as the Clerk calls the roll. The Clerk will call the roll.

#### Roll Call

YEA—Adams, Allen, Ames, Anderson, Atherton, Bell, Benn, Berry, Berryman, Bickford, Boulier, Bove, Bowker, Brown, Milford; Brown, Unity; Brown, Wayne; Burgess, Burton, Byron, Campbell, Carville, Chase, Cape Elizabeth; Chase, Limington; Christensen, Clements, Cormier, Cousins, Curtis, Day, DeSanctis, Dicker, Dostie, Lewiston; Elliott, Ellis, Emerson, Flinnegan, Foley, Fowler, Fuller, Buckfield; Fuller, Hallowell; Gray, Hall, Hammond, Hanson, Harris, Haskell, Hatch, Hayward, House, Jalbert, Jennings, Johnston, Jordan, Saco; Jordan, So. Portland; Kelly, Kent, Labbe, Laughton, Legard, Lombard, Longstaff, MacPherson, Malenfant,

Marsans, Marshall, McGown, McKeen, Mills, Morison, Nadeau, Nichols, Palmer, Palmeter, Patterson, Peirce, Perkins, Plummer, Randall, Rankin, Rich, Robbins, Rollins, Ross, Sargent, Seeger, Sharpe, Silsby, Smart, Smith, Exeter; Smith, Westbrook; Snow, Stearns, St. Pierre, Sweetser, Tabb, Thomas, Torrey, Tremblay, Turner, Webber, Weeks, Wight, Williams, Auburn; Williams, Topsham; Woodworth.

**NAY**—McClure, Sleeper, Sterling.

**ABSENT**: Bird, Brewer, Broggi, Brown, Baileyville; Cadorette, Carey, Cole, Collins, Daniels, Dean, Dorsey, Dostie, Winslow; Doucette, Dufour, Fitch, Gallant, Heanssler, Hobbs, Holt, Judkins, Lacharite, Leavitt, Lee, Lesard, Lord, Martin, McGlauffin, Meloon, Moreau, Moulton, Muskie, Payson, Poulin, Prout, Russell, Savage, Stetson, Thompson, Violette, Woodbury.

Yes 105, No 3, Absent 40.

The **SPEAKER**: One hundred and five having voted in the affirmative and three in the negative, one hundred and five being more than two-thirds of the members present, this bill becomes law notwithstanding the objections of the Governor. It shall be sent, together with his objections, to the Senate.

The following Orders were taken up, out of order and under suspension of the rules:

On motion by Mr. Mills of Farmington, it was

**ORDERED**, that the Clerk of the House be presented with the ~~same~~ desk and chair used by him in his office during the present session, ~~these being the same which were~~ presented to him at the last session.

On motion by Mr. Rankin of Bridgton, it was

**ORDERED**, that the State Librarian mail to each member and officer of the House, a copy of the Laws of this session when completed.

On motion by Mr. Marsans of Monmouth, it was

**ORDERED**, that the Clerk of the House mail to each member of the House of Representatives the balance of the Legislative Record beginning with April 11th.

On motion by Mr. Burton of Milo, it was

**ORDERED**, that the Speaker of the House, be presented with the desk and chair used by him in his office during the present session.

On motion by Mr. Seeger of Kittery, it was

**ORDERED**, that the uniforms procured for the House Employees become their property at the end of their terms of office.

On motion by Mr. Palmer of Nobleboro, it was

**ORDERED**, that the Chaplains of the House be paid in accordance with a pay roll list submitted by the Clerk of the House.

### Emergency Enactor (Out of Order)

An Act to Appropriate Moneys for the Expenditure of State Government and Other Purposes for the Fiscal Years Ending June 30th, 1948 and June 30th, 1949 (H. P. 1763)

The **SPEAKER**: This bill, having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported that it was truly and strictly engrossed, is it now the pleasure of the House that it be passed to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House.

All those in favor of its passage to be enacted as an emergency measure 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**: One hundred and ten having voted in the affirmative and none in the negative, one hundred and ten being more than two-thirds of the entire elected membership of the House, the bill is passed to be enacted as an emergency measure. It will be signed by the Speaker and sent to the Senate.

The **SPEAKER**: The House may be at ease pending the sound of the gong.

### House at Ease

12:20 P. M. E. S. T.

The House was called to order by the Speaker.

The Speaker appointed the following members to serve on committees:

Legislative Research Committee  
 Messrs. Collins of Caribou  
           Brown of Unity  
           Elliott of Corinth  
           Silsby of Aurora  
           Allen of Portland  
           Broggi of Sanford  
           Jalbert of Lewiston

Committee on Election Expenditures  
 Messrs. Rollins of Greenville  
           DeSanctis of Madison  
           Muskie of Waterville

At this point a message was received from the Senate, borne by Senator McKusick of Piscataquis, informing the House that the Senate had transacted all matters before it, and was now ready to adjourn without day.

