

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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## HOUSE

Thursday, March 30, 1939.

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

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

Mr. MARSHALL of Auburn: Mr. Speaker, I would like to ask unanimous consent to address the members of the House.

The SPEAKER: The gentleman from Auburn, Mr. Marshall, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. MARSHALL: Mr. Speaker and members of the House: Yesterday morning, when we considered the proposed resolve for the county estimates for the several counties in the State of Maine, I, for one, overlooked the resolve insofar as it related to Androscoggin County. Sometime during the afternoon of yesterday I looked into that resolve and learned that it called for an increase over and above the 1938 estimate of a little over \$17,000 for 1939. It also called for a similar increase in the county estimate for 1940, meaning that in the next two years the taxpayers of Androscoggin county would be called upon to carry an additional load of taxation amounting to \$35,000. Consequently, that measure having had an emergency preamble attached to it, it was passed in both Houses and became a law sometime during the day yesterday, too late to be recalled. Since that time the Androscoggin delegation has met, every man in our delegation. We have also conferred with the County Commissioners and one of the gentlemen from Androscoggin county who is interested in that proposed estimate, and this morning the Androscoggin delegation voted in a caucus to reduce the amount of that estimate so that instead of raising the County tax for 1939, we would reduce it, having in mind the spirit of economy that prevails in every mind in this House, as we understand it.

Now, very briefly, we are now going to ask you ladies and gentlemen to permit us to introduce a resolve

this morning which will repeal so much of the County estimates in 1939 as affects Androscoggin county, and which will call for an estimate of \$125,000 to run our county in 1939, instead of \$143,000, as was passed in the House and Senate yesterday.

Now, as I have said to you, every member in our county seated in this room has voted in favor of this resolve.

One thing further, ladies and gentlemen, and that is this: Under the law, as we understand it, this resolve must be passed sometime during the month of March in order that the County Commissioners may notify the several towns in Androscoggin county so that there may be an equal assessment of this tax, consequently, it requires immediate action, if you see the thing as I have outlined it. In the interests of time, and I hope I have made it clear, I now ask the members of this House for unanimous consent to introduce this resolve.

The SPEAKER: The gentleman from Auburn, Mr. Marshall, asks unanimous consent to introduce a resolve at this time, notwithstanding the joint closing order.

The Clerk will read the title of the resolve.

Resolve for Laying of the County Taxes in the County of Androscoggin for the Year 1939.

The SPEAKER: Is there objection to the introduction of the resolve at this time? The Chair hears none and the resolve is introduced.

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

Mr. MARSHALL: Mr. Speaker, in view of what I have just said, I ask that the reference of this resolve to a committee be dispensed with and that it have its two several readings at this time and whatever other action which may be necessary to expedite it in its usual course in the two Houses.

The SPEAKER: The gentleman from Auburn, Mr. Marshall, moves that the rules be suspended and that the resolve be given its two several readings at this time without reference to a committee. Is this the pleasure of the House?

The motion prevailed, and under suspension of the rules the resolve was given its two several readings, and under further suspension of the rules, the resolve was passed to be engrossed.

On further motion by Mr. Mar-

shall, the resolve was ordered sent forthwith to the Senate.

Papers from the Senate disposed of in concurrence.

### Senate Bills in First Reading

Bill "An Act relating to Sale or Possession of Poisons" (S. P. 330) (L. D. 581)

Bill "An Act Providing for the Election of a Chairman of the Board of Selectmen" (S. P. 196) (L. D. 240)

Bills were read twice and tomorrow assigned.

From the Senate: Bill "An Act relating to the Licensing of Aircraft" (H. P. 1439) (L. D. 619) which was passed to be engrossed in the House on March 23rd.

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

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

From the Senate: Resolve to Reimburse the town of Bethel for the Fighting of Fire in Unorganized Township of Albany (H. P. 1867) (L. D. 1010) which was passed to be engrossed in the House on March 10th.

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

In the House: Senate Amendment "A" read by the Clerk.

On motion by Mr. Williams of Bethel, the House voted to recede from its former action whereby it passed this resolve to be engrossed. Senate Amendment "A" was adopted and the resolve as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to the Registration and Regulation of Watchmakers" (S. P. 152) (L. D. 126)

Comes from the Senate, with the bill substituted for the report and referred to the next Legislature.

In the House, on motion by Mr. Shesong of Portland, the House voted to concur with the Senate in the substitution of the bill for the report; and on further motion by Mr. Shesong the bill was referred to the next Legislature in concurrence.

From the Senate: Bill "An Act relative to the Investment of Unclaimed Money in the Hands of County Treasurers" (S. P. 448 (L. D. 994) which was passed to be engrossed in the House on March 8th, and was passed to be enacted in the House on March 10th.

Comes from the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Varney of Berwick, the House voted to recede from its former action whereby it passed this bill to be enacted, and to further recede from its former action whereby it passed this bill to be engrossed. The House then concurred with the action of the Senate in the indefinite postponement of the bill.

### Final Report

From the Senate: Final Report of the Committee on State School for Boys, State School for Girls and State Reformatories.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

The following remonstrances, resolutions and petition were received, and upon recommendation of the Committee on Reference of Bills were referred to the following committees:

### Taxation

Remonstrance of Mrs. E. C. Bronley and 211 other Consumers of Camden and vicinity against a Tax on Chain Stores (H. P. 2101) (Presented by Mr. Dwinall of Camden)

Remonstrance of Mrs. George F. Johnson and 100 others of Bucksport against same (H. P. 2102) (Presented by Mr. Emery of Bucksport)

Remonstrance of Mrs. C. J. Baker and 186 other Consumers of Gardiner and vicinity against same (H.

P. 2103) (Presented by Mr. Slosberg of Gardiner)

Remonstrance in the form of a Resolution of the Chesterville Grange against any Increase in the Gasoline Tax (H. P. 2104) (Presented by Mr. Mills of Farmington)

Petition of W. R. Doane of South Portland, and 92 other Citizens of the State in favor of H. P. 1758, Act relating to Licenses for Operation of Retail Stores (H. P. 2116) (Presented by Mr. Arzonico of Yarmouth)

Sent up for concurrence.

### Judiciary

The following Remonstrances against H. P. 1621, L. D. 708, An Act relating to Child Welfare:

Maynard W. Emery and 51 other Citizens of the State (H. P. 2105)

Donald J. Brawn and 51 others of Dover-Foxcroft (H. P. 2106)

C. O. Weeman and 48 others of Auburn and Lewiston (H. P. 2107)

Jerome C. Smith and 73 others of Old Town and vicinity (H. P. 2108)

William A. Corey and 56 others of Calais and vicinity (H. P. 2109)

C. M. Havener and 38 others of Rockland and vicinity (H. P. 2110)

H. Emmons Usher and 69 others of Westbrook and vicinity (H. P. 2111)

(All presented by Mr. Bird of Rockland)

Sent up for concurrence.

