

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, March 4, 1943.

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

Prayer by the Rev. Mr. Washburn of Hallowell.

Journal of the previous session read and approved.

Papers from the Senate

From the Senate: Bill "An Act Permitting Men in the Armed Services to Make Valid Transfers of Property" (S. P. 434) (L. D. 752)

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. GRUA.

Mr. GRUA: Mr. Speaker and Members of the House: We have before us this morning Legislative Document 752, which has been sent down for concurrence and which, in order to be accepted in the House, requires the unanimous consent of this body because of our closing rule on acceptance of new bills.

This is a very important measure. A great many of our men in the service had to leave on very short notice and were unable to settle up their property affairs satisfactorily. Things come up about their property which require the making out of deeds and other papers which require acknowledgments to be executed by the grantors. As you know, those who wish to make these acknowledgments outside of the United States have to go to some member of our diplomatic corps specially authorized to take such acknowledgments. The purpose of this bill is to enable any member of our armed services to go to the lieutenant, or officer in charge of a higher grade, and acknowledge their signatures on such papers, and that acknowledgment shall serve to all intents and purposes the same effect as if it had been taken before a notary public or someone specially authorized to take acknowledgments. I think it is a very worthy bill. It will greatly aid the men in our services and can do us no possible harm. Therefore, Mr. Speaker, I move we concur in granting unanimous consent to accept Legislative Document

752, "Bill An Act Permitting Men in the Armed Services to Make Valid Transfers of Property." (S. P. No. 434) (L. D. No. 752)

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Savage.

Mr. SAVAGE: Mr. Speaker, I would like to go on record—

The SPEAKER: The gentleman from Skowhegan, Mr. Savage, asks unanimous consent to address the House. The Chair rules that the question is not debatable. The question before the House is: Shall unanimous consent be granted to permit the introduction of Bill "An Act Permitting Men in the Armed Services to Make Valid Transfers of Property (S. P. No. 434) (L. D. 752)? Is there objection? The Chair hears no objection, and the bill is received.

Thereupon, the Bill was referred to the Committee on Military Affairs in concurrence.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to a Digest of the Maine Reports" (S. P. 292) (L. D. 444)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Sea and Shore Fisheries on Bill "An Act relating to Licenses for Building Wharves and Fish Weirs" (S. P. 151) (L. D. 150) reporting same in a new draft (S. P. 427) (L. D. 734) under same title and that it "Ought to pass"

Came from the Senate, Report read and accepted and the Bill passed to be engrossed.

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

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to Unexpended Balances of School Fund" (S. P. 206) (L. D. 320)

Report of the Committee on Inland Fisheries and Game reporting same on Resolve in favor of Lake Webb Fish and Game Association (S. P. 67) (L. D. 733)

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

In the House, Reports were read and accepted in concurrence, the Bill was read twice, the Resolve read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act to Make Valid the Acts and Doings of Norway Pine Grove Cemetery Corporation and to Define its Membership and Restrict Use of its Funds" (S. P. 220) (L. D. 332) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

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

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

Committee Amendment "A" to S. P. 220, L. D. 332, Bill "An Act to make Valid the Acts and Doings of Norway Pine Grove Cemetery Corporation and to Define its Membership and Restrict Use of its Funds."

Amend said bill by striking out the word "removed" in the next to the last line of section 2, and inserting in place thereof the word 'removal.'

Committee Amendment "A" was adopted in concurrence and the Bill was assigned for third reading tomorrow morning.

Non-Concurrent Matter

From the Senate: Bill "An Act relating to Notices to the State in Actions by Towns in Pauper Cases" (H. P. 189) (L. D. 139) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 23rd.

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

In the House, on motion by Mr. Sleeper of Rockland, the House voted to reconsider its action whereby it passed this Bill to be engrossed as amended by Committee Amendment "A" on February 23rd.

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

Senate Amendment "A" to Legislative Document 139, Bill "An Act Relating to Notices to the State in Actions by Towns in Pauper Cases."

Amend said bill by striking out the word "department" in the fourth line and inserting in place thereof the words 'State of Maine.'

Thereupon, on further motion by Mr. Sleeper, Senate Amendment "A" was adopted and the Bill was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in concurrence.

Communication from the Head of a Department

The following Communication: (H. P. 1250)

STATE OF MAINE
OFFICE OF REVISOR OF STATUTES
AUGUSTA

March 2, 1943.

