

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, March 8, 1939.

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

Prayer by the Rev. George H. Norton, Jr., of Kents Hill.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

Bill "An Act relating to Bang's Disease" (S. P. 293) (L. D. 513)

Bill "An Act relating to Knox County Game Preserve" (S. P. 296) (L. D. 996)

**Senate Bill Tabled**

From the Senate: Report of the Committee on Towns reporting "Ought to pass" on Bill "An Act relating to Bonds for Town Treasurers, Tax Collectors and Constables" (S. P. 148) (L. D. 133)

Comes from the Senate, report read and accepted and the bill passed to be engrossed.

In the House, report read and accepted, and on motion by Mr. Downs of Rome, tabled pending first reading.

From the Senate: Bill "An Act relating to Licenses for Dogs" (H. P. 924) (L. D. 318) which was passed to be engrossed in the House on February 17th.

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

In the House, it was voted to reconsider its former action whereby it passed this bill to be engrossed. Senate Amendment "A" was read by the Clerk and adopted in concurrence, and the bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

From the Senate: Bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (L. D. 599) which was referred to the Committee on Labor in the House on February 22nd.

Comes from the Senate, referred to the Committee on Judiciary in non-concurrence.

In the House:

Mr. PIKE of Lubec: Mr. Speaker: I move that the House insist on its former action and that a Committee of Conference be appointed.

The SPEAKER: The gentleman from Lubec, Mr. Pike, moves that the House insist on its former action whereby it referred this bill to the Committee on Labor and asks that a Committee of Conference be appointed.

Mr. STILPHEN of Dresden: Mr. Speaker, in the absence of the lady member from Whitefield (Miss Fowles) who is very much interested in this bill, I move that it lie on the table.

The SPEAKER: The gentleman from Dresden, Mr. Stilphen, moves that Bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (L. D. 599) lie on the table pending the motion of the gentleman from Lubec, Mr. Pike, that the House insist on its former action and that a Committee of Conference be appointed. Is this the pleasure of the House?

The motion prevailed and the bill was so tabled.

From the Senate: Bill "An Act relating to Minimum Fair Wages for Women and Minors" (H. P. 1641) (L. D. 644) which was referred to the Committee on Labor in the House on February 22nd.

Comes from the Senate, referred to the Committee on Judiciary in non-concurrence.

In the House, on motion by Mr. Varney of Berwick, tabled pending further consideration.

The SPEAKER: The Clerk has a communication received since the calendar was printed. The Clerk will read the communication.

**SECRETARY OF STATE  
DEPARTMENT OF STATE**

State of Maine

Augusta, March 8, 1939.

To Harvey R. Pease, Clerk of the House of Representatives of the Eighty-ninth Legislature:

I beg to report that there is a vacancy in the following representative class district:

Towns of Belmont, Liberty, Lincolnville, Searsmont, Morrill, Palermo, Northport, Montville, Freedom, and Knox by the death of Hon. Calvin W. Bangs of Freedom.

Respectfully,

(Signed) **FREDERICK ROBIE,**  
Secretary of State.

On motion by Mr. Varney of Berwick, it was voted that the communication be placed on file and that the Clerk of the House be directed to strike from the roll of members the name of the late member from Freedom, Mr. Bangs.

The SPEAKER: The Chair will at this time announce the appointments to fill vacancies in committees, due to the death of the gentleman from Freedom, Mr. Bangs:

House Committee on County Estimates: The gentleman from Unity, Mr. Farwell.

Joint Standing Committee on Public Health: The gentleman from Paris, Mr. Colby.

Joint Standing Committee on Temperance: The gentleman from Lebanon, Mr. Merrifield.

The following petitions and remonstrances were received, and upon recommendation of the Committee on Reference of Bills were referred to the following committee:

#### **Taxation**

Remonstrance of B. C. Peck and 2019 others of Lewiston and Auburn opposing any Increase in the Gasoline Tax (H. P. 1854) (Presented by Mr. Marshall of Auburn)

Remonstrance of Frank J. Rogan and 1451 others of Bangor and Brewer Opposing same (H. P. 1855) (Presented by Miss Clough of Bangor)

Remonstrance of Chas. H. Prout and 2582 others of Portland and South Portland Opposing same (H. P. 1856) (Presented by Mr. Maxim of Portland)

Remonstrance of M. F. Beverage and 78 others of Oakland against any Tax on Tobacco (H. P. 1857) (Presented by Mr. Bacon of Sidney)

Remonstrance of W. E. Burgess and 138 others of Fairfield and vicinity against same (H. P. 1858) (Presented by Mr. Ellis of Fairfield)

Remonstrance of Wm. Haskell and 356 others of Lewiston and Auburn against same (H. P. 1859) (Presented by Mr. Marshall of Auburn)

Remonstrance of Joseph Moun-tain of Dexter and 37 others against same (H. P. 1860) (Presented by Mr. Otto of Dexter)

Remonstrance of Donald Smith and 474 others of Waterville against same (H. P. 1861) (Presented by Mr. Poulin of Waterville)

Sent up for concurrence.

#### **Orders**

On motion by Mr. Varney of Berwick, it was

Ordered, that when the Clerk of the House makes up the payroll he be instructed to include therein for payment to Mrs. Calvin W. Bangs, widow of the late Representative Calvin W. Bangs of Freedom, the same salary and mileage to which he would have been entitled had he served during the entire term of the Legislature.

#### **Reports of Committees House Report**

Mr. McGlauffin from the House Committee on Leave of Absence reported that Mr. Bowers of Sherman be excused from attending the sessions of the House during the present week.

Report was read and accepted.