### Legal Affairs

Resolution of the United Baptist Church Men's Class of Charleston opposing L. D. 736, L. D. 852, L. D. 853, L. D. 467 and in favor of L. D. 922 (H. P. 2112) (Presented by Mr. Howes of Charleston)

Resolution of the Danforth Class for Men of Columbia Street Baptist Church of Bangor opposing L. D. 853, L. D. 736, L. D. 467, L. D. 852 (H. P. 2113) (Presented by same gentleman)

Resolution of Howland Baptist Church, Enfield Baptist Church and West Enfield Baptist Church opposing L. D. 736, L. D. 737, L. D. 852, L. D. 853, and L. D. 467 (H. P. 2114) (Presented by same gentleman)

Resolution of the Teachers of the Up-Lift Class of the United Baptist Church of Charleston opposing L. D. 736, L. D. 852, L. D. 853, L. D. 737, L. D. 467 and in favor of L. D. 922 (H. P. 2115) (Presented by same gentleman)

Sent up for concurrence.

On motion by Mr. Varney of Berwick, out of order and under suspension of the rules, that gentleman was permitted to take from the table the eighteenth unassigned matter, Bill "An Act Creating the Board of Sanitation, Licensing and Inspection and Defining its Powers and Duties" (S. P. 597) (L. D. 1107), tabled by that same gentleman on March 29th, pending adoption of House Amendment "A".

On further motion by Mr. Varney, House Amendment "A" was adopted, the bill was given its third reading, passed to be engrossed as amended in non-concurrence, and sent forth with to the Senate.

On motion by Mr. Payson of Portland, out of order and under suspension of the rules, that gentleman was permitted to take up Item D1 on Page 6 of the calendar, Bill "An Act relating to Emergency Aid in certain Organized and Unorganized Territory" (S. P. 558) (L. D. 1083.)

Mr. PAYSON: Mr. Speaker, I now offer House Amendment "A" and move its adoption. In support thereof I may say that this amendment has been seen and agreed to by both the Economy Committee and the Committee on Legal Affairs, which has had the matter under consideration.

House Amendment "A" to S. P. 558, L. D. 1083, Bill "An Act Relating to Emergency Aid in Certain Organized and Unorganized Territory."

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

Section 3 of chapter 284 of the public laws of 1933, special session, as amended by chapter 233 of the public laws of 1937 is hereby amended by adding at the end thereof the following:

'Whenever, after August 1, 1939, any city, town or plantation shall make application to the state for funds in support of its poor the board is hereby authorized and directed to cause to be made the audit and investigation provided for in the first paragraph of this section.'

Mr. PAYSON: Mr. Speaker, I find a typographical error in the amendment, and I suggest that the new matter offered in the amendment be underlined.

The SPEAKER: At the suggestion of the gentleman from Portland, Mr Payson, if there is no objection, the Clerk will correct the amendment by underlining the new matter.

Thereupon, House Amendment "A" was adopted, and under suspension of the rules the bill was given its third reading, passed to be engrossed as amended, in non-concurrence, and on motion by Mr. Burgess of Limestone the bill was ordered sent forthwith to the Senate.

### Orders

The SPEAKER: The House is proceeding under Orders. Are there any Orders to come before the House?

The SPEAKER: The Chair at this time will invite the gentleman from Levant, Mr. Fernald, to come to the Speaker's desk. The Sergeant at Arms will escort the gentleman to the desk.

Thereupon, Mr. Fernald was conducted by the Sergeant at Arms to the Speaker's desk amid the applause of the House, the members rising.

The SPEAKER: The Chair understands that today marks the eightieth birthday of one of the youngest gentlemen of this House. He is not only the oldest youngest member in point of years, but also in date of service in this House, having been a member of the House of Representatives of the State of Maine in 1897. The Chair will at this time designate him as Speaker pro tempore.

Thereupon, Mr. Fernald assumed the Speaker's chair amid the applause of the House, the members rising, Speaker Philbrick retiring.

### Report of House Committee

Mr. McGlaulin from the Committee on Leave of Absence reported that Mr. Gyger of Cumberland be excused from attending the sessions of the House during his illness.

Report was read and accepted.

### Leave to Withdraw

Mr. Bragdon from the Committee on Claims on Resolve Providing for the Payment of Certain Pauper Claims to the town of Greene (H. P. 974) reported leave to withdraw.

Mr. Varney from the Committee

on Judiciary reported same on Resolve Authorizing Hiram Corliss of Cherryfield to Bring a Suit at Law against the State of Maine (H. P. 1155) (L. D. 954)

Mr. Dow from the Committee on Legal Affairs reported same on Bill "An Act to Incorporate the Wilson Lake Sewer District in the town of Wilton" (H. P. 1783) (L. D. 949)

Reports were read and accepted.

### Ought Not to Pass

Mr. Whitney from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing for Old Age Pensions (H. P. 1526) (L. D. 866)

Mr. Pike from the Committee on Legal Affairs reported same on Bill "An Act relating to Reports to Towns of Excise Tax Payments" (H. P. 1647) (L. D. 726) as subject matter is covered by other legislation.

Mr. Dow from same Committee reported same on Bill "An Act relating to the Charter of the city of Rockland" (H. P. 561) (L. D. 195)

Reports were read and accepted, and sent up for concurrence.

At this point Mr. Fernald was conducted by the Sergeant at Arms to his seat on the floor, amid the applause of the House, the members rising, and Speaker Philbrick assumed the Chair.

### Reports of Committees

#### (Continued)

### Ought Not to Pass Bills Tabled

Mr. Young from the Committee on Mercantile Affairs and Insurance reported "Ought not to pass" on Bill "An Act relating to Standard Form Insurance Policy" (H. P. 1672) (L. D. 758) which was recommitted.

(On motion by Mr. Howes of Charleston, tabled pending acceptance of committee report, and specially assigned for tomorrow morning)

Mr. Young from the Committee on Mercantile Affairs and Insurance reported "Ought not to pass" on Bill "An Act relating to Operation of Motion Picture Machines" (H. P. 1675) (L. D. 885) which was recommitted.

(On motion by Mr. Stilphen of Dresden, tabled pending acceptance of committee report)

Mr. Ramsdell from the Committee on Public Health reported "Ought not to pass" on Bill "An Act relating to Beauty Culture" (H. P. 1708) (L. D. 839)

Mr. Townsend from same Committee reported same on Bill "An Act relating to Hairdressing Apprentices" (H. P. 709) (L. D. 262)

Mr. Dorsey from the Committee on Taxation reported same on Bill "An Act Establishing a Low Rate Tax on Intangible Personal Property in accordance with Constitutional Amendment Permitting the Same" (H. P. 1343) (L. D. 544)

Mr. Ellis from same Committee reported same on Bill "An Act relative to Appropriations of Cities and Towns" (H. P. 1216) (L. D. 461)

Reports were read and accepted and sent up for concurrence.