To the Honorable House of Representatives and the Senate of the 91st Legislature:

The title of a Resolve, "Resolve in Favor of Susie Devine, of Fort Fairfield," and insufficient data therefor was in my office some time before the closing date for the introduction of bills. The complete data arrived after I had filed the bills. The Resolve might have been introduced in incomplete form, but I was not certain of the intent of the proponent. I enclose the Resolve herewith.

Respectfully submitted,

(Signed) SMITH DUNNACK

Revisor of Statutes.

The Communication was read and ordered placed on file.

Thereupon, unanimous consent was granted to permit the introduction of Resolve in Favor of Susie Devine of Fort Fairfield.

Resolve was referred to the Committee on Pensions and sent up for concurrence.

The gentleman from Damariscotta, Mr. Denny, was granted unanimous consent to address the House.

Mr. DENNY: Mr. Speaker and Members of the House: After a brief explanation, I intend to ask for unanimous consent to introduce a bill. This is to be introduced by me by request, although I am heart-

ily in accord with the provisions and the principles of this bill, and I think each one of you will be too.

You recall several months ago when we were informed that the rubber situation was critical, that there was a provision made for a stiff penalty for stealing tires. Now tires had a value for in excess of their actual money value; they had a ration value, because rubber is a war necessity. Today, in all the newspapers and magazines, on the radio, from the platform, and also coming from several Federal agencies, you are asked as individuals to plan and plant a garden this year. The products you grow in that garden along in July and August will also, just as rubber, be of far greater value than their actual money value; they will have a ration value, because they are a war necessity, raised primarily for the purpose of helping out this tremendous food stock-pile that the government is trying to keep and make use of for the armed forces and for the people back home. You will recognize that many, many gardens will be planted as a patriotic duty, and that it will be necessary in many cases for individuals to plant their gardens at some distance from their homes, where they cannot be protected by themselves and where they are just at the mercy of marauders.

This bill provides for a stiff penalty for stealing farm and garden vegetables, very similar to the provision that was made for stealing rubber tires. It is possible, of course, that this bill in its present form might not be acceptable to the committee, but it can be changed after it comes in if you permit it to be introduced, and the penalty provision and other provisions might be changed. But it seems at this time very expedient to have such a measure if for no other reason than just to emphasize the value of garden products that a great many people will want to raise this year. So, at this time, Mr. Speaker, I ask unanimous consent to introduce a bill.

The SPEAKER: The Clerk will read the title of the bill.

The title was read by the Clerk as follows: Bill "An Act Relating to Larceny of Farm and Garden Products, etc."

The SPEAKER: The gentleman from Damariscotta, Mr. Denny, asks

unanimous consent on the part of the House to allow the introduction of Bill "An Act Relating to Larceny of Farm and Garden Products, etc." Is there objection.

(Cries of "Yes")

The SPEAKER: The Chair hears objection, and unanimous consent to introduce the bill is refused.

Orders

Mr. Osgood of Bradford, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the State Highway Commission furnish a copy of the Maine Traffic Flow Atlas to all members of the 91st Legislature who were not members of the 90th Legislature.

The Order received passage and was sent up for concurrence.

Mr. Cleaves of Portland, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on State Lands and Forest Preservation be authorized to conduct such investigations as they may deem necessary in order to ascertain the value of State owned lands, Resolves for the sale of which have been referred to that committee; and that the expense of such investigations be paid from the legislative appropriation.

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

Mr. CLEAVES: Mr. Speaker, I wish to make several words of explanation on this order. We have before the Forestry Committee several bills relative to the sale of small lots of land to various individuals. We in the Forestry Committee feel that it is poor business on our part to even give consideration to the sale of state-owned property when we do not know the value of it, hence the reason for this order.

The SPEAKER: Is it the pleasure of the House that the Order receive passage.

The motion prevailed, the Order received passage, and was sent up for concurrence.

House Reports of Committees Divided Report Tabled

Majority Report of the Committee on Mercantile Affairs and In-

surance reporting "Ought not to pass" on Bill "An Act relating to the Standard Form Insurance Policy" (H. P. 959) (L. D. 496)

Report was signed by the following members:

Messrs. HARVEY of York
PEAKES of Piscataquis
—of the Senate.
DUTTON of Bingham
BOWKER of Portland
FORGUE of Lewiston
VICKERY of PITTSFIELD
MORSE of Oakland
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same bill.

Report was signed by the following members:

Messrs. VARNEY of York
—of the Senate.
MILLIKEN of Madison
BLAKE of Dexter
—of the House.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker and Ladies and Gentlemen of the House: This bill has come in from the Committee on Mercantile Affairs and Insurance with a divided report. The measure was listened to by the members of that committee from seven o'clock one night until twelve, and the arguments were going strong pro and con at that time.