#### **Ought Not to Pass**

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve in favor of C. E. Lamb of East Otisfield (H. P. 1377)

Mr. Churchill from same Committee reported same on Resolve to Reimburse the town of Wiscasset for Porcupine Bounties Paid in 1937 (H. P. 1144)

Mr. Cleaves from same Committee reported same on Resolve in favor of Leland Merchant of Eastbrook (H. P. 1374)

Mr. Cushing from same Committee reported same on Resolve in favor of William H. McPherson (H. P. 1362)

Same gentleman from same Committee reported same on Resolve in favor of Burchard E. Higgins of Mapleton (H. P. 831)

Mr. Fogg from same Committee reported same on Resolve in favor of Mrs. Alfred Lausier of Frenchville for Board of Mrs. Joseph S. Nadeau (H. P. 1029)

Mr. Melanson from same Committee reported same on Resolve to Reimburse the town of Wiscasset for Porcupine Bounties Paid in 1938 (H. P. 1143)

Mr. Race from same Committee reported same on Resolve in favor of D. E. Norwalt of Indiana (H. P. 1516)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft**

Mr. Bragdon from the Committee on Claims on Resolve in favor of

Mrs. Alfred Lausier of Frenchville (H. P. 688) reported same in a new draft (H. P. 1866) under same title and that it "Ought to pass"

Mr. Fogg from same Committee on Resolve to Reimburse the town of Bethel for the Fighting of Fire in Unorganized Township of Albany (H. P. 270) reported same in a new draft (H. P. 1867) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

#### Report Tabled

Mr. Cowan from the Committee on Mercantile Affairs and Insurance on Bill "An Act Making Certain Changes in the Insurance Law" (H. P. 1436) (L. D. 616) reported same in a new draft (H. P. 1863) under same title and that it "Ought to pass"

(On motion by Mr. Payson of Portland, tabled pending acceptance of committee report, and 500 copies of the new draft ordered printed)

Mr. Winslow from the Committee on Mercantile Affairs and Insurance on Bill "An Act to provide for the Payment of a Filing Fee for State-ments of Foreign Insurance Companies" (H. P. 1437) (L. D. 615) reported same in a new draft (H. P. 1864) under same title and that it "Ought to pass"

Same gentleman from same Committee reported same on Bill "An Act relating to Insurance Policy Forms and Endorsements" (H. P. 1431) (L. D. 610) reported same in a new draft (H. P. 1865) under same title and that it "Ought to pass"

Mr. Pike from the Committee on Sea and Shore Fisheries on Bill "An Act to Conserve the Supply of Herring on the Coast of Maine" (H. P. 1456) (L. D. 565) reported same in a new draft (H. P. 1862) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

#### First Reading of Printed Bills

Bill "An Act Authorizing Peabody Law School to Confer Degrees" (H. P. 6) (L. D. 13)

Bill "An Act relating to Records of Sales of Lobsters" (H. P. 1720) (L. D. 674)

Resolve Granting Authority to the Commissioner of Education to

Convey Certain Land (H. P. 947) (L. D. 373)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to Ivan Clark of East Millinocket (H. P. 1345) (L. D. 532)

Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Aroostook Trust Company of Caribou, Maine as Trustee (H. P. 1853) (L. D. 1006)

Bills were read twice, Resolves read once, and tomorrow assigned.

#### Amended Bill

Bill "An Act relating to Minimum Standards for Schools of Nursing Accredited in Maine" (H. P. 1197) (L. D. 473)

Was read twice, Committee Amendment "A" read and adopted, and tomorrow assigned for third reading of the bill.

#### Passed to be Engrossed

Bill "An Act relating to the Practice of the Law" (S. P. 322) (L. D. 591)

Bill "An Act relating to Motions to Set Aside a Verdict Heard by the Presiding Justice" (S. P. 369) (L. D. 799)

Bill "An Act relating to the Proof of an Official Record" (S. P. 373) (L. D. 797)

Bill "An Act relating to Taxation of Colts" (S. P. 404) (L. D. 809)

Bill "An Act relative to the Investment of Unclaimed Money in the Hands of County Treasurers" (S. P. 448) (L. D. 994)

Bill "An Act relating to Municipal Elections in Bar Harbor" (formerly town of Eden) (H. P. 520) (L. D. 173)

Bill "An Act Authorizing the town of Island Falls to Raise Money" (H. P. 1749) (L. D. 899)

Bill "An Act relating to Taxation of Motor Vehicles" (H. P. 1844) (L. D. 1004)

Bill "An Act to Prohibit the Sale of Cull or Unclassified Apples" (H. P. 1846) (L. D. 1005)

Sent up for concurrence.

#### Passed to be Enacted

An Act relating to the Resignation of Attorneys at Law (S. P. 320) (L. D. 590)

An Act relating to Ricker Classical Institute (S. P. 438) (L. D. 989)

An Act to Amend the Charter of the Gray Water District (H. P. 513) (L. D. 166)

An Act to Extend the Charter of the Central Aroostook Railway Company (H. P. 577) (L. D. 202)

An Act to Incorporate the Presque Isle Water District (H. P. 921) (L. D. 308)

An Act relating to Registration Fees for Apothecaries (H. P. 936) (L. D. 326)

### Finally Passed

Resolve in favor of Sylvia A. Martin of Eagle Lake (H. P. 1805) (L. D. 986)

### Orders of the Day

The Chair lays before the House the first tabled and unassigned matter on today's calendar, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Making Illegal Contracts to Remit Certain Taxes" (H. P. 485) (L. D. 180) tabled on February 28th by the gentleman from Augusta, Mr. Farrington, pending the motion of the gentleman from Berwick, Mr. Varney, that the Majority Report be accepted. The Chair recognizes the gentleman from Augusta, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and members of the House: I put this bill on the table because I did not understand just what it meant or what the passage of it might result in. Since that time I have given some time to it and have looked into the whys and wherefores, and, as a result, I now feel that it would be a mistake to pass it. As you know, its aim is to make illegal all contracts which a town might make for which the consideration paid by the town, if in any way measured by taxes, would be illegal. It is a broad and far-reaching piece of legislation. It is my understanding that the bill is a result of a decision in Volume 93 of the decisions of the Supreme Judicial Court of Maine. This case had to do with a contract entered into by a water company and the city of Waterville. Under this contract, the water company was to furnish municipal water supply, hydrant service, municipal buildings, etc., and, in return for that, the City was to pay a rental which was, in some measure, measured by taxes. This payment was to the effect that the City would pay to the water company that amount in taxes, that amount which it necessarily would

collect on any valuation in excess of, I believe the figure was \$25,000, on the property then owned by the water company and all pipe-lines, with hydrants, which might be laid in the future. Of course under this bill, if this bill had been in existence, if it had been a law at this time, this contract would have been illegal.

The validity of this contract was in issue before the Supreme Court of Maine, and the Court held that the contract was fair and reasonable when it was made; that the City thereby received an amply adequate consideration for its agreement, and had since received a fair equivalent for that for which it paid, and that the contract was not intended as an illegal attempt to cover an illegal remission of taxes. The Court further held that such a contract when made in good faith, with fair and reasonable terms, is not contrary to public policy.