#### Bill Tabled

Mr. Worth from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Exemption from Taxation" (H. P. 1732) (L. D. 835)

(On motion by Mr. DeBeck of Holden, tabled pending acceptance of committee report)

Mr. Mills from the Committee on Temperance reported "Ought not to pass" on Bill "An Act relating to Local Option Provisions" (H. P. 944) (L. D. 329) as it is covered by other legislation.

Mr. Bubar from same Committee reported same on Bill "An Act Amending Requirements for Licenses to Hotels, Restaurants and Clubs" (H. P. 1463) (L. D. 629) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

Mr. Donahue from the Committee on Legal Affairs on Bill "An Act relating to Acceptance of Donations by Cemetery Corporations" (H. P. 1648) (L. D. 727) reported a new draft (H. P. 2117) under same title and that it "Ought to pass"

Mr. Young from the Committee on Mercantile Affairs and Insurance on Bill "An Act to Protect Insurance Agents from Unfair Competition" (H. P. 1681) (L. D. 887) reported same in a new draft (H. P. 2119) under title of "An Act relative to Insurance Agents" and that it "Ought to pass"

Mr. Meserve from the Committee on Temperance on Bill "An Act relating to Part-time Malt Liquor

Licenses" (H. P. 1745) (L. D. 848) reported same in a new draft (H. P. 2118) under same title and that it "Ought to pass"

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

#### Ought to Pass When Amended By Committee Amendment

Mr. Shesong from the Committee on Legal Affairs on Bill "An Act Amending the Law relating to Embalmers and Funeral Directors" (H. P. 1666) (L. D. 856) reported "Ought to pass" when amended by Committee Amendment "A"

Report was read and accepted.

#### First Reading of Printed Bills

Bill "An Act Prohibiting Trapping in the town of Scarboro" (H. P. 2098) (L. D. 1103)

Bill "An Act relative to Bird Sanctuary in Old Orchard Beach" (H. P. 2100) (L. D. 1104)

Bills were read twice and tomorrow assigned.

#### First Reading of Printed Bills with Committee Amendments

Bill "An Act to Provide for the Surrender by Bigelow Plantation of its Organization" (H. P. 521) (L. D. 176)

Bill had its two several readings. Mr. DWINAL of Camden: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed, and I will then offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Camden, Mr. Dwinall, moves that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, and Committee Amendment "A" was indefinitely postponed.

Mr. Dwinall then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 521, L. D. 176, Bill, "An Act to Provide for the Surrender by Bigelow Plantation of Its Organization."

Amend said Bill by striking out all of Section 3 and inserting in place thereof the following:

'Sec. 3. **Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Plantation of Bigelow at any special plantation meeting

legally called and held before November 1, 1939, an appropriate article being inserted in the call for such meeting.

'If a majority of the qualified voters of the plantation, present and voting, vote in favor of the acceptance of this act, it shall become operative on March 31, 1940. The plantation clerk shall forthwith file with the secretary of state a certificate of the action of the plantation thereon.'

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

Bill "An Act to Provide for the Surrender by town of Williamsburg of its Organization" (H. P. 1750) (L. D. 677)

Bill had its two several readings. Mr. DWINAL of Camden: Mr. Speaker, I move that Committee Amendment "A" be indefinitely postponed, and I will then offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Camden, Mr. Dwinall, moves that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, and Committee Amendment "A" was indefinitely postponed.

Mr. Dwinall then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1750, L. D. 677, Bill "An Act to Provide for the Surrender by Town of Williamsburg of Its Organization."

Amend said Bill by striking out all of Section 3 and inserting in place thereof the following:

'Sec. 3. **Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Town of Williamsburg at any special town meeting legally called and held before November 1, 1939, an appropriate article being inserted in the call for such meeting.

If a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act, it shall become operative on March 31, 1940. The town clerk shall forthwith file with the secretary of state a certificate of the action of the town thereon.

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

At this point a message was received from the Senate, through its Secretary.

THE SECRETARY OF THE SENATE: Mr. Speaker, I have the honor, sir, to bear a message from the Senate, addressed to this Honorable House, whereby the Senate desires to convey to the distinguished Representative from Levant, Mr. Fernald, the congratulations of the Senate on the occasion of his birthday.

The SPEAKER: The Chair hears the message and thanks the Secretary. (Applause, the members rising)

#### Passed To Be Engrossed Bills Tabled

Bill "An Act relating to Requirements for Old Age Assistance" (S. P. 555) (L. D. 1080)

(On motion of Mr. Marshall of Auburn tabled pending third reading, and specially assigned for tomorrow morning.)

Bill "An Act relating to the Support of Parents" (S. P. 556) (L. D. 1081)

Bill was given its third reading.

(On motion by Mr. Marshall of Auburn, tabled pending passage to be engrossed, and specially assigned for tomorrow morning)

#### Passed To Be Engrossed (Continued)

Bill "An Act relating to Reports to Towns of Excise Tax Payments" (S. P. 557) (L. D. 1082)

Bill "An Act relating to the Examination of Railroads by the Public Utilities Commission" (S. P. 562) (L. D. 1087)

Bill "An Act relating to Automobile Travel by State Employees" (S. P. 596) (L. D. 1108)

Bill "An Act relative to the Office of Town Auditor" (H. P. 519) (L. D. 172)

Sent up for concurrence.

Bill "An Act to Provide for the Surrender by Milton Plantation of its Organization" (H. P. 522) (L. D. 175)

Mr. Dwinall of Camden, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 522, L. D. 175, Bill "An Act to Pro-



vide for the Surrender by Milton Plantation of its Organization."

Amend said Bill by striking out all of Sections 3 and 4 and inserting in place thereof the following:

**'Sec. 3. Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Plantation of Milton at any annual or special plantation meeting legally called and held before November 1, 1939, an appropriate article being inserted in the call for such meeting.

'If a majority of the qualified voters of the plantation, present and voting, vote in favor of the acceptance of this act, it shall become operative on March 31, 1940. The plantation clerk shall forthwith file with the secretary of state a certificate of the action of the plantation thereon.'

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

Bill "An Act to Provide for the Surrender by Medford of its Organization" (H. P. 587) (L. D. 210)

Mr. Dwinall of Camden, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 587, L. D. 210, Bill, "An Act to Provide for the Surrender by Medford of Its Organization."

Amend said Bill by striking out all of Sections 3 and 4 and inserting in place thereof the following:

**'Sec. 3. Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Town of Medford at any special town meeting legally called and held before November 1, 1939, an appropriate article being inserted in the call for such meeting.

'If a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act, it shall become operative on March 31, 1940. The town clerk shall forthwith file with the secretary of state a certificate of the action of the town thereon.'