There is a great deal that can be said both in support of the measure and in opposition, but the real meat of the proposition which is contained in this bill is a proviso contrary to the present standard form of insurance, under which a person may buy a piece of property for say a thousand dollars, purchase insurance on that property to an unlimited extent, and, in case of loss, collect the full amount of that insurance regardless of the actual value of the property unless he has obtained the insurance fraudulently. There is a great deal that can be said in defense of the people who placed this measure before that committee. There is a certain grievance which has grown up in the State of Maine in regard to the standard form of insurance policy for one big, strong reason, and that is the question of the committee of conference in the case of loss. We have no quarrel with the committee of conference in the case of loss.

I believe it is a fine thing if it can be carried out and administered honestly; but, in order to gain the benefits of that committee of conference, you must agree—and I do not know but what the policy requires when you accept the policy that you shall be bound by the decision of that committee of conference without any recourse or appeal to the courts. That is one strong objection that they have to the present form, which, if the State of Maine should pass this measure, would allow a person to place insurance on property beyond its value and an insurance company might be obliged to pay it. I am told by the insurance men of the State of Maine that it will increase the premiums which the people of the State of Maine will be obliged to pay for insurance over one million dollars, and I believe they have not overestimated that fact. It appears to me that we are not at this time prepared to pass that measure.

While it is absolutely impossible to take care of it under the bill that is before our committee, I would like to see the property of the State of Maine valued for the purpose of insurance the same as you value your property for the purpose of taxation, so that when an insurance agent opens his tariff book he can see that the rate on a piece of property is so much and the adjudged value by a competent body is so much, beyond which point the insurance agent or the insurance company would not be permitted to insure, and then when there was a total loss the damage might be the amount that the policy was written for.

The provision of the standard insurance policy provides that they shall pay in case of loss the actual value. But we are getting the cart before the horse, and instead of establishing the actual value of the property before the fire, we wait until after the fire has extinguished all visible remains of the property and then start in to establish actual value. That is all wrong, and this House sometime will take steps to remedy that condition, because it is not a healthy affair.

The committee of conference as it has been applied in the past has not been satisfactory. The 80 per cent clause is something very few people in the State of Maine understand. I am frank to say I do not understand it, although I have paid

\$1200 to have a committee of conference educate me on that subject, and, after listening to that committee of conference and several high-paid lawyers all one day and finding out I was trimmed of \$1200, I decided that still I did not understand it.

Perhaps it might be of interest to the members of the House to know that in that adjustment first they argued that the property was not sufficiently insured to obtain anywhere near the full amount of damage. That argument continued for several months, and at the end of that time we had to arrive at the committee of conference stage. When we got into the committee of conference the argument was presented that the property cost so much to build one hundred years ago. Under the rules of depreciation, at the time of the fire the value of the property was entirely wiped out because of depreciation and consequently there was nothing to insure. That was the defense of that committee of conference, and, members, they got away with it to the tune of \$1200.

Members, those are matters that should be rectified, but this bill does not rectify those matters. You can not rectify a wrong by doing another wrong, when you compel the people of the State of Maine to pay insurance premiums in excess of what they are paying at the present time for the purpose of allowing misguided, we will say, if not unscrupulous, men to place insurance on property in excess of its value and then be able to collect it.

This committee listened to these arguments for the entire time, seven o'clock to twelve, and the same arguments were being presented when we adjourned that were presented when we began. I think the committee tried to arrive at an honest decision and save the people of the State of Maine this added million dollars' expense in premiums. I believe that the members of the committee who signed the minority report signed it principally because of the fact that the decision of the committee of conference cannot be appealed from to the courts of the State of Maine. I believe that is the meat of the nut, and the question which is before the House is: What do we want to do? Do we want to create another wrong to rectify the one which the bill cannot rectify? No bill before our committee can

entertain the matter because it has not been advertised—that is the question of matters which are not contained in this bill—and what it does contain is wrong in the opinion of insurance men of the State of Maine. I thank you.

The SPEAKER: The gentleman from Bingham, Mr. Dutton, moves the acceptance of the "Ought not to pass" report. The Chair recognizes the gentleman from Newport, Mr. Smith.

