

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

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## HOUSE

Wednesday, March 24, 1943.

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

Prayer by the gentleman from Weston, Mr. Bubar, a member of the House.

Journal of the previous session read and approved.

### Papers from the Senate

#### Memorial—Adopted in Senate

From the Senate: Memorial to the Honorable Claude R. Wickard, Secretary of Agriculture; Honorable James F. Byrnes, Director of Economic Stabilization; and Honorable Prentiss Brown, Director of Price Administration (S. P. 461)

Came from the Senate, read and adopted.

In the House, read and adopted in concurrence.

(The full text of this Memorial will be found in the Legislative proceedings of the Senate for Tuesday, March 23rd.

### Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Inland Fisheries and Game on Bill "An Act to Simplify the Inland Fishing Laws" (S. P. 426) (L. D. 736) reporting same in a new draft (S. P. 455) (L. D. 808) under the same title and that it "Ought to pass"

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

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

### Reception of Bills

Mr. Barnes of Houlton was granted unanimous consent to address the House.

Mr. BARNES: Mr. Speaker, I am going to ask for unanimous consent to introduce a bill. Briefly, I will explain the reasons therefor. Back in around 1934, the town of Houlton acquired a small piece of land for an airport. I believe the consideration was about five thousand dollars.

Since that time, it has acquired other pieces of land, until, finally, we have an airport at Houlton that represents an investment of somewhere between five and ten million dollars.

Under the Public Laws of 1931, as amended by subsequent amendments, this Legislature gave towns authority to purchase and to condemn land for municipal airports. We built on a small piece of this airport property the N. Y. A. center. We put up good buildings there, and had for some years fifty to sixty boys there in the N. Y. A. center. Now the Federal government has discontinued the N. Y. A. center. The buildings are still there, and they could be, and would be, used by the United States Army, which now, of course, occupies our air base, if the land could be deeded to the United States government.

Now, the reason this bill was not introduced before in this session was because we did not know that it would be necessary for the town to deed the land to the United States government but they will not use it unless we do.

So this bill, which I am asking unanimous consent to introduce, is an amendment to the law allowing towns to acquire land for airports. The bill is very brief and I do not think it will need any reference to any committee. I will just simply read it. It adds Section 7:

"Sales of land. Any city or town which has acquired lands pursuant to sections one and three of this chapter, as amended, shall have power to convey any or all of the same to the United States of America for a nominal consideration to be used for military airports, landing fields and reservations, subject to the right of any such city or town to repurchase the same for the sum of one dollar within 90 days after the secretary of war formally declares that there is no further military necessity for federal ownership thereof."

Section 2 is a validating clause: "All conveyances of airport lands by cities and towns to the United States of America for military purposes before this act takes effect are declared to be valid."

The passage of this act will permit us to convey for one dollar this piece of land with the buildings thereon to the United States government, with the understanding

that it will be reconveyed after the war is over.

To keep those buildings which are now empty from falling into disuse and disrepair, it seems to me, because this is a matter which closely concerns the war effort, that this House should perhaps give unanimous consent to the introduction of this bill.

The **SPEAKER**: The gentleman from Houlton, Mr. Barnes, asks for unanimous consent to introduce a bill at this time, notwithstanding the Joint Order. Is there objection? The Chair hears none, and the bill is received,—Bill "An Act Relating to Conveyances of Municipal Airport Lands to the United States of America." (H. P. 1306)

Thereupon, on motion by Mr. Barnes, under suspension of the rules, the bill had its two several readings, was ordered printed, and assigned for third reading tomorrow morning.

Miss Bangs of Brunswick was granted unanimous consent to address the House.

Miss **BANGS**: Mr. Speaker and Fellow Members of the House: I, too, find myself in the embarrassing and difficult position of asking a favor of this Legislature in behalf of the town of Brunswick, which I represent. I have no desire to open the doors for allowing bills and resolves and so forth to come into this Legislature, but I have been charged with the duty of trying to get for the town of Brunswick certain special measures which could not have been presumed before the cloture rule took effect.

Brunswick, as you know, is a defense area. Things change daily in defense areas. At the time of the town meeting, we found two matters that we thought and had hoped would be taken care of in our municipal meeting, but later found that they could not be taken care of in that manner. The town was informed that it was difficult to get a bill in under unanimous consent, but, regardless of that, they did request by a vote of the town that its representatives do all within their power to get the two bills offered at this time, and I come here fortified with the vote of the town asking us to do that.

These two measures will in no way stymie any activities of the

Legislature. They pertain solely to Brunswick and not to the State at large. They have been requested by the town by a vote. They will not require reference to any committee. Because of their length, I would ask that they be printed for your consideration.

It is, as I say, with reluctance that I ask this favor for the town of Brunswick, and I can assure you that any courtesy the House is able to offer the town through me at this time will be greatly appreciated.

I ask unanimous consent to present two bills, and am offering one at this time.

The **SPEAKER**: The gentleman from Brunswick, Miss Bangs, asks unanimous consent to introduce a bill notwithstanding the Joint Order. Is there objection? The Chair hears none, and the bill is accepted, Bill "An Act Amending An Act to Incorporate the Brunswick Village Corporation" (H. P. 1307).

On motion by Miss Bangs, under suspension of the rules, the bill was given its two several readings, ordered printed, and assigned for third reading tomorrow morning.

The **SPEAKER**: The Chair recognizes the gentlewoman from Brunswick, Miss Bangs.

Miss **BANGS**: Mr. Speaker, now, I present the second bill, and ask unanimous consent for its introduction.

The **SPEAKER**: The gentleman from Brunswick, Miss Bangs, asks unanimous consent to introduce a bill, notwithstanding the Joint Order. Is there objection? The Chair hears none, and the bill is accepted, Bill "An Act Relating to the Election of the School Committee of the Town of Brunswick." (H. P. 1308)

On motion by Miss Bangs, under suspension of the rules, the bill was given its two several readings, ordered printed, and assigned for third reading tomorrow morning.

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

On motion by Mr. Flagg of Portland, the House voted to reconsider

its action whereby it passed to be enacted Bill "An Act relating to Reports, Publications, Etc. of Departments" (H. F. 162) (L. D. 104); and on further motion by the same gentleman under suspension of the rules, the House voted to reconsider its action whereby the bill was passed to be engrossed.

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

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

House Amendment "A" to H. P. 162, L. D. 104, Bill "An Act Relating to Reports, Publications, Etc. of Departments."

Amend said Bill by adding after the word "sessions" in the 8th line of the 2nd paragraph of said Bill the following sentence:

**"Such reports may be printed and distributed annually as are deemed advisable by the governor and council, or directed by the Legislature."**

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

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I move you, Sir, that we reconsider our action of yesterday, whereby we voted to indefinitely postpone Legislative Document 636, Bill "An Act Relating to Salary of Register of Deeds of Kennebec County." In support of my motion I ask the privilege of imposing on the good nature of the House to present a couple of amendments. This bill, which explains itself, was a bill to increase the salary of the Register of Deeds of the County of Kennebec — my own county.