Thereupon, House Amendment "A" was adopted, the bill was given

its third reading, passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Provide for the Surrender by Orneville of its Organization" (H. P. 588) (L. D. 211)

Mr. Dwinall of Camden, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 588, L. D. 211, Bill "An Act to Provide for the Surrender by Orneville of Its Organization"

Amend said Bill by striking out all of Sections 3 and 4 and inserting in place thereof the following:

**'Sec. 3. Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Town of Orneville at any special town meeting legally called and held before November 1, 1939, an appropriate article being inserted in the call for such meeting.

'If a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act, it shall become operative on March 31, 1940. The town clerk shall forthwith file with the secretary of state a certificate of the action of the town thereon.'

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

### Passed to be Engrossed

#### (Continued)

Bill "An Act relating to Regulation of Pauper Expense for Conveyance of Children Attending the Public Schools" (H. P. 1751) (L. D. 900)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Washington County to Robert Bernard Jr. of New York (S. P. 229) (L. D. 276)

Sent up for concurrence.

### Amended Bills

Bill "An Act relating to Public Exhibitions" (S. P. 390) (L. D. 823)

Bill "An Act to Provide for the Repeal of the Charter of the Fort Kent Village Corporation" (S. P. 393) (L. D. 763)

Were reported by the Committee

on Bills in the Third Reading, read the third time, and passed to be engrossed as amended in concurrence.

**Passed to Be Engrossed  
(Committee Amendments to be  
Adopted)**

Bill "An Act to Provide for the Surrender by Lexington Plantation of its Organization" (H. P. 407) (L. D. 112)

On motion by Mr. Dwinal of Camden, the House voted to indefinitely postpone Committee Amendment "A"

Mr. Dwinal then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 407, L. D. 112, Bill, "An Act to Provide for the Surrender by Lexington Plantation of Its Organization."

Amend said Bill by striking out all of Section 3 and inserting in place thereof the following:

**'Sec. 3. Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Plantation of Lexington at any special plantation meeting legally called and held before November 1, 1939, an appropriate article being inserted in the call for such meeting.

If a majority of the qualified voters of the plantation, present and voting, vote in favor of the acceptance of this act, it shall become operative on March 31, 1940. The plantation clerk shall forthwith file with the secretary of State a certificate of the action of the plantation thereon.'

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

Bill "An Act to Provide for the Surrender by town of Topsfield of its Organization" (H. P. 589) (L. D. 212)

On motion by Mr. Dwinal of Camden, the House voted to indefinitely postpone Committee Amendment "A".

Mr. Dwinal then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 589, L. D. 212, Bill, "An Act to Pro-

vide for the Surrender by Town of Topsfield of its Organization."

Amend said Bill by striking out all of Section 3 and inserting in place thereof the following:

**'Sec. 3. Referendum.** This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the Town of Topsfield at any special town meeting legally called and held before November 1, 1939, an appropriate article being inserted in the call for such meeting.

If a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act, it shall become operative on March 31, 1940. The town clerk shall forthwith file with the secretary of state a certificate of the action of the town thereon.'

House Amendment "A" was then adopted, and the bill had its third reading, was passed to be engrossed as amended and sent up for concurrence.

**Passed to Be Enacted  
(Emergency Measure)**

Mr. RICHARDSON of Strong: Mr. Speaker, I move that we suspend the rules at this time, in order that I may take up the twelfth item of unfinished business under Orders of the Day.

The SPEAKER: The gentleman from Strong, Mr. Richardson, moves the rules be suspended to permit him to take up, out of order, Bill "An Act relating to Taxation of Radios" (H. P. 1835) (L. D. 1001) tabled on March 24th by that gentleman, pending passage to be enacted.

Mr. RICHARDSON: Mr. Speaker and members of the House: This particular act has been before this House on two occasions. I think we all remember that it is an emergency measure, that it has been considered by the committee and reported back. I think you remember that on the last occasion when you voted on this measure it was necessary that we have a hundred and two votes in the affirmative, and we had ninety-three, due to the fact that there were so many absentees.

I think it is only fair to say that the majority of the towns of this State have been taxing radios, some of them, for ten years at least. Due

to the Law Court decision of last year, whereby they classified radios as household furnishings, that source of revenue was automatically taken from the local assessors. Unless this matter is finally disposed of by this Legislature before next Saturday, that source of revenue will be closed to the assessors for the coming year. Even though it may be a small item in many communities, it is still a fact that the assessors are in no position to lose or to have kept from them any possible source of revenue.

I might say, in closing, that the assessors have had no great difficulty in collecting this tax even though there may have been some inequalities.

I move this bill be passed to be enacted.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that Bill "An Act Relating to Taxation of Radios" (H. P. 1835) (L. D. 1001) be passed to be enacted. This is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House being had,

One hundred and thirteen voting in the affirmative, 113 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

On motion by Mr. Ellis of Fairfield, the bill was ordered sent forthwith to the Senate.

#### Passed To Be Enacted

An Act Decreasing the Subsidy Contributed by the State relative to Physical and Industrial Education (S. P. 132) (L. D. 117)

An Act to Repeal Certain Acts and Resolves relating to Unnegotiable Bonds in the Custody of the Treasurer of State (S. P. 133) (L. D. 118)

An Act relating to Registration of Certain Trucks (H. P. 285) (L. D. 92)

An Act relating to Paupers (H. P. 1599) (L. D. 728)

An Act relating to Support of Child Committed to Custodial Agency by Municipal Courts (H. P. 1600) (L. D. 729)

An Act relating to Custodial Care of Children (H. P. 1602) (L. D. 730)

An Act relating to Transfer of Inmates of State Institutions (H. P. 1605) (L. D. 698)

An Act relating to Commitments to the Pownall State School (H. P. 1606) (L. D. 699)

An Act relating to Disposal of Minor Children in Divorce Proceedings (H. P. 1609) (L. D. 702)

An Act relating to the Weight of Commercial Motor Vehicles (H. P. 1996) (L. D. 1059)

An Act relating to Registration Fees to be Paid for Registration of Funeral Coaches and Funeral Hearses (H. P. 1997) (L. D. 1060)

#### Finally Passed

Resolve Naming "Perleys Pond" (H. P. 1994) (L. D. 1061)

#### Orders of the Day

The Chair lays before the House the first item of unfinished business in which the House was engaged at the time of adjournment yesterday, House Amendment "C" to Bill "An Act to Permit Sunday Moving Pictures" (H. P. 1665) (L. D. 736), the pending question being the motion of the gentleman from Biddeford, Mr. Donahue, that House Amendment "C" be indefinitely postponed. The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. MCGLAUFFLIN: Mr. Speaker, I wish to second the motion of the gentleman from Biddeford, Mr. Donahue. I tried to make it quite plain yesterday that I, for one, was opposed to commercializing moving pictures on Sunday. I am opposed to raising money in any such cheap way. I therefore second the motion of the gentleman from Biddeford (Mr. Donahue).