Mr. SMITH: Mr. Speaker, I move that the two reports, together with Legislative Document 496, Bill "An Act relating to the Standard Form of Insurance Policy" lie on the table pending the motion of the gentleman from Bingham, Mr. Dutton, that the House accept the majority report "Ought not to pass."

The SPEAKER: The gentleman from Newport, Mr. Smith, moves that the two reports and accompanying papers lie on the table pending the motion of the gentleman from Bingham, Mr. Dutton, that the House accept the majority "Ought not to pass" report. Is this the pleasure of the House?

The motion prevailed, and the two reports, together with the bill, were so tabled.

Mr. DUTTON: Mr. Speaker, would it be proper at this time for me to ask Mr. Smith to assign a date when he would take the matter from the table?

The SPEAKER: The gentleman from Bingham, Mr. Dutton, asks the gentleman from Newport, Mr. Smith, if he is willing to assign a date at this time when this bill will be brought up for discussion.

Mr. SMITH: Mr. Speaker, I do not wish to assign it to any special day.

On motion by Miss Bangs of Brunswick, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Divided Report Tabled

Majority Report of the Committee on Legal Affairs on Bill "An Act to Permit Towns to Create Protected Reserves" (H. P. 137) (L. D. 99) reported same in a new draft A (H. P. 1251) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. SANBORN of Cumberland
DUNBAR of Washington
PETERS of Androscoggin
—of the Senate.
HASKELL of Portland
BARTLETT of Portland
ANDERSON of New Sweden
PAYSON of Portland
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft B (H. P. 1252) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. DONAHUE of Biddeford
WARD of Millinocket
SICHOL of Lisbon Falls
—of the House.

(On motion by Mr. Libby of Caribou, the two Reports, with accompanying papers, tabled pending acceptance of either report, and the new drafts ordered printed.

Inexpedient Report Tabled

Mr. Ward from the Committee on Legal Affairs on Bill "An Act Validating the Sale of Certain Property by the County Commissioners of Lincoln County" (H. P. 757) (L. D. 407) reported that legislation thereon is inexpedient.

(On motion by Mr. Denny of Damariscotta, tabled pending acceptance of Committee Report)

Ought Not to Pass

Mr. Payson from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Making Columbus Day a School Holiday" (H. P. 806) (L. D. 388)

Report was read and accepted and sent up for concurrence.

Reports Tabled

Mr. Sichol from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Election Clerks" (H. P. 799) (L. D. 381)

(On motion by Mr. Braley of Augusta, tabled pending acceptance of Committee Report)

Mr. Sichol from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Powers of Constables" (H. P. 952) (L. D. 493)

(On motion by Mr. Bartlett of

Portland, tabled pending acceptance of Committee Report)

Mr. Ward from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to the Choice of Assessors" (H. P. 798) (L. D. 463)

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

Mr. Forgue from the Committee on Mercantile Affairs and Insurance reported "Ought not to pass" on Bill "An Act relating to Limitation of Rights to Issue Life Insurance Policies" (H. P. 1180) (L. D. 658) as subject matter is covered by other legislation.

Mr. Baker from the Committee on Sea and Shore Fisheries reported same on Bill "An Act to Encourage Marine Farming in the Tidal Waters of the State" (H. P. 207) (L. D. 131)

Mr. Sayward from same Committee reported same on Bill "An Act relating to Digging Clam Worms" (H. P. 1161) (L. D. 616)

Mr. Teel from same Committee reported same on Resolve relative to Catching Lobsters Near Monhegan (H. P. 1162) (L. D. 617)

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Mr. Haskell from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Sale and Use of Fireworks" (H. P. 802) (L. D. 384)

Miss Deering from the Committee on Public Health reported same on Bill "An Act to Authorize and Provide for the Temporary Admission to Practice in this State of Physicians and Camp Physicians to Protect the Health of the Civilian Population During the War Emergency Period" (H. P. 328) (L. D. 205)

Reports were read and accepted.
**Ought to Pass With Committee
Amendment**

Mr. Anderson from the Committee on Legal Affairs on Bill "An Act to Confer Additional Rights and Powers upon East Branch Improvement Company" (H. P. 560) (L. D. 286) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. Ward from same Committee on Bill "An Act relating to the Madison Water District" (H. P.

140) (L. D. 109) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Reports were read and accepted.