Let me quote from the opinion of the Court in that case. This is 93 Maine, at Page 601. The Court says: "We do not think that the contract involved in this case is contrary to public policy. It is not for an unreasonably long period of time. In many cases it is absolutely necessary for a city or town to make a water contract for a term of years, in order to obtain the great benefits of a sufficient water supply for the protection of the property of its inhabitants against fire, to provide for the health of its citizens by a proper sewer system and for other municipal purposes. Without a contract extending over a period of years, it would, we believe, frequently be the case that no individuals or corporation could be found who would go to the expense of constructing a suitable and sufficient water plant that would answer the requirements for public purposes as well as for domestic uses.

"Such a contract must contain some elements of uncertainty as to compensation, because of the uncertainty of the extent of water service that may be required in the future by reason of the growth of the municipality in population and the increase of its needs. There is no very great uncertainty under this contract as to the amount that will have to be paid each year by the city according to its terms. The provision of the contract relative to the repayment of a portion of this

company's taxes only applied to 'the property now owned by said company in said city, and all pipe lines with hydrants and fixtures hereafter laid by said water company in said city.' "

Here let me say that I think the proponents of the bill fear in a contract of this kind that a town may agree to assess no new taxes on any property that a utility, water company, power company, or what have you, may build after the contract is made. But you will note here that the Court specifically says this is not the case in this contract, and from that I believe it would be a logical conclusion that if there had been an unreasonable provision in the contract, the Court might well and would have declared this contract invalid.

"It does not affect the considerable amount of property that has been acquired by the company since the execution of the contract. That bears out the statement I have just made.) and while the pipe lines and hydrants of the company may have increased and very likely will increase in length and number, it is reasonable to believe that there will be a corresponding increase of service rendered to the city. There is undoubtedly some uncertainty in the contract both as to the extent of service that may be required and rendered and the amount of compensation that will have to be paid therefor, but this uncertainty is inevitable in such a contract and is certainly not of such a character as to make the contract contrary to public policy. As was said in several of the cited cases, the amount of taxes is only adopted as a measure by which to determine the amount of compensation."

To my mind the Court has here described a general type of contract which we should all agree that officials should have the right to make.

Following the opinion is a statement by Chief Justice Peters which, to my mind, is probably the primary reason that the bill now before us was introduced.

Chief Justice Peters says: "I have concurred in the opinion in this case, but not without some hesitation. I think the principle is so likely to be abused in practice that it would be wise in the legislature to interfere to prevent such contracts in the future."

This case was decided in 1900. Five other Judges who signed the opinion did not feel it necessary to concur in this view of Chief Justice Peters as indicated by the fact that the opinion recognizes the possible need of making such contracts. Since this opinion was rendered in 1900 and no Legislature since that time has felt it necessary to carry out Judge Peters' suggestion, it would seem that there is not any foundation for Judge Peters' fears. Since this particular contract was held to be all right because the City did get proper consideration for what it paid it seems logical to conclude if the City did not receive a fair consideration for its agreement, the contract would not have been valid.

Also if a city or town has made a bad contract, it has its remedy in the Court. All it has to do is refuse to live up to the terms of the contract and the other party will take it to Court quickly enough.

It is also my understanding that contracts of this nature may be and will be reviewed by the Public Utilities Commission, at least where rates are concerned. At the time this case was decided there was no Public Utilities Commission. Now there is that method of remedying any bad contracts that may have been made.

In conclusion, let me say that the field covered by this bill is not limited to water contracts. There seems to be ample protection for the towns and cities in making bad contracts through the Courts or the Public Utilities Commission. Many contracts where taxes are a measure of the consideration, and, in my opinion, the vast majority of them are advantageous and necessary in order to obtain service which otherwise might not be obtained.

This body should decide whether it wishes to wipe out the right to make all contracts measured in any way by taxes merely to protect the possibility of a bad contract now and then, for which, in my estimation, there seems to be a remedy under the present laws. Probably many types of contracts are now entered into which are advantageous and proper even though measured in some way by taxes. I can think of one being contemplated in my own city at the present time which would be absolutely out the window if this bill were passed, and it is a contract which I feel, and I think

you will agree with me, is a contract which the authorities should have a right to make. That contract has to do with a piece of land for a municipal parking space. This land is owned by an individual. He will lease the land to the city for a considerable period of years, and, in return for the use of the land, the City would pay him an amount of money which would be equal to the taxes assessed on that property. Now that contract is measured almost in whole by taxes, and it would be out of the window under this bill. I think you will agree with me that a contract of that type is advantageous to the City and should be allowed. I have enough confidence in the officials of the State and the municipalities of this State to feel that they should not be tied down as this bill would tie them down. Especially is this true when there seems to be ample means of relief in these cases where bad contracts are made.

I hope that the motion of the gentleman from Berwick, Mr. Varney, for the acceptance of the majority report "Ought to pass" of the Committee on Judiciary on this bill will not prevail. And when we come to a vote, I ask for a division.

Mr. McGLAUFLIN of Portland: Mr. Speaker, I was one of those who signed the minority report in this case. I agree with the position taken by the gentleman from Augusta, Mr. Farrington. I have no doubt but that the man who introduced this bill had a fine motive in view. He did not want the towns to waste their money. But I notice in looking over the records of this Legislature that many of the men here are men who have served as municipal officers in towns, and if their judgment is good here it ought to be good in the towns where they reside.

If this bill passes, it curtails to a certain extent the right of contract, it ties the hands of the municipalities, not allowing them to use their own judgment. I feel that in towns where the people are interested in their own affairs that they should be given the opportunity and the privilege of determining whether or not it is to their advantage to make such a contract, and if in so doing they make a mistake, as I have heard Theodore Roosevelt say more than once, it will be their own mistake. I think that this bill should not pass.

Mr. HINCKLEY of South Portland: Mr. Speaker and members of the House: During all of this session I have remained glued to my seat. At times I have felt constrained to get up and defend myself from hostile Indians that might be coming behind me with their tomahawks and scalping knives. The Indians and their warwhoops have subsided; their painted faces have been washed, their head-dress has been laid away, their birch-bark canoes have silently crept down the river, and we have nothing more to do with Indians at this time. Nevertheless, in spite of the fact that I want to remain seated, I feel that I must get up and defend the report of the Committee on Judiciary which reported this bill out "Ought to pass" by a vote of six to three. One of the members of the committee was absent, due to sickness.