I think probably I should make an apology to the House at this time because of the fact I was out when I should have been in yesterday morning. This bill took its regular course of procedure and was heard in committee with no opponents present. It has been the purpose and custom of the Committee on Salaries and Fees to listen carefully to these pleas for increases in salaries and to attach considerable importance to the unanimous recommenda-

tions of the County Commissioners. I believe that there is no body of men in any county who are more familiar with the duties of any county office or who are in a better position to say when a salary should be raised or lowered, than the County Commissioners. The County Commissioners unanimously favored this increase in salary. Now, it is not a munificent or large increase. We did say to the Register of Deeds, "We will give you \$200 more for a period of two years only." So, you see, we are not establishing any very dangerous precedent, and I might say that the financial affairs of Kennebec County are in such condition that this particular increase will in no wise affect the financial standing of the county. Since the present incumbent took office, eight years ago, the receipts of that office have increased approximately 43 per cent. Now, I did not hear the remarks of my esteemed colleague who moved to indefinitely postpone this bill, but I assume that his argument may have been that this gentleman was a candidate, that he campaigned for this office during the recent campaigns, and knew exactly what salary the office carried, which I admit is true, every word of it. That is likewise the position of many who, under the present circumstances, have come before this Legislature and before the Committee, and asked for a slight increase in their salary. In their judgment, in many cases the committee has said, "We will grant you that increase, but will restrict it to two years." That is just exactly what we did in this case.

Now, I do not think there is really any need of my going further and tiring this House with any more of my feeble utterances. I have stated the facts to you. I hope the House, in fairness to the Committee and to the gentleman involved, will see fit to go along with my motion.

If they do, I shall try to make the proper motion at the proper time.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves that the House reconsider its action of yesterday, whereby it voted to indefinitely postpone Bill "An Act Relating to Salary of Register of Deeds of Kennebec County" (S. P. 368) (L. D. 636)

The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, I represent three towns—Benton, Clinton

and Albion. There is not a man with whom I have talked in those towns but who has been opposed to raising salaries in the State or in the county. They think that these men have worked to get these jobs, and that they ought to stick by them at the salaries they are getting today.

I really think that there are some places where people are getting a great deal of money today, but that is in different places than a man who has had a salary for quite a few years and is still entitled to that job. The man who works to get that job, has been around through our county, he has been to almost every one of us and seen us, and asked us to support him. I think that if we raise these salaries that we are going against the most of our people who have supported us. I think that we are doing a wrong thing. I think that if it has come to a time when we have got to raise these salaries, if these men do not want these jobs, that it is time that they dropped out and let somebody else have the jobs. You could fill that job today for what that man is getting, and maybe a good deal less; there are a good many people who would like to have the job.

For my part, I think we should stop this right where it is,—raising salaries for these men who have really got a good position, and have really wanted that position and have worked to get that position.

Now, do not let us go against those people who have sent us here to try to keep the expenses of our State and county down. I for one hope that this increase will not be granted.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I wish to come right to the point, and say that I wish to back up the statements made by the gentleman from Rome, Mr. Downs. I was a little bit surprised at the motion made yesterday to indefinitely postpone on a matter that had gone so far and come out of the Committee with a unanimous "Ought to pass" Report.

As I have said before, I felt in previous instances where there was no opposition to an increase in pay, that the only thing the Committee

on Salaries and Fees could do was to weigh the evidence for it, and report the bill out "Ought to pass", which they did in this instance.

I felt that yesterday, when the gentleman from Benton (Mr. Kent) got up, that he had the consent of the entire delegation from Kennebec County; and that it was the desire of that county that this particular salary should not be raised. I thought at that time that it was strange that they had not offered any opposition at the hearing. Therefore, I hope that the members of this House will back up the Committee on Salaries and Fees and the gentleman from Rome, Mr. Downs, who also comes from Kennebec County and must understand the situation just as well.

The SPEAKER: The question before the House is on the motion of the gentleman from Rome, Mr. Downs, that the House reconsider its action whereby it indefinitely postponed this bill.

The Chair recognizes the gentleman from China, Mr. Jones.

Mr. JONES: Mr. Speaker, in regard to this bill that we are discussing, calling for an increase in salary for the Register of Deeds of Kennebec County, I wish to say that the clerk hire has one hundred dollars in this same bill and as a member of the Committee on Salaries and Fees, I feel that both of these increases which are for only two years should be granted. I do feel that this man who is holding the office, after the experience that he has had, is much better qualified than a new man would be, and I certainly hope that the motion of the gentleman from Rome, Mr. Downs, will prevail.

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

Mr. CROSS: Mr. Speaker, I do not know whether I speak for the rest of the delegation from Kennebec County, but I think that I speak the thoughts of most of us when I say that I feel that the report of the committee should be followed by the House in most cases on any of these small salary bills which have been given the proper attention in committee and have been reported out "Ought to pass."

I will admit that all of us from Kennebec County were caught napping a bit yesterday. I, personally,

thought that our representative on the Salaries and Fees Committee was in the House, so I sat back and waited for him. I think most of us did. Unfortunately, he was not present.

Now, I think that we should, in cases such as this, follow the report of the committee, and if Kennebec County has a representative on that committee, and he has explained to us there was no opposition to the bill at the time, I really feel that the motion for reconsideration of the action which the House took yesterday whereby it voted to indefinitely postpone this bill should prevail.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Rome, Mr. Downs, that the House reconsider its action of yesterday whereby it voted to indefinitely postpone Bill "An Act Relating to Salary of Register of Deeds of Kennebec County" (S. P. 368) (L. D. 636). All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The **SPEAKER**: At the proper time the bill will come before the House for action.

#### Orders

On motion by Mr. Sayward of Kennebunk, it was

**ORDERED**, that Rev. Donald A. Scanlin of Kennebunk be invited to act as Chaplain of the House on Thursday, April 1st.

Mr. Sleeper of Rockland was granted unanimous consent to address the House.

Mr. **SLEEPER**: Mr. Speaker and Members of the House: Spring is in the air and the hour of adjournment draws near. It is beginning to seem probable—and I have it from the Clerk—that in all probability, if everything goes through, and there are not hitches, that that adjournment might be a week from Saturday, April 3rd; but we will have to take advantage of every legislative hour and expedite all matters that we can that could come before us. Today the calendar is rather light. All of the unassigned and today assigned matters are not of a very controversial nature and I am afraid that we are going to have a short day today.

The Clerk of the House informs me that if we have many such days in which we do not expedite much legislation, that our adjournment period might go into another week. What I am trying to say is that from now on, and today, especially, if there are any of the reports of the committees that the members do not like, and on which they may want to argue and debate, they can do it today.

If there are any bills in their readings or on their passage to be enacted that you wish to take up off the table, if you wish to take them out of the files, instead of tabling them, you can argue on them today. If you can do that it will help us to adjourn on April 3rd, and that goes from now on.