First Reading of Printed Bills and Resolve

Bill "An Act relating to the Determination of Profits and the Working Capital of the State Liquor Commission" (H. P. 767) (L. D. 461)

Bill "An Act relating to Costs of Tax Deeds" (H. P. 955) (L. D. 535)
Resolve in favor of Knox Memorial Association, Inc. for Support and Maintenance of "Montpelier" (H. P. 770) (L. D. 413)

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

First Reading of Printed Bills With Committee Amendment

Bill "An Act relating to Hunting and Trapping Bobcats" (H. P. 87) (L. D. 79)

Bill had its two several readings. Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 87, L. D. 79, Bill "An Act Relating to Hunting and Trapping Bobcats."

Amend said Bill by striking out all of section 1 thereof and inserting in place thereof the following:

"Sec. 1, R. S. c. 38, sec. 72, subsection (c) amended. Subsection (c) of section 72 of chapter 38 of the revised statutes, as revised, is hereby repealed and the following enacted in place thereof:

"(c) It shall be lawful to trap bear or bobcats at any time, anywhere, in the state, and it shall be lawful to hunt bear or bobcats at any time, anywhere in the state except on Sundays and in the night-time."

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

Bill "An Act relating to Apportionment to Towns for Teaching Positions" (H. P. 238) (L. D. 186)

Bill had its first reading.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, may I have unanimous consent to address the House?

The SPEAKER: If the gentleman desires to speak on the bill,

he does not need unanimous consent.

Mr. MURCHIE: Mr. Speaker, might I ask a question? It was sprung on me rather suddenly, and I confess to the House I am a little bit nervous at the moment. Has this to do with Legislative Document 186, Mr. Speaker?

The SPEAKER: That is right; Legislative Document 186 is under consideration at this time.

Mr. MURCHIE: Mr. Speaker, the first thought that I want to get into the minds of the members of the Legislature is that I am not opposed to this bill, but due to the fact that it is so much involved in a certain financial situation in the State of Maine, I feel that we ought to give consideration to a matter that is just as vital as this, and I will try to get it before you, if I can.

The point is that I am wondering if we should go the whole way, and I will come, in a moment, to what I am driving at. This bill is aimed just to help the teachers and will in no particular way help the more or less poorer towns in their real serious situations. If this \$90.00 allotment is paid directly to the teacher, as seems to be the thought of the sponsors of the bill, it confers no direct benefit on the towns, except perhaps a better satisfied group of teachers. Please understand that I have no desire to go against the value of the bill, but I have another thought in my mind to which we ought to give consideration, and if I can study out later any way in which the matter might be met, I would be glad to drop this subject, but that is the thought I have in mind.

Now, I suppose you will say, "What is he driving at anyway?" It is a strange thing that I have got to tell you, as I go along, what I get in sentiment at home and out around. I do not mean in my own home, but I mean here and there and everywhere. Some say that these teachers of ours attend conventions in other more wealthy cities and states, and are trying to build up our school system on a scientific basis beyond what we can afford. What I am driving at is this: Why not now show that we are conscious of a serious situation in real estate and that, ladies and gentlemen, is what I am driving at. The thought I had in mind was, might it not be better to take a sufficient amount from this \$500,-

000 to reduce real estate taxation one-quarter mill, and show that we are thinking of a serious situation? While it is a very small start, nothing but a gesture, it will be a move in the right direction and will indicate that you ladies and gentlemen in the Legislature have got something to take home with you, rather than just the reputation of sitting here sixteen weeks and doing not another thing but increasing expenses and hoisting salaries.

I am offering an opportunity to you to take something home with you. If the amount of money to be used under this bill were reduced by, say, \$175,000 to meet the decrease of one-quarter mill in the real estate tax, it would still leave \$325,000 to go toward the increase in teachers' pay, or perhaps about \$60.00 per teaching position, rather than \$90.00 as the bill proposes. Perhaps, who knows, in the beginning they may not have felt they could get the whole amount of money, and perhaps they might feel that we were using them fairly well by thus giving the teachers two-thirds of the desired amount, as I see it, and at the same time make a start toward the goal of real estate reduction that is coming to a head in this State just as sure as the sun rises in the morning and by the time another Legislative session rolls around. There is an alternative proposition, to be sure. We might split the money to some extent and turn it over to the Department of Education, to be allocated to the town on the per capita basis, and thus get the benefit, and, of course, help in a small way, but I am in favor of the first suggestion.

But I believe it would be a step in the right direction that might save a real eruption later on, when that kind of a tax battle—and it is coming later on—presents itself.

I am going to ask you to do something. If you are willing to do it, I will conclude you would like to consider the matter; and if you refuse to do it, I shall not be very much disappointed but will content myself with my belief that I was right in placing the situation before you.