From the Senate: the following communication:

STATE OF MAINE  
 SENATE CHAMBER

May 13, 1947

Honorable Harvey R. Pease  
 Clerk of the House  
 93rd Legislature

Sir:

I have the honor to transmit to you, a list of the members of the Senate appointed by the President to serve on the following committees:

**Legislative Research Committee:**

Senators: Denny of Lincoln  
           Savage of Somerset  
           Haskell of Penobscot

**Committee on Election Expenditures**

Senators: Crosby of Franklin  
           Noyes of Hancock

(Signed)

CHESTER T. WINSLOW  
 Secretary

From the Senate: The following Communication:

STATE OF MAINE  
 SENATE CHAMBER

May 13, 1947.

Honorable Harvey R. Pease  
 Clerk of the House  
 93rd Legislature  
 Sir:

The House having passed Bill "An Act Relating to Determination of Valuation of Property With Relation to Inheritance Tax," (H. P. 1069) (L. D. 700) by a two-thirds vote, notwithstanding the objections

of the Governor, a Yea and Nay vote was taken in the Senate; 11 having voted in the affirmative and 14 in the negative, the Veto of the Governor was sustained, and the bill failed to become a law.

Respectfully,  
 (Signed) CHESTER T. WINSLOW  
 Secretary

The communications were read and ordered placed on file.

From the Senate: Final Reports of the Joint Standing Committees on Appropriations and Financial Affairs, Taxation and Ways and Bridges.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

On motion by Mr. Haskell of Portland, that gentleman was charged with and conveyed a message to the Senate, informing that body that the House had transacted all business before it and was ready to adjourn without day.

Mr. Brown of Unity, presented the following order, out of order and under suspension of the rules, and moved its passage:

ORDERED, the Senate concurring, that all members of the Legislative Research Committee receive from the Finance Officer such monthly operating statements and balance sheets as are regularly prepared by the Department of Finance. (H. P. 1764)

The Order was read and passed and sent up for concurrence.

On motion by Mr. Brown of Unity, it was

ORDERED, that the House Members of the Committee on Appropriations and Financial Affairs and the House Members of the Committee on Taxation receive from the Finance Officer such monthly operating statements and balance sheets as are regularly prepared by the Department of Finance.

The SPEAKER: The Chair once more wishes to compliment Mr. Ruel C. Hanks and his staff for the very able job which they have performed during the many long weeks that we have been in session. As we look through the Kennebec Journal, reviewing the stenographic report of our proceedings here, we can realize the long hours that these

people have devoted to the task assigned them.

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

From the Senate: The following Order:

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon his Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any further communications he may be pleased to make (S. P. 566)

Came from the Senate read and passed and with the following members appointed on its part:

Messrs. Cross of Kennebec  
Boucher of Androscoggin  
Haskell of Penobscot

In the House, the order was read and passed in concurrence, and the Speaker appointed the following members on the part of the House:

Messrs. Mills of Farmington  
Byron of Hollis  
Haskell of Portland  
Marsans of Monmouth  
Palmer of Nobleboro  
Webber of Bangor  
Burgess of Limestone

Subsequently, Mr. Mills of Farmington, reported that the committee had attended to the duty with which it was charged, and that the Governor would report to both branches immediately.

**State of Maine**  
**Office of the Governor**  
**Augusta**

May 13, 1947

To the Honorable Senate and House of Representatives:

There is herewith a tabulation of the results of the 93rd Legislature.

|                   |     |
|-------------------|-----|
| Acts approved     | 596 |
| Resolves approved | 185 |
| Vetoes presented  | 5   |

In normal times the duty of providing adequate and just legislation

for the best interests of the State and its people is not an easy one. From the standpoint of government and public finance, these are by no means normal times and probably no Maine Legislature, for many years, has faced more difficult and more involved problems than those with which we have been confronted at this session. Whether or not our decisions and actions will prove to be for the best interests of all concerned, history alone can tell. Certainly, no one can question the seriousness of purpose with which you have applied yourselves to your duty.

The spirit of cooperation which you have displayed during the session is greatly appreciated. Without teamwork, much of our effort would have been futile.

My best wishes for a pleasant journey home go with each of you, and to each of you and your families Mrs. Hildreth and I wish great happiness in the days and years to follow.

(Signed) HORACE HILDRETH,  
Governor of Maine  
The Communication was read and ordered placed on file.

The SPEAKER: At the request of the Chair, and I am sure of every member present, the gentleman from Monmouth, Mr. Marsans, will now lead the singing of "Auld Lang Syne" or such other song as the gentleman may select.

The SPEAKER: The Chair at this time recognizes the gentleman from Limington, Mr. Chase, the oldest member of this House.

Mr. CHASE: Mr. Speaker, I move that the House now adjourn to an indefinite date.

The SPEAKER: The gentleman from Limington, Mr. Chase, moves that the House adjourn without day. Is this the pleasure of the House?

The motion prevailed, and at 12:45 A. M. Eastern Standard Time, Wednesday, May 14th, the House so adjourned.