If you want to table anything, table it and assign it as soon as possible, and if you do not really need to table it, and if you are able at that time—or whenever you are able to debate and argue on it—do it at that time and do not table it. And if that is done, and if everything moves along smoothly, I think we can adjourn April 3rd—one week from Saturday.

#### House Reports of Committees Divided Report Tabled and Specially Assigned

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Resolve, proposing an Amendment to the Constitution Clarifying the Apportionment of Representatives to the Legislature (H. P. 186) (L. D. 136)

Report was signed by the following members:

- Messrs Farris of Kennebec
- of the Senate.
- Williams of Auburn
- Barnes of Houlton
- Bangs of Brunswick
- Grua of Livermore Falls
- Maxwell of Bangor
- of the House.

Minority Report of same Committee reporting "Ought not to pass" on the same Resolve.

Report was signed by the following members:

- Messrs. Harvey of York
- McGlauffin of Cumberland
- of the Senate.
- Perkins of Boothbay Harbor
- Robinson of Brewer
- of the House.

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

Mr. WILLIAMS: Mr. Speaker, I move the acceptance of the Majority Report "Ought to pass"

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves the acceptance of the Majority Report of the Committee "Ought to pass."

The Chair recognizes the gentleman from Gray, Mr. Doughty.

Mr. DOUGHTY: Mr. Speaker, in order that the little man may get his toes placed and his feet braced, I move that these two reports, with accompanying bill, lie on the table pending acceptance of either report, and be specially assigned for Tuesday morning.

The SPEAKER: The gentleman from Gray, Mr. Doughty, moves that

The Chair recognizes the gentleman from Portland, Mr. Leavitt. For what purpose does the gentleman rise?

Mr. LEAVITT: Mr. Speaker, I do not like to have it assigned for Tuesday. I think it should be assigned earlier than that. I think it should be assigned tomorrow. I think we should expedite the matter. I do not think that we should wait until next Tuesday.

The SPEAKER: The question before the House is on the motion of the gentleman from Gray, Mr. Doughty that the two reports, with accompanying bill, be laid on the table pending the motion of the gentleman from Auburn, Mr. Williams, for the acceptance of the Majority Report "Ought to pass," and that the matter be specially assigned for next Tuesday morning, March 30.

Mr. LEAVITT: Mr. Speaker, I move that the motion of Mr. Doughty be amended and that this matter be specially assigned for Thursday of this week.

The SPEAKER: The gentleman from Portland, Mr. Leavitt, offers an amendment to the motion made by the gentleman from Gray, Mr. Doughty, whereby this matter will be specially assigned for Thursday, March 25. All those in favor of this amendment to the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question before the House now is on the motion, as amended, of the gentleman from Gray, Mr. Doughty, that the

two reports, with accompanying bill, be laid on the table, and specially assigned for tomorrow morning pending—

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

For what purpose does the gentleman rise?

Mr. SLEEPER: Mr. Speaker, on the motion to table.

The SPEAKER: The motion to table is not debatable.

Mr. SLEEPER: Mr. Speaker, I am going to debate on the tabling motion.

The SPEAKER: The motion to table is not debatable.

The question before the House is on the motion of the gentleman from Gray, Mr. Doughty, that the two reports, and accompanying bill, be laid on the table, pending the motion of the gentleman from Auburn, Mr. Williams for acceptance of the Majority Report "Ought to pass" and that the matter be specially assigned for Thursday, March 25th. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

#### Divided Report Tabled

Majority Report of the Committee on Legal Affairs on Bill "An Act to Create a Board of Fire Commissioners for the town of Sanford" (H. P. 458) (L. D. 246) reporting same in a new draft (H. P. 1302) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. Dunbar of Washington  
Peters of Androscoggin  
—of the Senate.  
Donahue of Biddeford  
Ward of Millinocket  
Bartlett of Portland  
Sichol of Lisbon Falls  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. Sanborn of Cumberland  
—of the Senate.  
Anderson of New Sweden  
Haskell of Portland  
Payson of Portland  
—of the House.



The **SPEAKER**: The Chair recognizes the gentleman from Sanford, Mr. Pelletier.

Mr. **PELLETIER**: Mr. Speaker and Members of the House: It is not my intention at this time to take up much of the valuable time of this House on a matter that is purely local, applying only to the town of Sanford.

Needless to say, this bill had a fair hearing and the committee reported it out in a new draft. The bill has not been materially changed; it has merely been amended, to overcome the objection of some of the opponents; but rather than tire you with the local story of the Fire Department of the town of Sanford, I shall simply move that the Majority Report of the Committee be accepted.

The **SPEAKER**: The gentleman from Sanford, Mr. Pelletier, moves the acceptance of the Majority Report "Ought to pass in New Draft". Is this the pleasure of the House?

The motion prevailed, and the Majority Report was accepted.

The **SPEAKER**: The new draft will be laid on the table for printing.

### Divided Report

#### Tabled and Specially Assigned

Report of the Committee on Legal Affairs on Bill "An Act relating to the Game of 'Five-in-a-Row' otherwise known as 'Skill Ball Beano'" (H. P. 951) (L. D. 537) reporting same in a new draft (H. P. 1303) under title of Bill "An Act Providing for the Licensing and Regulation of the Amusement Known as 'Five-in-a-Row'" and that it "Ought to pass."

Report was signed by the following members:

Messrs. **DUNBAR** of Washington  
**PETERS** of Androscoggin  
—of the Senate.

**BARTLETT** of Portland  
**HASKELL** of Portland  
**SICHOL** of Lisbon Falls  
**WARD** of Millinocket

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. **SANBORN** of Cumberland  
—of the Senate.

**PAYSON** of Portland  
**DONAHUE** of Biddeford  
**ANDERSON** of New Sweden

—of the House.

On motion by Mr. Ward of Millinocket, the two Reports, with accompanying papers, were tabled pending acceptance of either report and specially assigned for Tuesday morning, March 30, and the New Draft ordered printed.

### Refer to 92nd Legislature

Mr. Anderson, from the Committee on Legal Affairs on Bill "An Act relating to the Assessment of Taxes" (H. P. 810) (L. D. 466) reported that it be referred to the 92nd Legislature.

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

Mr. **WILLIAMS**: Mr. Speaker, may I have permission to face the House?

The **SPEAKER**: The gentleman has permission.

Mr. **WILLIAMS**: Mr. Speaker and Members of the 91st Legislature: I would like to put this bill on the table, and at some later date explain to you what is in this bill, and why I think it is necessary for us, as lawmakers of the State of Maine, to at this time or at some later time take action regarding a bill of this nature; but, as we have been asked by our Floor Leader this morning to speak our little piece today, I think I may as well say it today as a week from today, as maybe we have more time now than we will have then.

Millions of dollars worth of property in the State of Maine is going free from taxation, due to faulty personal property tax laws which we have at the present time. These figures are not some pulled out of thin air. The office of the State Tax Assessor, from spot checks they have made—and all of you ladies and gentlemen know how spotty those checks really are—have found over five million dollars' worth of property which they know of is going free from taxation.