The members of the House who signed that majority report were the member from Berwick, Mr. Varney, the member from Augusta, Mr. Fellows, and myself.

I want also to tell the members of this House that when we had the hearing before the committee there was no opposition manifested by anyone. Undoubtedly there has been some opposition manifested to the members of this House since that time by the representatives of the various utility companies. They did not appear before the committee, either because they were not interested in appearing before the committee or because they didn't have nerve enough to come in and tell us that they were opposed to legislation of this kind forbidding contracts which they were entering into.

Now I have no personal interest in this matter whatever. There is not a person in South Portland who will be affected by the provisions of this bill or by the law as it now stands. I doubt if there is anyone in Cumberland County who will be affected by it. But I feel I stand here representing various towns in the State of Maine which are now adversely affected by the contracts which have been entered into between the towns and the utility companies, and I want to say with all the emphasis and sincerity that I can command, that I absolutely am in favor of the passage of this bill.

At the present time we all know



that cities and towns have gentlemen's agreements whereby they will tell an industry: "You may come in and operate in our town and we will abate your taxes for a certain number of years." Now we all know that these contracts are absolutely illegal and towns and cities have no right to abate taxes, but, because of the benefit to the towns that may accrue, these things have been winked at, they have been allowed, and no one has made any objection.

Now this bill does not provide for those things at all, it does not strike at that situation. It strikes at a situation where a utility company is asked to come into a town and furnish water or electricity in the town by the citizens of the town who want to be benefitted by it, and they coerce and try to get various citizens in town to help them, they coerce the selectmen and the voters who attend town meeting to make such contracts. These contracts provide in lieu that the town will agree that they will assess no more taxes against the utility than the rate which they otherwise would pay. In other words, one hand will wash the other. I do not believe that kind of contract should be allowed. I say these towns are coerced into doing it. We had evidence presented to our committee where towns were coerced. The citizens in one town even coerced the citizens in another town and tried to get the other town to forget taxes so that the citizens in the adjoining town might get the benefit of the utility's rates and the utility's service. I say they do coerce them and the towns are put to an unfair disadvantage.

Now I believe that these taxes and utility services should stand on their own feet, that the utility should pay taxes and that the town should properly assess taxes and assess them at the same rate it assesses other citizens in the town. If certain citizens of the town are required to pay rates for service, then they should pay those rates also, regardless of the fact whether taxes are assessed, and if the town wants service for its municipal purposes, then it should pay the legally assessed rate. One should stand on its own feet, and the other should stand on its own feet.

Let me read, if you please, a letter which was received by one of

the selectmen of one of our towns. This is part of the letter:

"The Blank Power Company proposes that the Town of Blank enter into a contract, as outlined in the enclosed contract, and provide electric energy for the Town Hall. This building is only used for the purpose of providing a place for town meetings, elections, and occasionally a public dance. Some of the larger tax payers who are scattered over town feel that it will be just a little more added to their already burdened taxes. The larger tax payers do not wish to be stubborn or set against anyone else, nor do they wish to be deemed selfish about others having something which they are unable to have, but feel it would be much different if it were possible for everyone in town to have electric energy, which would be impossible as family after family would not be able financially to meet the required monthly payments and cost of wiring their houses and barns."

Now I say that if anyone in town gets electric energy he should pay the rates established by the Public Utilities Commission and he should not get the benefit at the expense of the various other members in the community who do not get the benefit but who lose thereby the taxes which otherwise would accrue to them. Everyone in town is entitled to the benefit from taxes assessed, whether they are an individual or a public utility. I say they should stand on their own feet, and I, if I do not get electric energy, should not be compelled to pay for electric energy furnished to somebody else in some other part of the town.

These contracts, mind you, are usually for a long period of time, five, ten or fifteen years. Taxes may change in that time, rates change, valuations change, electric energy rates change. If you make a contract today, fifteen years from now that contract may not be proper at all, and it may be to the great disadvantage of the town and the citizens. I say those things should not be allowed.

And, mind you, these utility companies usually have very shrewd attorneys who draw up contracts and present them to the towns. Some of the towns do not have attorneys, but many have them. And there is a great to-do in town

meeting, and you are accused of being selfish if you do not go along, and, as a result, the town is worse off than if they didn't have any contract.

The gentleman from Augusta, Mr. Farrington, has read from Chief Justice Peters' remarks in 93 Maine, and I want to read that again:

"I think the principle is so likely to be abused in practice that it would be wise in the legislature to interfere to prevent such contracts in the future."

Mind you, this contract was decided to be illegal. Of course the town got value received, but he is talking about contracts in general.

"To my mind there is much in the argument that such contracts are not in accordance with good public policy. As many of our cities and towns have already incurred an indebtedness up to the constitutional limit, they are tempted to purchase the privileges of light and water at extravagant rates in this way."

Now I am content to go along with Chief Justice Peters in those remarks, and I think that the committee report "Ought to pass" should be accepted.

Mr. FARRINGTON: Mr. Speaker, the remarks just made by the gentleman from South Portland (Mr. Hinckley), perhaps I misinterpret them, but I got the impression that he inferred that the opposition to this bill had been stirred up by the utilities. I want to go on record right here and now by saying that I have talked with no one from a utility. They have not come to me, and I have not heard from any of them. I opposed this bill purely because I felt it was unwise legislation, and I want to go on record to that effect so there will not be any misunderstanding about utilities as far as I am concerned.

Now in regard to these contracts which towns may make with utilities, it seems to me the power companies chiefly concern the member from South Portland. If I am not incorrect, any one citizen in a town who objects to a contract entered into with a utility where it affects rates, this one individual can go to the Public Utilities Commission and have that contract reviewed. If I am wrong on that I would like to be told about it, but I have been told that is the case. And if the contract is not any good,

if the town is not getting its money's worth. I think either the Court or the Public Utilities Commission will throw it out. If we want to sit here and pin a bib on all our town officials in the State of Maine, feed them their dinner and tell them they do not know enough to make any kind of contract, even though they get their money's worth for the contract, then this bill ought to pass.

Mr. WEATHERBEE of Lincoln: Mr. Speaker and members of the House: As a member of the Judiciary Committee who signed the minority "Ought not to pass" report, I would like to state my reasons for so doing.