What I am going to ask you is to consider it; you can consult the Tax Assessor, or consult the Governor, or any source of information you desire, and come to a conclusion. Some will say, to be sure, it is too small a start. That is more

or less true; and some will say that the assessor will catch up on you by increased valuation; but I feel the saturation point has been reached there. To be sure they can increase values in towns and cities that are getting the benefits of the war, where large increases in values of real estate are being felt, but there is a corresponding breakdown in many, many towns in this State which will more than offset that situation.

Now, I am offering you just simply an opportunity to take something home with you that is worth while; and as I said I shall not be very much disappointed if you do not go along with me, but you would be taking something home that might be worth while, helping the teachers to a considerable extent, and showing that you appreciate a real serious condition in real estate taxation.

If, to be sure, there is another solution,—and assuming the teachers' fund could be found,—then I will make an effort to try and find it, and then I will drop that idea.

With that explanation, Mr. Speaker, I am going to ask that this matter be tabled pending its second reading.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that L. D. 186 be tabled pending its second reading.

The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. WEBBER: Mr. Speaker, I want to reply to - - -

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that the Bill be tabled pending its second reading. The motion is not debatable.

All those in favor of the motion of the gentleman from Calais, Mr. Murchie, that L. D. 186 be tabled pending its second reading will say aye; those opposed no.

A viva voce vote being doubted.

A division of the House was had.

Fifty-five having voted in the affirmative and 54 in the negative, the motion prevailed, and the Bill, with accompanying papers, was tabled pending second reading.

Bill "An Act to Provide for the Appointment of a Board of Com-

missioners of Police for the city of Augusta" (H. P. 558) (L. D. 297)

Bill had its two several readings. Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 558. L. D. 297, Bill "An Act to Provide for the Appointment of a Board of Commissioners of Police for the city of Augusta."

Amend said Bill by adding at the end thereof 2 new sections to read as follows:

"Sec. 4. P. & S. L. 1937, c. 61, sec. 1, amended. Section 1 of chapter 61 of the private and special laws of 1937 is hereby amended to read as follows:

"Sec. 1. Organization. The police department of the city of Augusta shall consist of a chief of police, deputy-chief of police, a captain 2 captains and patrolmen to the number determined by the mayor and city council of said city."

"Sec. 5. P. & S. L. 1937, c. 61, sec. 5, amended. Section 5 of chapter 61 of the private and special laws of 1937 is hereby amended to read as follows:

"Sec. 5. Procedure. When said board of commissioners shall have qualified, they shall meet and elect a chairman and clerk of their own number, and shall forthwith select and appoint in the manner herein-after provided said patrolmen, 1 of whom shall be designated by them as chief of police, 1 as deputy-chief of police and 1 as captain 2 as captains; all of whom shall constitute the police department of said city of Augusta."

Committee Amendment "A" was adopted, and tomorrow was assigned for third reading of the Bill.

Bill "An Act relating to a Bond for Town Clerks" (H. P. 629) (L. D. 371)

Bill had its two several readings.

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

Committee Amendment "A" to H. P. 629 L. D. 371, Bill "An Act Relating to a Bond for Town Clerks."

Amend said Bill by inserting before the word 'The' in the first line thereof the words: "Any town may by vote require that."

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

Passed to Be Engrossed

Bill "An Act in relation to Fees of Referees" (S. P. 121) (L. D. 153)

Bill "An Act relating to Salary of Treasurer of Oxford County" (S. P. 149) (L. D. 184)

Bill "An Act relating to the Salary of the Clerk of the Lewiston Municipal Court" (S. P. 179) (L. D. 239)

Bill "An Act relating to the Support of Dependents of Veterans of World War I and World War II" (S. P. 324) (L. D. 527)

Bill "An Act to Amend the Workmen's Compensation Act relative to Artificial Physical Aids and Medical Services" (S. P. 335) (L. D. 509)

Bill "An Act to Make Uniform the Costs in Trial Justice Courts" (S. P. 337) (L. D. 511)

Bill "An Act to Provide for Town Elections for the town of Millinocket" (H. P. 104) (L. D. 63)

Bill "An Act relating to Expenses of the State Racing Commission" (H. P. 764) (L. D. 409)

Bill "An Act relating to the Organized Townships Fund" (H. P. 765) (L. D. 410)

Bill "An Act relating to Fees for Eating and Lodging Places" (H. P. 766) (L. D. 411)

Bill "An Act relating to Military Accounts" (H. P. 807) (L. D. 464)