Now, you and I, as members of this Legislature, elected by the people of this State, have a responsibility, and that is, to correct laws which should have been changed

years ago; to make laws that will really be for the benefit of the citizens of this State. This law to amend the personal property tax law would do just that. It would change the basis under which personal property is taxed today. Today, we tax personal property to the owner in the town of his residence. Under this law, we would tax personal property to the owner or the person in possession in the town or city in which the personal property was located on the first day of April. It would be much easier to tax property under that law, and much more difficult for certain individuals and corporations within our State to evade taxes, if it were taxed in the town or city where that property is located, for the local assessors would know what that property was and where it was on the first day of April. That is what this law would do.

Now, if we wish to find millions of dollars worth of property in the State of Maine that today is going free from taxation, we need to revise this law.

Now, in most cases, I am not condemning the folks who are getting by without paying taxes. Of course, I realize that those individuals would like to continue to get by without paying taxes, and I do not know that we, as citizens and human individuals, can blame them for their attitude in that respect. The fault is not theirs; the fault is with the lawmakers of this State, that we have not enacted proper personal tax laws to take up that situation.

Now this bill which is before you, to my mind is not a good bill. I find that there is a good deal to this law, and I certainly am not condemning the Committee on Legal Affairs for not doing something about this law. I think it should go, no doubt, to a Recess Committee, made up somewhat of experts on the matter of taxation, because there are a lot of difficulties to iron out.

I have taken up your time this morning just because I wished to bring to your attention,—and it might not have been necessary; maybe the members are all acquainted with the situation — but just to bring to your attention the fact that a great deal of property is going free from taxes. We hear a lot about the State of Maine being

over-taxed, and no doubt property is over-taxed, but if the personal property in Maine which is going free from taxes was brought out, a lot of that inequality in taxes would be done away with.

I might mention a few types of personal property that are going free from taxes: road equipment, machinery equipment type, forest products of different varieties, trailers and equipment of that type, all of which are going to a large extent free from taxes at the present time. It seems that something should be done in Maine to relieve this situation.

Now, Mr. Speaker, I move the acceptance of the Committee Report.

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

Mr. PAYSON: Very briefly, in explanation of the report of the Committee on this bill, and the three succeeding bills, I think the gentleman from Clifton, Mr. Williams, will admit that the intention of his bill was good; but that the carrying through of the intention, and the draftsmanship of it, and a thorough study of it, were somewhat lax.

I was able to point out to him that the town of Eliot would lose several million dollars in valuation under his bill as now drafted. The purpose of the committee in reporting the bill out "Refer to 92nd Legislature" is that an order is to be introduced later referring the subject matter of these bills to the Legislative Research Committee for the thorough study and overhauling of these laws. It seems to me that is the only way the matter can be carefully and completely done.

The SPEAKER: The question before the House is on the motion of the gentleman from Clifton, Mr. Williams, that the House accept the Committee Report "Refer to 92nd Legislature." Is this the pleasure of the House?

The motion prevailed and the Report was accepted and sent up for concurrence.

#### Refer to 92nd Legislature (Continued)

Mr. Bartlett from the Committee on Legal Affairs on Bill "An Act Revising the Fire Prevention Laws" (H. P. 95) (L. D. 88) reported that it be referred to the 92nd Legislature.

Mr. Donahue from same Committee reported same on Bill "An Act relating to the Assessment and Collection of Taxes" (H. P. 954) (L. D. 536)

Mr. Ward from same Committee reported same on Bill "An Act relating to the Assessment and Collection of Taxes" (H. P. 956) (L. D. 534)

Reports were read and accepted and sent up for concurrence.

#### Leave to Withdraw

Miss Bangs from the Committee on Judiciary on Bill "An Act to Provide a Pension for Employees of the State of Maine" (H. P. 1103) (L. D. 716) reported leave to withdraw.

Reports were read and accepted and sent up for concurrence.

#### Ought not to Pass

Mr. Robinson from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Bath Municipal Court" (H. P. 546) (L. D. 289)

Mr. Payson from the Committee on Legal Affairs reported same on Bill "An Act relating to Pauper Settlements" (H. P. 459) (L. D. 261)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

Miss Bangs from the Committee on Judiciary on Bill "An Act relating to Bonds to be Furnished by State Officials and Employees" (H. P. 92) (L. D. 57) reported same in a new draft (H. P. 1304) under same title and that it "Ought to pass."

Mr. Grua from same Committee on Bill "An Act relating to Compensation of Employees who have received Prior Injuries" (H. P. 90) (L. D. 77) reported same in a new draft (H. P. 1305) under same title and that it "Ought to pass"

Mr. Ward from the Committee on Legal Affairs on Bill "An Act relating to Alternative Method of Enforcement of Tax Liens" (H. P. 564) (L. D. 301) reported same in a new draft (H. P. 1301) 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 With Committee Amendment

Mr. Bartlett from the Committee on Legal Affairs on Bill "An Act relating to Powers of Police Commission of the City of Augusta" (H. P. 756) (L. D. 405) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and this being a printed bill, under suspension of the rules the bill had its two several readings.

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

Committee Amendment "A" to H. P. 756, L. D. 405, Bill "An Act Relating to Powers of Police Commission of the City of Augusta."

Amend said bill by striking out the word "Monday" appearing in the last line and inserting in place thereof the words, "day of January".

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

Mr. Haskell from the Committee on Legal Affairs on Bill "An Act relating to Inspections and Recounts in Municipal Elections" (H. P. 800) (L. D. 382) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

The Report of the Committee was accepted, and this being a printed bill, under suspension of the rules the bill had its two several readings.

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

Committee Amendment "A" to H. P. 800, L. D. 382, Bill "An Act Relating to Inspections and Recounts in Municipal Elections."

Amend said bill by inserting at the end of section 3 thereof, the following: "In the examination of ballots upon application as provided in the preceding section, the municipal officers upon making corrected returns may in their discretion accept such facts as the candidates involved shall agree upon."

Further amend said bill by striking out the last sentence of section 6, and inserting in place thereof the following: "Nothing contained in this act shall affect the jurisdiction of the superior court or any

justice thereof to entertain proceedings under sections 89 to 93 both inclusive of chapter 8 of the revised statutes."

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

The SPEAKER: At this time the Chair recognizes the gentleman from Sanford, Mr. Pelletier, and designates him as Speaker pro tem and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon, the Sergeant-at-Arms conducted Mr. Pelletier to the rostrum, where he assumed the Chair, amid the applause of the House, the members rising, and Speaker Richardson retired.

#### Passed to Be Engrossed

Bill "An Act to Amend the Charter of the town of Old Orchard Beach" (S. P. 222) (L. D. 333)

Bill "An Act relating to Salary of Clerk in Office of Clerk of Courts of Franklin County" (S. P. 263) (L. D. 469)

Bill "An Act relating to the Office of State Auditor" (S. P. 411) (L. D. 700)

Bill "An Act relating to the Penalty for Interfering with any Contrivance Used in the Lobster Industry" (S. P. 445) (L. D. 786)

Bill "An Act relating to Savings Deposits in Trust Companies" (S. P. 451) (L. D. 800)

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

Bill "An Act Validating the Sale of Certain Property by the County Commissioners of Lincoln County" (H. P. 757) (L. D. 407)

Was reported by the Committee on Bills in the third reading.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Denny.