Mr. HINMAN of Skowhegan: Mr. Speaker, I move that House Amendment "C", and the accompanying bill, lie on the table pending the motion of the gentleman from Biddeford, Mr. Donahue, that House Amendment "C" be indefinitely postponed.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that House Amendment "C", and the accompanying bill lie on the table, pending the motion of the gentleman from Biddeford, Mr. Donahue, that House Amendment "C" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and House

Amendment "C", together with the bill, was tabled.

The Chair lays before the House the second item of unfinished business, Bill "An Act Changing Ward Boundaries in the City of Saco" (H. P. 1169) (L. D. 488) tabled on March 23rd by Mr. Donahue of Biddeford, pending adoption of Committee Amendment "A"; and the Chair recognizes that gentleman.

Mr. DONAHUE: Mr. Speaker, I move that Committee Amendment "A" be adopted.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that Committee Amendment "A" be adopted. Is this the pleasure of the House?

(House at ease)

The SPEAKER: The House will be in order. The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker, I desire permission to withdraw my previous motion, and now desire to offer House Amendment "A" to Committee Amendment "A".

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, now offers House Amendment "A" to Committee Amendment "A".

The Clerk will read House Amendment "A" to Committee Amendment "A".

House Amendment "A" to Committee Amendment "A" to H. P. 1169, L. D. 488, Bill "An Act Changing the Ward Boundaries in the City of Saco."

Amend said amendment by inserting in the last paragraph before the word "qualified" the words "votes cast by the" and by striking out in the second line of said paragraph the words "present and voting, vote in" and by striking out the word "of" after the word "favor" in the second line of the last paragraph of said amendment.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted, and Committee Amendment "A", as amended by House Amendment "A" was adopted, and on further motion by Mr. Donahue, under suspension of the rules, the bill was given its third reading, passed to be engrossed, as amended, and sent up for concurrence.

The Chair lays before the House the third item of unfinished business Bill "An Act Amending the Law Relating to Outdoor Advertising" (S. P. 69) (L. D. 39), tabled on March 23rd by Mr. Farrington of Augusta, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Farrington, the bill was given its third reading, passed to be engrossed, as amended by Senate Amendment "A" in concurrence.

Mr. HINMAN of Skowhegan: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. HINMAN: I would ask that the rules be suspended in order that I may move to take from the table at this time House Amendment "C" to Bill "An Act to Permit Sunday Moving Pictures."

The SPEAKER: The motion will have to be made under suspension of the rules because the House are engaged in unfinished business. Does the gentleman wish to make a motion to suspend the rules?

Mr. HINMAN: I do, Mr. Speaker.

The SPEAKER: For what purpose?

Mr. HINMAN: For the purpose of taking from the table the matter which I tabled previously this morning.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the rules be suspended to permit a motion to take from the table House Amendment "C" to Bill "An Act to Permit Sunday Moving Pictures," together with the bill. Is this the pleasure of the House?

The motion prevailed, and the rules were suspended.

Mr. HINMAN: Mr. Speaker, I now move to take from the table House Amendment "C".

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the House take from the table House Amendment "C" and the accompanying bill. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that House Amendment "C" be indefinitely postponed. Is the House ready for the question?

All those in favor of the motion of the gentleman from Biddeford, Mr. Donahue, that House Amendment "C" to Bill "An Act to Permit Sunday Moving Pictures" be indefinitely postponed will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Thirty-six having voted in the affirmative and 81 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Buzzell.

Mr. BUZZELL: Mr. Speaker, I now move the adoption of House Amendment "C"

The SPEAKER: The gentleman from Belfast, Mr. Buzzell, moves that House Amendment "C" be adopted. Is this the pleasure of the House?

The motion prevailed and House Amendment "C" was adopted.

On motion by Mr. McNamara of Winthrop, under suspension of the rules, the bill was given its three several readings, passed to be engrossed as amended by House Amendments "A" "B" and "C", and sent up for concurrence.

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

From the Senate: Senate Report of the Committee on Legal Affairs on Bill "An Act Creating the Port Authority of the Town of Mount Desert" (S. P. 260) (L. D. 452) reporting the same in new draft (S. P. 550) under the same title and that it "Ought to pass".

Comes from the Senate, the report read and accepted and the new draft recommitted to the Committee on Legal Affairs.

In the House:

On motion by Mr. Dow of Norway, the House voted to accept the report of the Committee on Legal Affairs reporting "Ought to pass in new draft" on this bill, and the new draft was recommitted to the Committee on Legal Affairs in concurrence.

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

The Chair lays before the House the fourth item of unfinished business House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Taxes

for Old Age Assistance" (H. P. 1462) (L. D. 628), tabled on March 23rd by Mr. Young of Old Orchard Beach, pending acceptance. The Chair recognizes the gentleman from Berwick, Mr. Varney.

Mr. VARNEY: Mr. Speaker and members of the House: I want to make just a few remarks, and I will try to make them brief, concerning this particular tax measure which I presented in the early part of the session.

This taxation measure was presented by me at a time when I felt that in order to make any adequate provision for old age assistance it would probably be necessary for this Legislature to pass at least some new or additional taxes. I had a feeling that the people of the State of Maine had told us in no uncertain terms that they would have nothing to do with the sales tax. I also had a feeling that the people of the State of Maine expected and wanted us to make adequate provision for old age assistance, and I still think that is true.

I now believe that it may be possible for us to do that, that is, make adequate provision for old age assistance by economies and with no new taxes. If we can do that, I would not ask for the passage of this measure. If we should find that that was impossible, then I still think that this method of taxation which I have suggested is somewhat better than any others that I have seen.

Now the committee had a hearing on this tax. There was some opposition expressed at the hearing. One or two other proponents said a little something before the committee. I have not talked very much about this myself, because I have not been sure that we needed it. I have not heard much talk among the members of the House and I haven't seen very much in the newspapers concerning this tax. To me, that is significant of one of two things: Either the members of the House and of the Senate believe that this tax is so impossible that we would not have it under any circumstances, and for that reason they have not bothered to fight about it, or else perhaps it is so good there is nothing that can be said in opposition. I have a feeling that there may be a third possibility, and that is that the members simply have not noticed what

it is. For that reason, I want to make a few remarks concerning what this bill would tax and what it would produce in the way of revenue.

In the first place, it is a tax of one per cent. upon the earnings of the gainfully employed in the State of Maine. There are certain exemptions. It covers in general the same field of employees who are now contributing percentages of their earnings to the Federal government in the form of what is commonly called payroll taxes. In addition to that group, it covers State employees which are excluded now from the terms of the unemployment compensation taxes, and it includes Federal employees who are now excluded from the unemployment classification.

The tax not only covers the wages of the person who gets eighteen dollars a week, but it also covers the one per cent. of the salary of the president of the corporation, if there is such, who gets \$100 a week or more.

It is not a tax on the poor man; it does not tax anyone except persons who have work. It has that feature that the other sales taxes do not have—and I refer specifically to the gasoline tax and to the tobacco tax—which require even the man who is on relief to pay that if he wants a little smoking tobacco or a little gasoline.