Bill "An Act relating to Parole of Inmates of Reformatory for Men" (H. P. 942) (L. D. 488)

Bill "An Act relative to Widows and Widowers Sharing in Estates" (H. P. 943) (L. D. 489)

Bill "An Act relating to Appeals from Magistrates" (H. P. 945) (L. D. 491)

Bill "An Act relating to Jurisdiction of Violations of the Potato Tax Law" (H. P. 1248) (L. D. 750)

Resolve in favor of Fort McClary (H. P. 523) (L. D. 306)

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

Amended Bills

Bill "An Act relating to the South Portland Municipal Court" (S. P. 57) (L. D. 50)

Bill "An Act relating to Conditions in Passing Vehicles on the Road" (S. P. 299) (L. D. 438)

Bill "An Act relating to Adoption of Children" (H. P. 591) (L. D. 372)

Were reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed as amended and sent to the Senate.

**Passed to be Enacted
Enactor Tabled**

An Act Amending the Old Age Assistance Law (S. P. 71) (L. D. 6)

(Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, and on motion by Mr. Tuttle of Pownal, tabled pending passage to be enacted)

Passed to be Enacted (Cont'd)

An Act relating to Compensation of Collectors (S. P. 102) (L. D. 38)

An Act relating to the Dumping of Waste Potatoes (S. P. 155) (L. D. 175)

An Act relating to Mirrors on Motor Vehicles (S. P. 301) (L. D. 434)

An Act relating to Fees of Expert Witnesses in Homicide Cases (S. P. 406) (L. D. 670)

An Act relating to Membership and Creditable Service in the Jointly-Contributory Retirement System for State Employees, Except Teachers (H. P. 15) (L. D. 20)

An Act relating to Investments by Savings Banks (H. P. 54) (L. D. 54)

An Act Granting Prior Service to Stenographers of the Former Supreme Judicial or Superior Courts (H. P. 93) (L. D. 81)

An Act relative to Hunting of Game Birds in York County (H. P. 313) (L. D. 228)

An Act relating to Counting of Ballots (H. P. 323) (L. D. 223)

An Act relating to Protection of Children (H. P. 348) (L. D. 218)

An Act Extending the Period for which the Board of Finance in the City of Waterville is established (H. P. 455) (L. D. 259)

An Act relating to the Examination of the Public Debt Amortization Fund of the City of Waterville (H. P. 456) (L. D. 245)

An Act relating to Transfer of Title Under Court Order (H. P. 547) (L. D. 290)

An Act relating to Membership in the Jointly-Contributory Retirement System for Employees of the Inland Fish and Game Department (H. P. 550) (L. D. 312)

An Act relating to the Definition of Interest Under the Teachers' Retirement System (H. P. 551) (L. D. 292)

An Act to Amend the Charter of the Maine Central Institute (H. P. 567) (L. D. 302)

Finally Passed

Resolve Authorizing Removal of Screen at Outlet of Tunk Pond (S. P. 318) (L. D. 671)

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

Orders of the Day

On motion by Miss Clough of Bangor, the House voted to take from the table the twentieth tabled and unassigned matter, "An Act Amending the Charter of the Associated Hospitala. Service of Maine" (S. P. 221) (L. D. 340) tabled on March 3rd by that gentleman, pending enactment; and on further motion by Miss Clough the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion by Mr. McKusick of Parkman, the House voted to take from the table the seventh tabled and unassigned matter, "An Act Permitting Short Period Registration of Trucks" (H. P. 37) (L. D. 27) tabled on February 25th by that gentleman pending enactment.

On further motion by Mr. McKusick, the rules were suspended in order to permit that gentleman to move reconsideration of the action of the House whereby L. D. 27 was passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Parkman, Mr. McKusick.

Mr. McKUSICK: Mr. Speaker, I now move that the House reconsider its action taken a short time ago whereby Legislative Document 27, Bill "An Act Permitting Short Period Registration of Trucks" was passed to be engrossed.

After this bill reached the stage of enactment, several members of the House and Senate came to me and pointed out that there was one shortage in the making up of this bill.

As you know, we are facing a critical situation in food production, and one of the reasons for that critical situation is the shortage of transportation and labor for farmers, and some of our potato farmers in the House and Senate pointed out to me that if this bill went its ordinary course these benefits would not be available to farmers to move their

fertilizer in the spring. As you know, it is necessary for thousands of tons of fertilizer to be moved here in the State of Maine from the warehouses to the farms. My purpose in asking the reconsideration of the vote whereby we passed this bill to be engrossed is that I may offer an amendment to attach to this bill the emergency clause which would make the benefits of the act available to farmers immediately when passed. That is my sole purpose.