Mr. DENNY: Mr. Speaker, yesterday when I took this matter off the table, I agreed to offer an amendment and explain the amendment.

This bill was originally submitted to the Legislature asking them to validate the sale of certain prop-

erty in Lincoln County. We later discovered that the sale had not been made. Therefore, they could not validate the sale.

It was also the opinion of the Committee on Legal Affairs that ample provisions now exist in the statutes for the conveyance of the property under ordinary conditions. At the time we apparently did not have the full story. The story is this: Some ten years ago an officer in Lincoln County was unable to pay to the county fees and costs in the amount of \$3200 which he owed the county. He died shortly after this, before settlement could be made. His wife apparently gave to the county a deed for property, consisting of a lot of land and a two-family house. The county has held this property for ten years, and now wishes to sell it. In fact, they have tried to sell it before this, but they now have a buyer who will pay what they think is necessary.

Now, the county took that property, just as you and I would accept something in settlement,—not for full value but doing the best they could. There may be some question of the right of the county to do that. The prospective buyer approached the bank with the idea of securing a mortgage on this property. The bank turned the matter over to an attorney, and the attorney ruled that the title was not clear, and that it could not be clear and satisfactory for the bank to accept unless there was an act of the Legislature authorizing the county to sell this property.

Now, the situation is this: The county owns this property; it has this property. They are not in the real estate business. They do not want the property. They have a buyer who is willing to buy it. Some attorneys agree that the right to sell is authorized by existing laws. The attorneys in the county, some half a dozen or more, agree that there should be an act of the Legislature, as a county is a unit of the State. So, the county is just holding the bag, and is holding this property and is unable to sell it. Now, this does not clutter up the law. This is a specific act for a specific purpose, authorizing the county to sell this specific piece of property. It is not establishing a precedent, because, some years ago, this same

county asked and received authority from the Legislature to sell some property; and only last session asked and received authority from the Legislature to purchase some property. This is undoubtedly a border-line case, as indicated by attorneys disagreeing; and we ask you to accept this case as a practical solution for the county to dispose of some property which they have, have a buyer for, and want to sell.

Mr. Speaker, I offer an amendment and move its adoption.

The SPEAKER: The gentleman from Damariscotta, Mr. Denny offers House Amendment "A" and moves its adoption.

The Clerk will read the amendment.

House Amendment "A" to Bill "An Act Authorizing the County Commissioners of Lincoln County to Transfer Certain Real Estate." (L. D. 407)

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

**'Authority to Sell Property.**

The County Commissioners of Lincoln County are hereby authorized and empowered to sell, assign, transfer and convey the interest of the County of Lincoln in and to the Smith property, so called, situated in Waldoboro Village in Waldoboro in said county, for such consideration as they may determine.'

Further amend said bill by striking out in the title thereof the word "Validating" and inserting in place thereof the word 'Authorizing'.

Thereupon, House Amendment "A" was adopted and the bill had its third reading; was passed to be engrossed and sent to the Senate.

**Passed to Be Engrossed, (Cont'd)**

Bill "An Act relating to the Disposal of Insane Criminals" (H. P. 939) (L. D. 543)

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

**Bill Tabled**

Bill "An Act providing for Emblems Designating the Members of

the Legislature" (H. P. 1267) (L. D. 774)

Was reported by the Committee on Bills in the Third Reading.

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

Mr. PAYSON: Mr. Speaker and Members of the House: I offer House Amendment "A" to H. P. 1267, L. D. 774, and move its adoption.

In support of my motion, I will say that this bill, I believe, contains broad, unrestricted and dangerous powers, in an attempt to enlarge the power of an officer of the State of Maine, the Secretary of State, (Laughter) and I think it is the duty of this Legislature to put some restrictions and directions on how this matter should be handled. (Laughter.)

The SPEAKER: The gentleman from Portland, Mr. Payson, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" to H. P. 1267, L. D. 774, "An Act Providing for Emblems Designating the Members of the Legislature."

Amend said bill by adding at the end thereof the following:

**'The emblems shall be made from white gold trimmed with platinum and there shall be included within the emblem a picture and a thumb print of the Senator or Representative to whom the emblem shall be assigned.'** (Laughter)

The SPEAKER: Not having been printed and distributed, the amendment will lie on the table for reproduction. (Laughter.)

Bill "An Act providing for a System of Apprenticeship Whereby Voluntarily Made Agreements of Apprenticeship would be Encouraged; Establishing Standards for such Agreements in Conformity with the Minimum Apprenticeship Standards of the Federal Committee on Apprentice Training; Creating an Apprenticeship Council and Defining their Duties" (H. P. 1299) (L. D. 821)

Bill "An Act relating to Taxation of Telephone and Telegraph Companies" (H. P. 1300) (L. D. 822)

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

**Amended Bills****Tabled and Specially Assigned**

Bill "An Act Revising the State Library Laws" (S. P. 242) (L. D. 362)

Was reported by the Committee on Bills in the Third Reading.

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

Mr. WILLIAMS: Mr. Speaker, for the purpose of preparing an amendment, I would like to ask that this bill lie on the table until tomorrow morning and be specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Clifton, Mr. Williams, asks that this bill be laid on the table and be specially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the bill was tabled pending third reading, and specially assigned for tomorrow morning.

**Amended Bills (Cont'd)**

Bill "An Act to Aid the Prosecution of the War by Providing for the Creation of Local Agencies to Cooperate with the Federal Government in Making Housing Available for Persons Engaged in War Industries and Activities and by Granting Certain Powers to Public Bodies" (H. P. 23) (L. D. 9)

Bill "An Act Establishing a Game Preserve in the town of Rangeley, county of Franklin and State of Maine" (H. P. 243) (L. D. 187)

Bill "An Act to Provide for Education of Orphans of Veterans" (H. P. 1097) (L. D. 551)

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.

**Tabled and Specially Assigned**

Bill "An Act relating to City Ordinances on Licenses for Cinematograph, Moving Pictures and Operators" (H. P. 1136) (L. D. 600)

Was reported by the Committee on Bills in the Third Reading.

(On motion by the gentleman from Waterville, Mr. William A. Jones, tabled pending third reading and specially assigned for tomorrow morning.)

Bill "An Act to Permit Towns to Create Protected Reserves" (H. P. 1251) (L. D. 755)

Was 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.

At this point, Speaker Richardson was conducted to the rostrum by the Sergeant-at-Arms, where he resumed the Chair.

The SPEAKER: Mr. Pelletier, we are particularly happy today to have you the Minority Leader, preside over a session of this House, recognizing that the two-party system is the basis of Constitutional government as it has come down to us through the years. The Minority Party has every reason to be proud of its leadership in this House. We understand in a short time that you may enter a new field of service—Uncle Sam's Army,—notwithstanding the fact that under the law you are exempt, at least until January 1st, 1945. If that is a fact, and you are taking this step, be assured that the best wishes of this House—of all of your colleagues—will go with you.