In the first place, no member of any utility company has spoken to me about this matter in one way or the other, and I signed the minority report only because I believed that this bill would apply to only two situations, and in one of these situations I believed that it was unnecessary and in the other I believed it would be harmful. These are the situations which it seemed to me would be affected by the passage of this measure: First, there is the case where the town, in order to lure business, lure a new industry into the town, offers to remit taxes for a certain period of time if that industry will come to the town. That is clearly a bad policy, and it is at the present time clearly illegal.

There is a case in 62 Maine 62, where the City of Brewer made such a contract with the Brewer Brick Company in return for the brick company coming back to the town and setting up a manufacturing establishment. This was declared illegal by the Court, and the decision of the Court on this matter is the law. Such contracts are illegal at the present time, and there is no need of passing another statute which only repeats the statement that they are illegal.

Now the other case is where the town remitted taxes to a company in exchange for services which the company agreed to perform, such as the case we have heard referred to. The outstanding and typical case is the case where the town agrees to remit certain taxes on a water company in exchange for the water company agreeing to furnish certain water service and certain fire protection. This is a case in which I believe this bill would actually work

a hardship to the disadvantage of the people of the municipality involved. The Courts have passed on these cases several times, and they have said—and their decisions are law—that such contracts are not illegal if made in consideration for a reasonable service on the part of the company and if they are to exist for a reasonable time. These contracts cannot result to the disadvantage of the town. If any of the towns, as the gentleman from South Portland, Mr. Hinckley, says, are being adversely affected by the contracts which they have made, if they have been coerced in making them, they have a remedy, and the remedy is very simple. All they have to do is to assess the property and send the tax collector to collect the taxes. If the contract was illegal or if the town was coerced in making it, the law today is clearly that the contract is unenforceable and the town can collect the tax just the same.

If there is no need of a statute regulating these bad contracts which are already covered by law, what is the need of passing this statute anyway? Do you think that it is necessary for this Legislature to tell the selectmen or the city and town officials of these different towns and cities in the State that they cannot contract with a company, that they cannot make a reasonable contract for reasonable services for a reasonable length of time, especially in view of the fact that the courts jealously will guard the interests of the community? And if the officials of the town make a bad contract or an unreasonable contract, then that contract is not enforceable anyway and no hardship can result to the town.

You may ask: What is the reason why towns should want to make such contracts? Why do they not simply assess taxes and pay the rates in cash? In the first place, because there are a great many towns that would have no water service at the present time if there were no such contracts. There are cases where it is necessary for a town, in order to get a water company, to agree that if the water company will furnish certain services to the town, hydrant service, lay certain mains and furnish actual service to the town to a value which may be computed roughly by the people of the town, that the town will make a

contract to remit all taxes over a certain amount in valuation. There can be no harm come to the town in such a case, and it may be that is the only way that the town can get water service.

I see no reason why this bill is necessary to protect cities and towns, and it seems to me there are certain cases, and possibly more cases than we realize, in which it would work definitely to the detriment of the town.

Mr. RICHARDSON of Strong: Mr. Speaker and members of the House: I desire to concur in the opinion of the gentleman from Augusta, Mr. Farrington, both as to the necessity and as to the wisdom of killing this particular piece of legislation.

I am not a member of the legal fraternity, neither am I connected in any way, shape or manner with any public utility, but I do know that one organization with which I have some connection, in conjunction with the Extension Service of this State, did make a contract two years ago with the Central Maine Power Company, operating in this State, and out of that agreement they did appoint a rural agent to handle that particular division of their work, and since that time that particular company has constructed 500 miles of rural lines in the State of Maine. And I can say that a considerable portion of this mileage has been erected and made possible simply because of the fact that the several municipalities of the State have seen fit to enter into contracts such as we have mentioned here, whereby there came about a gradual mark-down in the cost of the service.

The gentleman from South Portland, Mr. Hinckley, has mentioned the fact any citizen can get service from an electric utility or from any other utility and pay on the basis of what that service costs, but I would like to call to the attention of the members the fact that in the development of our utilities those living in the centers of population have up to the present time received most of the advantages, and necessarily so. Now I say if we are to dip up some technical point, try to find some theory or possible stumbling block or some legal obstacle, and thus prevent the great army of folks living in the rural sections of this State from receiving some of

these benefits to which they are entitled, I certainly believe that is a step in the wrong direction. I trust we will sustain the motion of the gentleman from Augusta, Mr. Farrington.

Mr. PAYSON of Portland: Mr. Speaker, I hasten to protest my purity from public utility influence. I am so pure that when I go to my hotel room at night I do not even turn on the electricity; I light a candle.

I would like to point out just three brief instances where I know this law would be harmful. We have in Portland a large area of wild land which is used as a bird sanctuary and which is on land owned by a citizen of Portland and which the city has under lease on the basis that the rental for the property would be the amount of the taxes. The City of Portland would be deprived of that if this law went through.

I know that the City of Bath has set up a municipal parking area on exactly the same basis. From a study I have made to some extent of traffic, I think one of the solutions of the parking problem in the cities and larger towns is going to be municipally-operated parking lots. If a city or town can get a parking lot simply by the remission of taxes, that will be a very valuable asset for them to have. I therefore believe that this bill is a strangling proposition on some contracts which would be very worth while to these cities and towns.

Mr. MURCHIE of Calais: Mr. Speaker, we have heard the angle on this issue from the legal minds, and now I am going to attempt in a very few words to give you the angle of the smaller towns.

I cannot myself see why any member of any town feels he can vote for a measure of this kind as suggested by the majority report. The situation down in my town, for instance, is this: It is in rather a difficult condition, and if it were possible some industry might be influenced to come there and we could get together with them and go along with them in the thought that there might be a remission of taxes to some extent, I feel it would be too bad to take away that privilege from that town.

I am not going to have the gentleman from Portland, Mr. Payson, get away with all the humor on this sit-

uation. I agree I am not able to cope with the legal mind of my friend from South Portland.

I said I was going to give you the angle of the smaller towns, and I have reference to the story of the boy who failed in his lessons, and was in a position to be punished. His father came along to the school building and said, "Son, what seems to be the matter? The youngster said, "Well, dad, I got punished for failing in my lessons, and it is all your fault. You know I asked you how much is a million and you said it was a hell of a lot, and that wasn't the right answer." (Laughter)

I think the answer is that towns and cities cannot go along with a measure of this kind. I am sure I am for that part of the report having to do with the gentleman from Augusta (Mr. Farrington) while I have every possible respect for the member from South Portland, Mr. Hinckley.