This tax includes only the class of people who are working for some one else; that is, it does not include the individual who creates his own work. I think there is a real reason why that should be so, namely because it is the class of people who have been depending during their lives or during their working lives upon someone else to create a job for them who are now needing the old age assistance.

The average farmer who does his own work, who creates his own work, who works for himself, when he becomes sixty-five years of age continues to do so; and I think pretty generally speaking that is true of the average fisherman or the average person who creates his own job.

This tax would produce a revenue on a 1 per cent. basis of \$1,400,000, and, in addition to that, such revenue as would be produced from the tax on State employees and Federal employees. The figure of

\$1,400,000 a year I arrived at by taking the figures of the Maine Unemployment Compensation Commission. I understand that they collect approximately \$3,700,000 a year on the basis of the 2-7-10 per cent. tax on this same class of employees.

The tax would be easy of collection because it provides, with the exception of Federal employees, that the employer shall deduct it from the wages and send it in to the State. It would not require an expensive State setup in order to check up on the employers and employees who are paying the tax, because we already have that in the form of the Maine Unemployment Compensation Commission.

This bill does exclude employees who work for employers of less than eight or more, for the reason that the Maine Unemployment Compensation Commission now excludes those employees. Were I to include them in this tax, strange as it may seem, the tax would only produce an additional revenue of about \$22,000 a year, and it would mean that we would have to set up a rather expensive system for checking on the employers of less than eight or more in order to see that they sent in their returns and paid the tax.

Now I must admit that there are some bad features about this bill. First, it is a tax, and somebody has got to pay it. But I believe that there are many in this House who believe that we cannot adequately take care of old age assistance unless somebody pays the bill. There is only one other alternative I can see—unless, as I said before, it can be done by economies—and the other alternative would be to let the State of Maine go deeper into debt. That I shall be opposed to.

Now, with these few brief remarks, I shall sit down and permit the Taxation Committee report, "Ought not to pass", be accepted at this time, simply saying to the members of the House that I would like to have you look this tax over in the event that you should later on decide that it is necessary to raise some new taxes in order to adequately take care of old age assistance, and, at that time, if it does come, I may try to revive this dead tax measure.

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

The **SPEAKER**: The gentleman from Strong, Mr. Richardson, moves that the House accept the "Ought not to pass" report of the Committee on Taxation on Bill "An Act Relating to Taxes for Old Age Assistance." Is this the pleasure of the House?

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

The Chair lays before the House the fifth item of unfinished business, House Report "Ought not to pass" of the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Standard Fire Insurance Policies" (H. P. 1792) (L. D. 959), tabled on March 23rd by Mr. Noyes of Franklin, pending acceptance. The Chair recognizes the gentleman from Ellsworth, Mr. Mahon.

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

The Chair lays before the House the sixth item of unfinished business, House Report "Ought to pass in new draft under the Title, Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Washington County to Edith D. McKenney, of Lincoln" of the Committee on State Lands and Forest Preservation, on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Washington County to Mrs. Nina M. Daggett, of Hallowell (H. P. 949) (L. D. 375) New Draft (H. P. 1760) (L. D. 1063), tabled on March 23rd by Mr. Fellows of Augusta, pending acceptance; and the Chair recognizes that gentleman.

Mr. **FELLOWS**: Mr. Speaker, owing to the absence of a member of the House who wished to debate on this matter several days ago, I tabled it for his accommodation. That member has since returned, and I yield to the gentleman from Danforth, Mr. Sylvia.

Mr. **SYLVIA**: Mr. Speaker and ladies and gentlemen of the House: I make the motion that the original resolve, H. P. 949, L. D. 375, be substituted for the committee report, L. D. 1063, and in support of that motion I would like to state

briefly some of the facts relative to this resolve.

I mortally hate to take up the time of this House but I feel I ought to because I feel this is a case of mean legislation or attempted legislation.

First, I would like to tell you this: Down in Washington County in the plantation of Forest City there is a cottage on one acre of land which the State claims is owned by Raymond Young. He failed to pay the taxes in 1928 and 1929, and in 1930 it was taken by the State for non-payment of taxes, and the State acquired title to that piece of land. The State has held the title, as far as tax title is concerned, up to the present time.

All right, now. Mrs. Nina Daggett, an employee of our State, who works in the State School for Girls in Hallowell, filed a resolve in the Legislature in the early part of the session asking the Legislature to authorize the Forest Commissioner to deed her that land. She deposited her money, \$114.52, on January 26th.

Now when it came before the committee who should step in but Mrs. Edith McKenney, of Lincoln, who said she had title to the land. She spoke before the committee, and all she had to offer was the sheriff's deed and a part of the statement of facts which I will tell you about later. She talked for a long time and she gave a pitiful story like Paul's letter to the Corinthians. Then one of the distinguished gentlemen took her on the arm and escorted her to Mr. Dunnack and redrafted this bill. And now this is what it amounts to.

The statement of facts, if you look at it, says that Mrs. McKenney instituted suit against Miss Young. Who is Miss Young? She is the daughter of Raymond Young who owned the property at the time the State took it over for taxes. All right, when did she bring suit? She brought suit in 1935, five years after the State had acquired title to this property. What do you think of that? Some sheriff in Washington County evidently sold the State's land and gave Mrs. McKenney a sheriff's deed.

Now listen to this statement of facts. I don't know whether it is the product of the brain of Mrs. McKenney. It is not a statement of facts; it is a misstatement of facts. Mrs. McKenney says that

she did not realize the necessity of introducing a resolve asking the Legislature to authorize the Forest Commissioner to release the land to her until after the deadline of introduction of bills.

Now, members, if you want to go to the office of Taxation you will find a letter Mrs. McKenney wrote that office asking them what she should do to get the land. The answer to that is on file. She wants you to believe that she saw through a glass darkly. She had a prominent attorney in Bangor and Lincoln working for her and looking after her business affairs. That is about all I can say relative to that.

Now who is Mrs. Nina Daggett who filed her resolve properly at the beginning of the session, taking every step which should be taken? She filed the resolve January 26, 1939. Mrs. McKenney deposited her money on February 18th. Let me tell you who Mrs. Daggett is. Mrs. Nina Daggett is one of our State employees, Matron of the State School for Girls at Hallowell. She is seventy-two years old. She has reached that milestone in life's pathway which marks the high point. She spent eight years of her life serving the State and is going to be retired. Now she comes in with clean hands, files her resolve properly, at the proper time, and asks this body to authorize the Forest Commissioner to convey that land to her that she might have a roof over her head. She has not any money and no children to support her. It is only a small cottage down there in Washington County. You can see how little this land amounts to; the taxes on it for ten years were only \$114. You can see how small a piece of land it is. She is about to be retired and if she has this place to live in she is going to be of less expense to somebody.