Mr. Pelletier was then conducted by the Sergeant-at-Arms to his seat amid the applause of the House, the members rising.

**Finally Passed  
Emergency Measure**

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Forty-three (H. P. 1296) (L. D. 819)

The SPEAKER: This Resolve having had its two several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it be finally passed?

This being an emergency measure, under the Constitution it requires for its final passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the final passage of this Resolve will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. One hundred and sixteen having voted in the affirmative, and none in the negative, 116 being more than two-thirds of the entire elected membership of the House, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to be Enacted

An Act relating to the Building and Maintenance of Highway Crossings of Railroads (S. P. 148) (L. D. 148)

An Act relating to the Salary of the Sheriff of Lincoln County (S. P. 150) (L. D. 183)

An Act to Accept the Benefits of an Act of Congress to Provide for the Promotion of Vocational Education (S. P. 211) (L. D. 323)

An Act relating to State Aid for Academies (S. P. 281) (L. D. 439)

An Act relating to the Penalty for Violation of Certain Sections in the Health and Welfare Laws (S. P. 441) (L. D. 768)

An Act providing for Taxation of Annuity Premium Considerations (H. P. 107) (L. D. 64)

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

#### Enactor Tabled

An Act relating to the Salary of the Judge of the Municipal Court of Portland (H. P. 120) (L. D. 74)

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

#### Passed to Be Enacted

(Continued)

An Act relating to Clerk Hire in the Cumberland County Clerk of Courts' Office (H. P. 262) (L. D. 170)

An Act relating to the Salary of the Judge of the Sanford Municipal Court (H. P. 977) (L. D. 548)

An Act relating to Employees in Military Service (H. P. 1269) (L. D. 780)

#### Finally Passed

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Somerset County to George H. Cook, Jr., and Howard H. Chase (S. P. 202) (L. D. 283)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to the Great Northern Paper Company (S. P. 224) (L. D. 336)

Resolve for the Purchase of One Hundred and Twenty-five Copies of "Greater Portland's Community Survey" (H. P. 192) (L. D. 140)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Aroostook County to Joseph David of Edmunston, N. B. (H. P. 346) (L. D. 219)

Resolve providing for Purchase of Land for the State School for Girls (H. P. 471) (L. D. 266)

Resolve relating to Transfer of Money for Working Capital of the Liquor Commission (H. P. 769) (L. D. 462)

Resolve Appropriating Money for Control of the Fruit or Blueberry Fly in Maine (H. P. 929) (L. D. 482)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Fred J. Lovejoy of West Bethel (H. P. 1164) (L. D. 619)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Somerset County to Marie E. Munster of Rockwood (H. P. 1165) (L. D. 620)

Resolve Authorizing the Commissioner of Institutional Service to Transfer Certain Land (H. P. 1190) (L. D. 667)

Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Forty-four (H. P. 1297) (L. D. 820)

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

#### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first matter of unfinished business, Bill "An Act Relating to Sale and Use of Fireworks" (H. P. 802) (L. D. 384) pending assignment for third reading.

The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, I now move that the bill be assigned for its third reading tomorrow morning.

The SPEAKER: The gentleman from Bangor, Miss Clough, moves that the bill be assigned for its third reading tomorrow morning. Is this the pleasure of the House?

The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker, is that motion debatable?

The SPEAKER: The time is debatable but not the matter of tabling.

Mr. DOW: Mr. Speaker, I move that the matter be taken up at this time and disposed of either for or against.

The SPEAKER: In order to bring the matter to a head, the gentleman may move the indefinite postponement. That brings the entire matter before the House for debate.

Mr. DOW: Mr. Speaker, I would make the motion to indefinitely postpone. In support of that motion, I want to make a few concessions to my opponents in the previous debate, and I believe you would all agree to that.

Secondly, I am going to be very brief—and I am sure you will all agree to that; and when the vote comes upon the indefinite postponement, I hope the majority will agree.

One point in this bill that has come up since the previous discussion was the statement made by one or two that this would not interfere with individual or small group displays of fireworks. I think if you will read the bill carefully, you will see that it does definitely interfere. One statement is that the municipal officers may issue permits. Then, further on—shall require a bond or indemnity insurance in a sum of not less than one thousand dollars; and then the penalty is that they shall be punished by a fine or imprisonment, or both. I do not think you can argue that any individual under this bill could put on a fireworks display without providing a bond or indemnity.

Then, as to the concessions that I want to make,—the gentleman from Portland, Mr. Bartlett, I think, said he was—if I remember correctly—tremendously unimpressed with my assertion that this was an insurance racket. I feel that that is a fair criticism. I would say that

most of us at times in debate, when we do not have our speech written out, say things that we might not have said under further consideration; and I will agree with him that the use of the word "racket" was unfortunate.

The gentleman from Bangor (Miss Clough) took exception to my statement. I think, in some time past, that this bill was instigated by insurance interests. In her debate, I believe she said that the State of Pennsylvania had adopted the ideal bill from which this bill was drawn and which had been promulgated by the National Fire Protection Association. I want to concede a point there. I think her statement is better than mine on that point.

There was one point in the debate of the gentleman from Bangor, Miss Clough, with which I cannot agree. That is the implication that if we are opposed to this bill, we are unmindful of the safety of our children, or, as she expressed it, "hold human life too cheaply." I do not think that is the case. My children are past the age of amateur fireworks anyway, but I have grandchildren and I am vitally interested in their safety. I do not believe that the way to insure the safety of children is to keep them away from all harm. I believe, rather, it is to teach them to know the dangers with which they are surrounded, and for them to grow up with a knowledge of those dangers, and be better prepared to protect themselves. I believe if your children or my children were discharging fireworks in their own door-yard or out on the street, that they would be much safer than they would be in the street on the 4th of July. I believe that if they are denied that privilege, they will seek some form of excitement, and they will place themselves in greater danger.

Therefore, I move that the bill, as amended, be indefinitely postponed.

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

Mr. BARTLETT: Mr. Speaker and Members of the House: This being my first political experience, I find myself from time to time comparing this experience with the previous experiences in my lifetime. I find that it is a lot different from the practice of law, because once



you successfully defend a man under the law, you never have to defend him again on the same charge.

Previous to my law experience, however I did have some slight connection with vaudeville in Portland, and, with others, I had felt that vaudeville was dead. Since being in Augusta, I have had brief moments of doubt on that subject.

In vaudeville, we used to learn an act, then we would put it on day after day, three time a day, and every time that we put it on, we had a new audience, with the possible exception of one or two people who enjoyed the show so well the first time that they stayed over so as to see the show over again, or to know it verbatim.

Now I think the members of this House have their minds made up on this subject. It does not seem to me that any further debate is necessary; and I agree with the gentleman from Falmouth (Mr. Dow) that the matter should be disposed of this morning. The only way to dispose of it is to cast such an overwhelming vote in favor of this bill that nobody will dare table it again; so I hope that the gentleman's motion will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Weston, Mr. Bubar.