Mr. BUZZELL of Belfast: Mr. Speaker, I too have been actuated to stay in my seat, probably by the same ointment that has actuated my Brother Hinckley.

I find myself in sort of a dilemma at this time, for a few moments ago I looked at Legislative Document 180 and found that I introduced it, by request however. That is the condition you find yourself in when you do something without thoroughly thinking over the subject matter.

Since then it has been called to my attention by people living in the towns in my own county, how far-reaching this bill might be and how it might affect them.

Now of course I do not want to say I am against my own bill, but I will take a chance and make this statement. I think the law of the State of Maine covers the situation very well now, and while I do not want to argue against my own bill, even by request, permit me to inform you that while this is my child I do not care whether it grows up or not. (Laughter and applause)

Mr. DOUGLASS of Gorham: Mr. Speaker, it seems to me that the utility companies have a right to barter, that is, they will give so much service for so much money. The other citizens of the State have no such right. Why should we give the utilities the right to barter and demand money from the other taxpayers?

Mr. DONAHUE of Biddeford: Mr. Speaker and members of the House: The outward effect of this bill, were it to be passed, would not in the least iota give any advantage to any city or town which has contracted with a water company and part of which contract payment is measured by the amount of taxes to be assessed against the property.

One of the reasons and probably the primary reason why, in the first instance the contracts between water companies and municipalities contain the provision that in addition to the amount to be paid for hydrant rentals there should likewise be paid an amount equal to the taxes to be assessed, was and is due to the fact that over a period of years, sometimes in successive years, we have varying tax rates, and to meet that situation of a variance these provisions were incorporated into the contract.

Should this bill pass and a certain water contract thereby be terminated, this is exactly what would happen: Every city and town which has entered into a contract of that kind would be compelled to come before the Public Utilities Commission and establish a value of its plant, go through the operating expenses of the company whose rate is to be determined, and, in the ultimate analysis, the Public Utilities Commission would add to the operating expenses and the allowance of a reasonable profit to the water company the amount of taxes to be assessed. Now if the next year the taxes went up, the water company would be back to the Public Utilities Commission, and they would want their rates increased, and, if the year following the taxes came down, the town would be in before your Public Utilities Commission and they would want the rates brought down.

I believe that the law as it now stands is most advantageous to all parties concerned and eliminates serious controversies which are bound to result before your Public Utilities Commission, with additional expense to the State of Maine of the cost of these hearings before that Commission.

Mr. MAXIM of Portland: Mr. Speaker: I realize that on a question of this sort the arguments are not all on one side. There is a slant on this matter which has not been much touched on but which I think

is quite pertinent to a discussion of this sort, and that is the fact that under our present set-up the matter of securing abatements and outright exemptions in advance has gone to very great proportions. I am very much interested, as many of you know, in the matter of tax equalization, in connection with a study of tax equalization which the Recess Committee has made, of which Committee I am a member. We found an astonishing amount of exemptions and abatements going on all over the state improperly because of the present legal status of the matter of abatements and exemptions. I grant to start with that a town cannot legally abate the taxes of a private concern or exempt that concern from taxation. It is, however, being done and it is being done on a scale that results in very unfair competition to existing concerns. Take for instance a series of woolen mills. Let us say that in a certain section of the State there are a number of woolen mills, all about the same size and turning out about the same amount of products. Three of those mills pay their taxes in the usual way, but the fourth mill is either entirely exempted or very largely has its taxes abated. You can see at once what a condition of unfair competition the very considerable item of taxes on such a mill makes. The matter has gone to such an extent it is quite common practice for many concerns, not only public utilities but private manufacturing plants, to begin trading at the start with the selectmen of the town to secure unusual advantages with respect to taxation which the other citizens do not possess. To my mind it has gone to such length that it has become a sort of racket which it seems to me this bill might help to put an end to.

I know of one town in which a dam was to be built. The promoters of the project—I will not call it the dam project—went to the selectmen in advance to see what sort of a trade they could make to have it exempted from taxes. The cost as I recall it was some \$60,000. The selectmen said they could not exempt it but they would value it at a low price. They felt about \$40,000 was as low as they could reasonably value it and get away with it. This was not satisfactory to the company; therefore an agreement was

made of this nature; After this low valuation had been placed on the dam, there was a gentlemen's agreement, so-called—I would call it a rather ungentlemanly agreement—by which after the taxes had been assessed, or were to be assessed, the selectmen would, within the two year limit as prescribed under the statute, abate two-thirds of the taxes. That agreement was finally consummated. Therefore the company paid one-third of the two-thirds of the fair valuation of the dam property.

Now it seems to me that we could do one useful thing in this Legislature and that is to remove from the province of trading this matter of tax exemptions and tax abatements. There are plenty of other grounds on which you can trade. If a town has an unusual labor supply at an unusually low price, that is a trading factor. If a town has a remarkable situation in respect of housing by which good or whole or inhabitable rents can be obtained at lower than the average prices, then that is a legitimate trading factor. It seems to me that there are legitimate trading factors enough to be used in determining the location of any plants, either manufacturing or of a public utility nature, so that we would be amply justified in removing from the realms of temptation this altogether too frequent custom of exempting and abating taxes.

You cannot have real tax equalization as long as you work the exemption and abatement scheme to the limit it is now being worked. I have not any question but that in this state the amount of exemptions and abatements on property improperly abated runs into many millions of dollars of capital value, and the taxes into many tens of thousands or even hundreds of thousands of dollars.

Now it is self-evident that somebody has got to pay the taxes, and if improper exemptions and abatements on property do not pay their share, then the rank and file of the people in the towns must pay their own share plus the share improperly abated or exempted.

It seems to me that in view of these factors, and in view of the fact that the Taxation Bureau is now attempting to put into effect a plan of tax equalization which is already operating in a limited de-

gree, we would make a mistake if we did not support the majority contention in this bill.

It seems to me that to fail to do it would rather put the Legislature and the State on record as morally favoring the continuation of this illegal trading and abating practice, and would give due notice to any concern, either of a private or semi-public nature, that it might go on trading, exempting and coercing to the limit, without any check or any additional check being placed on it by the Legislature.