Members, I hope you will support this motion and vote in favor of substituting the original resolve for the new draft in favor of Mrs. McKenney.

Mr. WEATHERBEE of Lincoln: Mr. Speaker and ladies and gentlemen of the House: It is true this is a very small matter to take up the time of this body with, but at the same time it is a very important matter to the parties concerned.

I would like to say at the outset,

I am not the attorney for Mrs. McKenney nor have I ever been attorney for Mrs. McKenney. As a matter of fact, she is a Democrat, and I doubt if she even voted for me at the last election. However, I feel it my duty to present her side of the case to the House.

As the gentleman from Danforth (Mr. Sylvia) has pointed out to you, this land was the property of Mr. Young, and, as the gentleman said, the State took the land in 1930 for non-payment of taxes. However, in 1926, Mr. Young deeded this land to his daughter, and that deed was recorded in the proper registry of deeds for the county. In 1935, the lady from my town, Mrs. McKenney, brought suit against Miss Young, who had a deed to the land. At the time she did not know that the State had gone through the motions of taking title to the land from Miss Young's father, but this Miss Young owed Mr. McKenney a large sum of money, and Mrs. McKenney brought suit on that debt. She recovered judgment against Miss Young, and Mrs. McKenney attached the property in question, which was sold, and the sheriff conveyed the property to Mrs. McKenney by deed in 1936. So there is Mrs. McKenney holding the sheriff's deed to the property.

After getting the sheriff's deed, she discovered that there was due the State the sum of \$114 in taxes and that the land had been sold for taxes by the State. Her attorney, one of the two attorneys which she had, neither one of which lived in Lincoln, had considerable correspondence with the State Tax Assessor, and in a letter of September 11, 1937, Mr. Holley, the State Tax Assessor, wrote to one of the attorneys for Mrs. McKenney, he said: "When we receive payment of \$114.52 from Mrs. McKenney, she may take possession of the property until such time as the Legislature determines whether or not she may redeem the land."

Notice that he says "until such time as the Legislature determines whether she may redeem the land."

I do not know whether Mrs. McKenney knew it was necessary to introduce a resolve in the Legislature; I do not know whether her attorney advised her on that point. I do not know whether her attorney, on finding that a third party, Mrs. Daggett, had introduced a resolve asking the



State to convey that land to her—her attorney may have thought that the matter being before the Legislature, the Legislature could consider it and do justice without the necessity of another resolve being introduced. I do not know what went through the minds of the parties, but, at any rate, Mrs. McKenney came before the committee prepared to present her case when the resolve of Mrs. Daggett was before the Committee.

Now Mrs. Daggett introduced the resolve asking that the Forest Commissioner release the land to her upon the payment of \$114.52. I have never seen the land, but I think that if you buy an acre of land with a good cottage on it for the sum of \$114.52, you are getting a rare bargain. Mrs. McKenney has now deposited with the State Tax Assessor the sum of \$114.52, as has Mrs. Daggett.

Let us consider just the equity that the two ladies have in this particular land. First, there is Mrs. Daggett, who has given service to the State apparently, but what has she got along the lines of equity in the land? She is a person who is looking for something for nothing, or nearly so. The land is going to be conveyed to someone, and she would like to buy it for \$114.52.

On the other hand, there is Mrs. McKenney. She has a real interest and a real equity in the land. She has the original debt, and she has the expense of her suit, and she has the cost of the sheriff's sale and her attorneys' fees. She is a widow and she is of very moderate means, and she has invested a large amount of money for her in an effort to get money out of this original indebtedness, and this cottage and this acre of land is the only chance she will ever have to get anything out of this original indebtedness. She has presented the State Tax Assessor with a check for \$114.52, and she asks the State Tax Assessor to convey the land to her so that she may in some degree get satisfaction for the considerable expense she has gone to.

The committee considered this matter at the hearing, after hearing both sides of the case, and they decided that justice is with Mrs. McKenney. I ask you: Isn't this whole thing a question of fairness? The matter was before the Legislature and the committee, after hearing

both sides of the case properly presented, decided that justice was with Mrs. McKenney. Mrs. Daggett then attempts to buy that land for \$114.52. Who wouldn't? Mrs. McKenney offered to pay \$114.52, and possibly she had an equity in this land, the amount of which I do not know and cannot accurately estimate, but it is a sum she cannot afford to lose and which represents much more than the land is worth, all her expenses and the cost of the suit and so forth. It seems to me that the committee was clearly right when they weighed the case of the two ladies, weighed the equities of the two ladies in the matter and decided that Mrs. Daggett had no equity in the matter and Mrs. McKenney had a great deal of equity in the land. So they brought out the resolve in a new draft, recommending that the State convey the land to Mrs. McKenney upon her payment of \$114.52, which she has done.

If there is no motion before the House, I hope the motion of the gentleman from Danforth (Mr. Sylvia) will not prevail and that the unanimous report of the committee will be accepted.

Mr. PAUL of Portland: Mr. Speaker, as a member of the Committee on State Lands and Forest Preservation, I do not feel it is necessary to rise in defense of the action which this committee took on this particular resolve, but I will say this: This committee considered this matter just as seriously as we would have had there been one hundred thousand dollars involved. I will say this: That sympathies were not raised; this was not a case of tears streaming down the face of any widow. This was a case of fairness and justice and equity. It struck the committee in this way: Here was Mrs. McKenney with an execution of, as I recall it, thirty-five hundred dollars, who certainly had an equity in that property through her sheriff's deed. She also had a moral right to that property. It has been well and ably handled, in reply to my good friend from Danforth (Mr. Sylvia) and my friend from Lincoln (Mr. Weatherbee). It seemed to the committee there was nothing to it; that the land should not be conveyed to an independent outside person who happened to come along and thought they saw a real bargain

where they could pick up a piece of property. The committee understood it was worth about five hundred dollars and it could be gotten for \$114. I hope the report of the committee will be accepted.

Mr. SYLVIA of Danforth: Mr. Speaker, there is one more point I would like to bring out. The gentleman from Lincoln, Mr. Weatherbee, also the gentleman from Portland, Mr. Paul, have tried to impress upon your mind the equity side. Now how could anybody have an equity in a piece of property where she brought suit five years after the title went to somebody else? The State acquired title to this land in 1930. Either she or her attorney lost sight of the fact that the State owned it. How are you going to get equity when five years after the State acquired title to this property this woman puts an attachment on the property against the daughter of the former owner? If she erred in this, this is no place to thresh that out. They have made a mistake. She has not any equity in the piece of land; how can she have any equity in the piece of land? She brought her suit wrong. If the sheriff sold somebody else's land there is no equity there. She made a mistake. Perhaps she left that to her attorney. The equity, as I understand it, members, means that one has to come into Court with clean hands. Who comes in here with the cleanest hands: Edith McKenney or Nina Daggett?