Mr. BUBAR: Mr. Speaker and Members of the House: Due to the fact that the Federal government has already taken measures along this line and that fire-crackers are out for the duration, and also due to the fact that communities can make their own ordinances and regulations it would appear at this time that this measure is inexpedient, and along with other members of the House, some other members, I want to go along with my friend, the gentleman from Falmouth, Mr. Dow, in his motion. I am sorry that the co-member from Bangor (Miss Clough) being a lady and having therefore never been a boy, cannot appreciate maybe the effects and after effects of having used fire-crackers and some other 4th of July implements of celebration. It really is felt by some of us that this measure is inexpedient, and I want to go along with the gentleman from Falmouth, Mr. Dow.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mrs. Leidy.

Mrs. LEIDY: Mr. Speaker and Members of the 91st Legislature: Today I speak as a mother of children—six of them. Every year brings its worries. I was always afraid that my children might get themselves on fire. Well, we do have a law now where you vote at a town meeting whether you would have firecrackers in your home town, or not; but women hesitate to get up in town meeting.

It is the mothers who have the greatest worries. It seems as though men are always small boys, without any worries, always liking and enjoying fire-works, but it is we mothers who have to worry.

I say that this bill of the gentleman from Bangor, Miss Clough, is a good bill, and that we should vote for it.

The SPEAKER: The question before the House is on the motion of the gentleman from Falmouth, Mr. Dow, that Legislative Document 384 be indefinitely postponed.

All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion failed of passage.

On motion by Miss Clough the bill was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the second matter of unfinished business, Final Report of the Committee on Manufactures, tabled by the gentleman from Rockland, Mr. Sleeper, on March 19th, pending acceptance.

Thereupon, on motion of Mr. Sleeper, the Report was retabled, pending acceptance.

The SPEAKER: The Chair lays before the House the third matter of unfinished business, Final Report of the Committee on Sea and Shores Fisheries, tabled by the gentleman from Rockland, Mr. Sleeper, on March 19th, pending acceptance.

On motion by the gentleman from Rockland, Mr. Sleeper, the report was retabled pending acceptance.

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the

Committee on Judiciary on Bill "An Act Permitting Employees of the Public School System to Obtain Pensions." (H. P. 1201) (L. D. 688), tabled by the gentleman from Mapleton, Mr. Webber, on March 17th, pending acceptance; and the Chair recognizes that gentleman.

Mr. WEBBER: Mr. Speaker, it is my hope that at some later date, not in this session but in two years from now, a measure may be presented which will embody all of the merits—if there be any—in this bill, and I have been assured that there are merits to this bill, and that they may be presented in such form as may be acceptable to the committee and may receive favorable consideration, so that it might benefit those for whom this bill is introduced. I move the acceptance of the report.

The SPEAKER: The gentleman from Mapleton, Mr. Webber, moves the acceptance of the "Ought not to pass" Report. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the second today tabled and today assigned matter, House Amendment "A" to Bill "An Act Regulating the Sale of Horse Meat." (H. P. 1280) (L. D. 793) tabled by the gentleman from Union, Mr. Stephenson, on March 18th, pending adoption; and the Chair recognizes that gentleman.

Mr. STEPHENSON: Mr. Speaker, I move the adoption of House Amendment "A".

The SPEAKER: The gentleman from Union, Mr. Stephenson, moves the adoption of House Amendment "A". Is this the pleasure of the House?

Thereupon, House Amendment "A" was adopted.

Mr. Stephenson then offered House Amendment "B" and moved its adoption.

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

House Amendment "B" to H. P. 1280, L. D. 793, Bill, "An Act Regulating the Sale of Horse Meat."

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

**'Emergency preamble.** Whereas, a state of war exists between the United States and Germany, Italy, Japan and other foreign countries; and

Whereas, there is a serious shortage of meat and it is essential to regulate the sale of all meat in order to protect the health of the people; 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 of Maine 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.

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

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, Committee Amendment "B" to Bill "An Act Relating to Compensation of Judge of Probate of Lincoln County." (H. P. 264) (L. D. 169), tabled by the gentleman from Damariscotta, Mr. Denny, pending adoption; and the Chair recognizes that gentleman.

Mr. DENNY: Mr. Speaker, I move the adoption of Committee Amendment "B".

The SPEAKER: The gentleman from Damariscotta, Mr. Denny, now moves adoption of Committee Amendment "B". Is this the pleasure of the House?

The motion prevailed, and Committee Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Damariscotta, Mr. Denny.

Mr. DENNY: Mr. Speaker, I now offer House Amendment "A" to Committee Amendment "B" and move its adoption.

The SPEAKER: Committee Amendment "B" is not at the moment before the House. Does the gentleman wish to move reconsider-

ation of the adoption of Committee Amendment "B"?

Mr. DENNY: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Damariscotta, Mr. Denny, moves that the House reconsider its action whereby it adopted Committee Amendment "B". Is this the pleasure of the House?

The motion prevailed and the House reconsidered its action whereby it adopted Committee Amendment "B".

The SPEAKER: The gentleman from Damariscotta, Mr. Denny, now offers House Amendment "A" to Committee Amendment "B".

The Clerk will read the amendment.

House Amendment "A" to Committee Amendment "B" to H. P. 264, L. D. 169, Bill "An Act relating to Compensation of Judge of Probate of Lincoln County."

Amend said Amendment by striking out the underlined figures "\$1100" in the last line of said amendment and inserting in place thereof the underlined figures '\$1000'.

House Amendment "A" to Committee Amendment "B" was adopted.

Committee Amendment "B" as amended by House Amendment "A" was then adopted, and the bill was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, House Amendment "A" to Bill "An Act Relating to Certain Carriers under the Financial Responsibility Act" (S. P. 366) (L. D. 638), tabled by the gentleman from Auburn, Mr. Williams, on March 19th, pending adoption; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker, it is not my purpose to delay the progress of the Legislature, and I am mindful of our Floor Leader's remarks; but I would like to table this matter until tomorrow morning.

I, therefore, move that it be tabled and specially assigned for tomorrow.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves

that Legislative Document 638, be tabled and specially assigned for tomorrow morning.

The motion prevailed and the bill was so tabled and so assigned.

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, House Amendment "B" to Bill "An Act Relating to Town Reports" (H. P. 809) (L. D. 465) tabled by the gentleman from Clifton, Mr. Williams, on March 19th pending adoption; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker, I move the adoption of House Amendment "B".

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

Mr. GRUA: Mr. Speaker, I offer House Amendment "A" to House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, offers House Amendment "A" to House Amendment "B" and moves its adoption.

The Clerk will read the amendment.

House Amendment "A" to House Amendment "B" to H. P. 809, L. D. 465, Bill "An Act Relating to Town Reports."

Amend said Amendment by inserting after the word "law" in the 12th line, thereof, the underlined words 'with respect to itemization'.