I think the selectmen in a great many towns who are so approached with offers to abate and to exempt, feel that it is an improper process; nevertheless feeling the coercion of circumstances, would welcome the protection and backing that a definite statement on our statute books against this sort of practice would constitute.

Mr. VARNEY of Berwick: Mr. Speaker, I want to add a word in an attempt to establish the true parentage of this child.

As I understand, this particular bill originated with the Maine Municipal Officers Association and is part of their legislative program, being proposal No. 6, if any of you have seen this little pamphlet. And as a member who signed the report "Ought to pass", I simply want to state that a representative of that association appeared before our committee and informed us that throughout the State of Maine the Municipal Officers Association had discovered that many of the public utility companies were going to the towns and saying in substance: "We will extend our line out into the town if you will make a contract with us by the terms of which you will agree that during the existence of this contract you will not increase or place any additional taxes on our properties." As a result of that, the utility company can increase their holdings within the town without any fear of increased taxation. I said then and I say now, if that is true it should be stopped. If it is not true, perhaps there is no need for this bill.

Mr. COWAN of Portland: Mr. Speaker, I have listened with a great deal of interest to the remarks of the opponents of this bill, and especially to the remarks of the gentleman from Strong (Mr. Richardson), but I am impressed with

the idea that he himself at times come to the idea that some of the towns and cities that have apparently been obtaining benefits have actually exchanged their birthright for a mess of pottage.

We have been very generous in this Legislature and in previous Legislatures in giving rights to public utilities. I have no objection to that. We must of necessity do it, because those utilities are operating for our benefit. But, after all, they are operated by human beings, and when we put a great concentration of capital in the hands of a few men we sometimes get abuses, and it is against these abuses or some of these abuses that I understand this bill was aimed.

We have today passed to be enacted H. P. 921, L. D. 308, An Act to Incorporate the Presque Isle Water District. Now I did not say anything about that bill or the previous bills in regard to water districts, because those were for limited communities and it is not any of my business what people up in Presque Isle may have, it is what they want. But I have a feeling that perhaps in Sections 3 and 4 of that bill which we have passed today to be enacted there may be future sources of trouble.

We all have had experience with some of the effects of the exercise of the right of eminent domain. The gentleman behind me has just smiled audibly at that, because he and I have been having a long talk about a case where one of these companies is now exercising this right and certain farmers are trying to protect their rights where a company has been allowed \$1.50 a foot by the Federal government, so I am told, and is willing to pay the farmer ten cents a foot for their land. If there is in this bill a source of protection for our towns and cities from the effects of too great generosity from time to time, I think the bill should be enacted. I believe there is that protection in this bill. I hope the "Ought to pass" report of the committee will be accepted.

Mr. MARSHALL of Auburn: Mr. Speaker, I have listened with a great deal of interest to the gentlemen who have spoken for or against the acceptance of the committee report on this particular bill. I feel that I am perhaps not prepared to speak on this measure and not ade-

quately prepared to add a whole lot to what has been said.

I feel, Mr. Speaker, and members of the House, that in those instances where our towns have agreed to abate taxes on industries within the limits of those towns that it is done for a very specific purpose and that is to employ the people in those towns and to some measure relieve the towns from the tremendous burden of relief.

We must recognize that there is a tremendous competition today among the states. In Massachusetts they tax little or nothing on industrial machinery. In New Hampshire they abate taxes, and also in Vermont.

How are we going to induce new industries to come to Maine if our local towns, in the exercise of their own judgment, may not relieve the incoming industry in some way or other of what might be a burden on that industry?

There may be instances throughout the State, and I have no doubt there are, where perhaps some industry or some company has perhaps taken an unfair advantage of a town in the way of a bargain or trade, but there are always two sides to a trade, there must be an offer and an acceptance. There are none that I know of in my town, but only recently I know that in the town adjoining the town in which I live a new industry was induced to come into that town and take up an old mill that was idle. There were three other industries in that town, and the men in those three other industries were much relieved when they found there was a new company coming into that town to take up the old, idle mill. This new industry put on its payrolls, I understand, over 100 people in the town, and today I believe that town is so situated that they are as well off as any town in the State of Maine.

Now I believe that the exercise of judgment in that case was excellent. They did not agree to abate the taxes, they simply agreed with that incoming industry that they would not raise the valuation of that plant over and above what it was when they bought it, over a period of a few years. After what has been said about the opinion of the court, I think that any taxpayer, after that agreement was made,

might find fault with it, and perhaps it could not be sustained. But it relieved unemployment in that town, which was a wholesome thing.

I believe, ladies and gentlemen, that we ought to leave the exercise and judgment of these matters to the people in these towns; therefore I support the position of the member from Augusta, Mr. Farrington.

Mr. BIRD of Rockland: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Rockland, Mr. Bird, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the assent of one-third of the members present. As many as are in favor of the motion will rise and stand until counted and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is ordered. The question before the House now is shall the main question be put now? The question is debatable only on the point as to whether the main question shall be put now. All those who are in favor of putting the main question now will say aye; those opposed no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the majority report of the Committee on Judiciary, reporting "Ought to pass" on Bill "An Act Making Illegal Contracts to Remit Certain Taxes" (H. P. 485) (L. D. 180) be accepted. The gentleman from Augusta, Mr. Farrington, asks for a division. All those in favor of the acceptance of the majority report "Ought to pass" will rise and stand until counted and the Monitors will make and return the count.

A division of the House was had.

Twenty-three having voted in the affirmative and 105 in the negative, the motion did not prevail.

The SPEAKER: The Chair understands that the gentleman from Augusta, Mr. Farrington, now moves the acceptance of the minority report, "Ought not to pass." Is this the pleasure of the House.

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

The Chair lays before the House the second tabled and unassigned matter, Bill "An Act to Regulate Automobile Inspection Stations" (H. P. 1794) tabled on March 1st by Mr. Mills of Farmington, pending reference. The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I move that the second unassigned matter, Bill "An Act to Regulate Automobile Inspection Stations" (H. P. 1794) again lie on the table.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves that Bill "An Act to Regulate Automobile Inspection Stations" lie on the table. Is this the pleasure of the House? All those in favor of the motion to table this bill will say aye; those opposed no.

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

The SPEAKER: The question before the House is on the reference of the bill. Is it the pleasure of the House that House Paper 1794 be referred to the Committee on Motor Vehicles and sent up for concurrence?

Thereupon, the motion prevailed and the bill was referred to the Committee on Motor Vehicles and sent up for concurrence.