The SPEAKER: The question before the House is on the motion of the gentleman from Danforth, Mr. Sylvia, that the original resolve be substituted for the committee report. Is the House ready for the question?

All those in favor of the motion of the gentleman from Danforth, Mr. Sylvia, will say aye; those opposed no.

A viva voce vote being taken.

The motion did not prevail.

On motion by Mr. Weatherbee of Lincoln, the House voted to accept the report of the Committee on State Lands and Forest Preservation, reporting "Ought to pass in new draft."

The Chair lays before the House the seventh item of unfinished business, Majority Report "Ought to pass" and Minority Report "Ought not to pass" on Bill "An Act Rela-

tive to Court Proceedings in Relation to the Enforcement of the Inland Fish and Game Laws" (S. P. 215) (L. D. 287) which came from the Senate with the majority report read and accepted and the bill passed to be engrossed as amended by Senate Amendment "A" and which was tabled in the House on March 23rd by Mr. Bird of Rockland, pending the motion of Mr. Varney of Berwick, that the minority report be accepted.

Mr. VARNEY: Mr. Speaker, I note the absence of Mr. Bird. I will say to the members of the House that after I moved the acceptance of the minority report, I understand that Mr. Bird has an amendment prepared which removes the objections that I had to the bill. I do not know whether it is here or not. I will ask that the matter lie on the table.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the two reports of the Committee on Judiciary and the accompanying bill lie on the table pending his motion that the minority report be accepted. Is this the pleasure of the House?

The motion prevailed, and the bill was so tabled.

The Chair lays before the House the eighth matter of unfinished business, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Legal Affairs on Bill "An Act to Allow Beano at Fairs" (H. P. 1669) (L. D. 737); both reports tabled on March 24th by Mr. Miller of Bath, pending the motion of Mr. Dow of Norway, that the majority report be accepted.

Mr. MILLER: Mr. Speaker, I might say for the information of the members of the House that the reason I tabled this bill was that I had a redraft prepared and submitted to the committee. There seemed to be a difference of opinion among the members of the committee. In view of that fact I move the acceptance of the majority report.

Mr. BUZZELL of Belfast: Mr. Speaker and members of the House: I will say that I believe there is a misunderstanding in relation to this bill and some of the members would like to have it re-committed to the committee in

order that a new draft may be presented.

The SPEAKER: The gentleman from Belfast, Mr. Buzzell, moves that the two reports and accompanying bill be recommitted to the Committee on Legal Affairs.

The motion to recommit to the committee takes precedence over the pending motion. Is it the pleasure of the House that the motion of the gentleman from Belfast, Mr. Buzzell, that the two reports, together with the bill, be recommitted to the Committee on Legal Affairs prevail?

The motion prevailed, the two reports, together with the bill, were recommitted to the Committee on Legal Affairs and sent up for concurrence.

The Chair lays before the House the ninth matter of unfinished business, House Report "Ought not to pass" as subject matter is covered in another bill of the Committee on Salaries and Fees on Bill "An Act Relating to Salaries of the Public Utilities Commission" (H. P. 1714) (L. D. 672) tabled on March 24th by Mr. Hawes of Vassalboro, pending acceptance; and the Chair recognizes that gentleman.

Mr. HAWES: Mr. Speaker, I have postponed action on this matter, but the bill referred to in the report has not yet appeared, therefore I think, perhaps, I should wait a very short while longer. I move that the bill be retabled.

The SPEAKER: The gentleman from Vassalboro, Mr. Hawes, moves that the "Ought not to pass" report of the Committee on Salaries and Fees and the accompanying bill lie on the table pending the acceptance of the Committee report. Is this the pleasure of the House?

The motion prevailed, and the bill was retabled.

The Chair lays before the House the tenth item of unfinished business, Bill "An Act Relating to Holidays" (H. P. 1430) (L. D. 631) tabled on March 24 by Mr. McGlaufflin of Portland, pending second reading, and the Chair recognizes that gentleman.

Mr. MCGLAUFFLIN: Mr. Speaker, I tabled this bill to find out what it is all about.

This Legislature is a pretty progressive one; it is taking steps al-

most too fast for me to keep up with, and this is one of them. Perhaps this is a good idea, but I want to say that right on the face of it, it does not appeal to me. There are certain sentimental values in holidays. I like to have Memorial Day come on the thirtieth day of May, whether it comes on Sunday or Monday or some other day. I like to have the Fourth of July come on the fourth. They say the Declaration was signed on the second, but for many, many years we have celebrated July 4th. It does not particularly appeal to me to think that we shall celebrate the Fourth of July in Portland on one day and go up to Boston and celebrate it on another day.

So far as I am aware, this provision for having all your holidays on Monday has not been passed upon in any other State. I do not think the matter is of tremendous importance, but I do say that it does not appeal to me.

Mr. MILLS of Farmington: Mr. Speaker, due to the illness of the gentleman from Kennebunkport, Mr. Dow, I would like to have this matter laid on the table.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that Bill "An Act Relating to Holidays" lie on the table pending second reading. Is this the pleasure of the House?

The motion prevailed and the bill was retabled.

The Chair lays before the House the eleventh matter of unfinished business, Resolve Creating a Recess Committee on Feasibility of Acquiring Property for the Establishment of Public Bathing Beaches and for Encouraging the Development of the Shores of the Lakes and Streams of the State (H. P. 2038) (L. D. 1072), tabled on March 24th by Mr. Bubar of Weston, pending assignment for second reading. The Chair recognizes the gentleman from Bath, Mr. Miller.

On motion by Mr. Miller, under suspension of the rules, the resolve was given its second reading, passed to be engrossed and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. Are there other matters that can be taken from the table at this time?

On motion by Mr. Payson of

Portland, the House voted to take from the table the ninth unassigned matter, Bill "An Act Relating to the Keeping of Dogs" (S. P. 509) (L. D. 1048), tabled on March 28th by that gentleman pending passage to be enacted.

Mr. PAYSON: Mr. Speaker, I now move that the rules be suspended to permit reconsideration of this matter, in order that I may introduce an amendment.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the rules be suspended to permit reconsideration of the passage of the bill to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman from Portland, Mr. Payson, now moves that the House reconsider its action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Mr. Payson thereupon presented House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 509, L. D. 1048, Bill, "An Act Relating to the Keeping of Dogs."

Amend said Bill by striking out in the 1st and 2nd line of the 2nd paragraph thereof the words, "or immediate care".

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

On motion by Mr. Burgess of Limestone, the House voted to take from the table the eleventh unassigned matter, Bill "An Act Relating to Registration Fees of Motor Vehicles" (H. P. 1929) (L. D. 1028) tabled on March 28 by that gentleman, pending passage to be enacted; and on further motion by the same gentleman the bill was passed to be enacted.

The SPEAKER: Are there any other matters which can be taken from the table at this time? If not, the Clerk will read the notices.

On motion by Mr. Townsend of Bangor,

Adjourned until ten o'clock tomorrow morning.