The SPEAKER. The gentleman from Parkman, Mr. McKusick, moves that the House reconsider its action whereby Legislative Document 27 was passed to be engrossed on February 18th. Is this the pleasure of the House?

The motion prevailed.

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

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

House Amendment "A" to H. P. 37, L. D. 27, Bill, "An Act Permitting Short Period Registration of Trucks."

Amend said Bill by inserting before the enacting clause thereof the following:

'Emergency preamble. Whereas, because of the war emergency all transportation, especially that by trucks, is seriously hampered, and

Whereas, the transportation of fertilizer is essential to the production of crops, and, it is essential that the fertilizer be available by April or May, and

Whereas, the passage of this act will permit the transportation of fertilizer to farmers in time to materially assist in the production of food for the war, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

Further amend said Bill by adding at the end thereof the following:

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

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 Miss Clough of Bangor, the House voted to reconsider its action taken yesterday whereby it indefinitely postponed Bill "An Act Relating to the Salary of the Register of Probate of Sagadahoc County," (H. P. 118) (L. D. 72); and on further motion by the same member the Bill was recommitted to the Committee on Salaries and Fees and sent up for concurrence.

On motion by Mr. Barnes of Houlton, the House voted to take from the table the sixteenth tabled and unassigned matter, Bill "An Act Relating to the Salary of the Recorder of the Houlton Municipal Court" (H. P. 329) (L. D. 200), tabled on March 3rd by that gentleman pending third reading; and on further motion by the same gentleman the Bill had its third reading and was passed to be engrossed and sent up for concurrence.

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

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I presume that a great many of you are interested as to the progress we are making in the handling of the bills, and under the able leadership of the Speaker, I can say that we are making very good progress. The number of bills that have been reported out to date are 280; the number of bills in the hands of Committees are 435; the number of bills heard but not reported are 212; the number of bills advertised but not heard are 134; the number of bills remaining unadvertised are 94; and the number of bills recommitted are two.

Now that is a very good record, with one possible exception, the number of bills heard but not reported, 212. That means that the Committees as yet have not had their executive sessions, and have not voted on these bills. That is the only thing that the members of the House can do to help expedite legislation. So we hope in the next day or two that these Committees that have heard these bills will hold their executive sessions and make their reports, so that we can go along with the legislation.

Also, perhaps you older members know, and a great many of the new-

er members, that we have not as yet introduced an order making a dead-line on tabled and unassigned matters. The calendar is now getting pretty well clogged up; we had twenty matters on the table; one has been taken off; we had several more tabled today. We hope we will not have to make an arbitrary decision on these matters and take these matters off arbitrarily, but if the calendar should get too clogged, we will have to introduce an order next week or soon thereafter, taking the bills automatically off the table on certain days; but if everyone who tables these bills takes them off voluntarily and the calendar is not cluttered up too long, perhaps we will not have to introduce that order.

The SPEAKER: The House is proceeding under Orders of the Day. The Chair recognizes the gentleman from Bangor, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, may I have unanimous consent to address the House?

The SPEAKER: The gentleman from Bangor, Mr. Maxwell, asks unanimous consent to address the House. Is there objection?

The Chair hears none and the gentleman may proceed.

Mr. MAXWELL: Mr. Speaker and Members of the House: I want to give an explanation about something that has happened today. I am referring to the second tabled and unassigned matter which is on

the calendar, Report "A" "Ought to pass" of the Committee on Judiciary, and Report "B" "Ought not to pass" of the same Committee on Bill "An Act Relating to Incurable Insanity as a Cause for which a Divorce may be Granted" (H. P. 185) (L. D. 124) tabled by me on February 16th, pending acceptance of either report. It was my intention to bring that matter before the House for the acceptance of one of these reports.

This morning, there was a matter that came to my attention that would indicate that there might be some improvement made in the bill; it was something that I believed needed thought and consideration, not only on my part but on the part of the members of the House, so as to enable them to give the matter proper consideration; so I drew up an amendment, which is now in the hands of the Clerk, and will be distributed here in the morning; and I am, therefore, offering this explanation for not taking the second tabled and unassigned matter from the table.

The SPEAKER: Is there any other matter to come before the House under Orders of the Day?

If not, the Clerk will read the notices.

On motion by Mr. Cousins of Old Town,

Adjourned until ten o'clock tomorrow morning.