The Chair lays before the House the third tabled and unassigned matter, Bill "An Act Relating to the Labelling of Fresh Eggs for Sale" (H. P. 1775) (L. D. 943) tabled on March 1st by Mr. Larrabee of West Bath, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. Larrabee offered House Amendment "A" and moved its adoption:

House Amendment "A" to H. P. 1775, L. D. 943, Bill, "An Act Relating to the Labelling of Fresh Eggs for Sale."

Amend said Bill by striking out in the sixth and seventh lines thereof the words: "or middlemen".

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



The Chair lays before the House the fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Establishing a Game Preserve in Cumberland County" (H. P. 1411) (L. D. 552) tabled on March 2nd by Mr. Maxim of Portland, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Maxim the "Ought Not to pass" report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve for Repairing Screen and Dam at Outlet of Great Embden Lake (H. P. 1126) tabled on March 2nd by Mr. Thorne of Madison, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Thorne, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the sixth tabled and unassigned matter, Senate Report "Legislation Inexpedient as the Matter Has Been Taken Care of in Another Bill" of the Committee on Taxation on Bill "An Act Relative to Exemption of Estates from Taxation" (S. P. 332) (L. D. 579) tabled on March 3rd by Mr. Erswell of Brunswick, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Erswell, the report of the committee was accepted in concurrence.

The Chair lays before the House the seventh tabled and unassigned matter, Senate Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Relative to Game Preserve in Phippsburg, County of Sagadahoc" (S. P. 123) (L. D. 113) tabled on March 3rd by Mr. Larrabee of West Bath, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Larrabee the "Ought not to pass" report of the committee was accepted in concurrence.

The Chair lays before the House the eighth tabled and unassigned

matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of the Lincoln Home, of Newcastle (H. P. 849) (L. D. 331) tabled on March 3rd by Mr. Stilphen of Dresden, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Stilphen, the report, together with the resolve, was recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

The Chair lays before the House the ninth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting Waterfowl on Number 3 Pond" (H. P. 1316) (L. D. 501) tabled on March 3rd by Mr. Haskell of Lee, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Haskell the "Ought not to pass" report of the Committee was accepted and sent up for concurrence.

The Chair lays before the House the 10th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Towns on Bill "An Act Relating to Qualifications of Voters at Town Meetings" (H. P. 1466) (L. D. 570) tabled on March 3rd by Mr. Weed of Manchester, pending acceptance; and the Chair recognizes that gentleman.

Mr. WEED: Mr. Speaker, I move that this matter be retabled.

The SPEAKER: The gentleman from Manchester, Mr. Weed, moves that the "Ought not to pass" report of the Committee on Towns on Bill "An Act Relating to Qualifications of Voters at Town Meetings" (H. P. 1466) (L. D. 570) be retabled. Is this the pleasure of the House?

A viva voce vote being taken, the motion to retable did not prevail, and on motion by Mr. Stilphen of Dresden, the "Ought not to pass" report of the Committee was accepted and sent up for concurrence.

The Chair lays before the House the eleventh tabled and unassigned matter, House Report "Ought to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Knox Memorial Association, Inc., for Support and

Maintenance of "Montpelier" (H. P. 523) (L. D. 213) tabled on March 3rd by Miss Fowles of Whitefield, pending acceptance. The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker, I move that the "Ought to pass" report of the committee be accepted.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves the acceptance of the "Ought to pass" report of the Committee on Appropriations and Financial Affairs. Is this the pleasure of the House?

Mr. STILPHEN of Dresden: Mr. Speaker, in the absence of the lady member from Whitefield (Miss Fowles) I move that the House Report "Ought to pass", together with the resolve, be retabled.

The SPEAKER: The gentleman from Dresden, Mr. Stilphen, moves that House Report "Ought to pass" of the Committee on Appropriations and Financial Affairs on Resolve in Favor of Knox Memorial Association, Inc. for Support and Maintenance of "Montpelier" (H. P. 523) (L. D. 213) lie on the table pending the motion of the gentleman from Rockland, Mr. Sleeper, for the acceptance of the committee report. Is this the pleasure of the House? All those in favor will say aye; those opposed no.

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

The SPEAKER: The question is on the motion of the gentleman from Rockland, Mr. Sleeper, that the "Ought to pass" report of the committee be accepted. Is this the pleasure of the House?

The motion prevailed, the report of the committee was accepted, the resolve was given its first reading and tomorrow assigned for second reading.

The Chair lays before the House the twelfth tabled and unassigned matter, House Report "Ought to pass" of the Committee on Salaries and Fees on Bill "An Act Relative to the Expenses of the Members of the State Liquor Commission" (H. P. 1797) (L. D. 962) tabled on March 3rd by Mr. Murchie of Calais, pending acceptance; and the Chair recognizes that gentleman.

Mr. MURCHIE: Mr. Speaker and members of the House: Not that I desire to interject my few re-

marks on the floor of this House any more than possible, but when a measure carries what, to me, as this does, a desire for extravagance, in these days when we are all imbued with notions of economy, I feel as though I might be permitted to say a word.

I feel that we are more or less united in this Legislature, particularly in connection with this economy notion. In fact, I have come to believe that we are more or less a united House in this chamber anyway. I do not see here a gathering of Republicans who are just trying to take advantage of a considerable majority, neither do I see a group of Democratic members who are just trying to study out how they can win the next election. I see in this House an assembly of American and State of Maine representatives who have a sincere responsibility as to what is required of them, and who are willing to unite in an effort to meet the common problems and a desire to leave the good old State of Maine on solid ground.

Now the bill before us has to do with the expense part of the Liquor Commission. We have a good Liquor Commission. I believe we are rather proud of the personnel of this Commission. But I think we are all agreed that the joint salaries of this Commission are as far as we care to go at the present time in regard to the matter of expense of handling this organization. While this bill does not take up the matter of any direct increase in salaries, if you read between the lines I can see where there is an opportunity for a considerable increase in expense, in fact I can see an opportunity for very uncertain increases. For those reasons, I move, Mr. Speaker, that this measure be indefinitely postponed.

Mr. VARNEY of Berwick: Mr. Speaker, in view of the lateness of the hour and the fact that many of the members of the House have engagements for dinner, as I understand it, I move that the House do now adjourn.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House now adjourn until tomorrow morning at ten o'clock.

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