Thereupon, House Amendment "A" to House Amendment "B" was adopted.

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

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, House Amendment "A" to Committee Amendment "A" to Bill "An Act Relating to the Salary of the Judge of Probate for Androscoggin County" (S. P. 166) (L. D. 767), tabled by the gentleman from Lewiston, Mr. Boutin, on March

19th, pending adoption; and the Chair recognizes that gentleman.

Mr. BOUTIN: Mr. Speaker, I will now yield to the honorable gentleman from Auburn, Mr. Jacobs.

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

Mr. JACOBS: Mr. Speaker, when I presented House Amendment "A" to Committee Amendment "A", I felt that I was voicing the sentiments of the Androscoggin delegation in regard to this particular bill. We had a meeting some three weeks ago and this was discussed, and the opinion at that time was that House Amendment "A" should be presented. I did so, but since then, the sentiment of this delegation from Androscoggin County has changed; and I said that if the majority of the delegation wished me to withdraw this House Amendment "A" I would do so. At a meeting of the delegation yesterday, the majority requested that I withdraw this House Amendment "A" to Committee Amendment "A" and I will do so at this time, with the permission of the House.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, asks leave to withdraw House Amendment "A" to Committee Amendment "A". Is there objection? The Chair hears none, and the amendment is withdrawn.

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

The SPEAKER: The Chair lays before the House the seventh tabled and today assigned matter, House Order Relative to Requesting an Opinion from the Justices of the Supreme Judicial Court on the following Question: "Would H. P. 1069, L. D. 558, 'An Act to Provide for the Issuance of the Refunding Bonds of the State' if enacted be Constitutional?" tabled by the gentleman from Houlton, Mr. Barnes, on March 23rd, pending passage; and the Chair recognizes that gentleman.

On motion by Mr. Barnes the order received passage.

The Chair now lays before the House the eighth tabled and today

assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on "Resolve Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature" (H. P. 1243) (L. D. 743), tabled by the gentleman from Gray, Mr. Doughty, on March 23rd, pending acceptance; and the Chair recognizes that gentleman.

Mr. DOUGHTY: Mr. Speaker, I yield to the gentleman from Greenville, Mr. Rollins.

The SPEAKER: The Chair will inform the gentleman that under the House Rules it is not necessary to yield.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: After the outlining of the program presented by our floor leader this morning, and in view of the fact that we are all about ready to get into that potato masher, so to speak, and get the squeeze, as has always been the case in the last two weeks when we are going toward that eventful day of adjournment, regardless of the essence of some of the matters that are necessary to debate, the whole purpose of this bill was to eliminate some of that congestion which is ever evident in the closing days of the Legislature. My colleague from Portland, perhaps, after he has had more experience, will realize that this House is not a vaudeville show. I do not agree with him on the point that it is a vaudeville show. I agree that this House is the place to debate matters of concern to the people of the State of Maine. But, since the very essence of the bill calls for additional time, additional information on the matters which are coming before the Legislature, and since the able Judiciary Committee could not find time to even digest the bill, I would move you, Sir, that this bill be referred to the 92nd Legislature for consideration.

The SPEAKER: The question before the House at this time is on the acceptance of the committee report which was "Ought not to pass." Is this the pleasure of the House?

Thereupon the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The House may be at ease for just a minute.

**(House at Ease)**

The **SPEAKER**: The House will be in order.

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

On motion by Mr. Rollins, the House voted to reconsider its action whereby it accepted the "Ought not to pass" report of the Committee on Judiciary on Resolve Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature (H. P. 1243) (L. D. 743) and, on further motion by the same gentleman, the House voted to substitute the bill for the report of the committee and refer the same to the 92nd Legislature.

The **SPEAKER**: The Chair now lays before the House the 9th tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Relating to the Election of the Governor's Council by the People (H. P. 1242) (L. D. 742) tabled by the gentleman from Gray, Mr. Doughty, on March 23rd pending acceptance.

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

Mr. **ROLLINS**: Mr. Speaker and Members of the House: I hesitate to rise against the judgment of this able committee, the Committee on Judiciary. There is no question it packs a lot of brains. But, members, I want to give you a little information on this bill.

Of all the states in the Union, there are only four left that have the Governor's Council, and Maine alone stands among the four that elect them by the Legislature; in all other states they are elected by the people.

Two years ago this House had under consideration a bill to abolish the Governor's Council, which I believe had a very good chance of passing except we were heading into difficulty; we could see a war ahead of us, and we had a Governor who was then untried and we hesitated to take such a step at that time.

The only appeal that I am going to make to this House is this—and mind you I have the highest regard for the members of the Judiciary Committee. I also have the highest regard for the members of this

House; but I believe the members of this House will go along with me and say there are still some brains back home; we do not have them all here, neither do they have them all in the Judiciary Committee. Each and every one of you have been elected by your constituents back home. I stand here before you with an appeal. I only ask: Let those men who elected you say whether they want to elect the Council or whether they want you to continue to do so.

Mr. Speaker, I move you, when the vote is taken, it be taken by the yeas and nays.

The **SPEAKER**: The Chair recognizes the gentleman from Orneville, Mr. Burton.

Mr. **BURTON**: Mr. Speaker and Members of the House: This bill seems to take up quite a good deal of space here, but the heading of the bill explains everything, so therefore it is unnecessary to go into that.

As the gentleman from Greenville, Mr. Rollins, says, I also have the highest regard for the Judiciary Committee. However, I think possibly there may have been one little point they may have overlooked, and that is the human part of this bill. When I say the "human part" I mean the part where the citizen has the right to vote. You take it in our county for instance, and it is a small one, we have a delegation of five, and if there are two candidates of course there are just three people who bring down the caucus nomination to the Legislature, and it is, I guess, always accepted from that county that has that term for a councillor. It does not seem as if there are quite enough in the smaller counties I am speaking of. Furthermore, you will find in the headlines in the paper this morning where the people here and all over the country, in fact, are objecting to the rights that the national legislature is taking away from the states; and you will also find the people back home are frequently criticising the Legislature for the rights that the State is taking away from them.

Now I have the greatest regard for the members of this Legislature and their ability to choose, but, however, to me it seems a rightful matter for the people back home, because they are interested in their

councillor. They never come to the legislators when they want anything; they usually go to the councillor. I merely mention that fact. I do not mean they come to them when they want legislation, but I mean if there is anything when the Legislature is not in session they are the ones they come to, and they are just as well acquainted with them as they are with us. And while this Legislature and every other Legislature, I presume, is endowed with great intelligence and is perfectly willing to go along with the matter as it is now, for the Legislature to bring in their candidates—however, we are all elected by the people and we are not any closer to the people than their councillors are. Furthermore, I believe that they would make just as good a selection and that it would avoid a lot of difficulty in regard to this electing of councillors.

Now some people think that probably the voters have not sufficient intelligence to elect the proper councillor, but I have lived in Maine for twenty-five years and I have unbounded faith in the citizens of Maine, and I want to tell you right here and now that the men and women, in my judgment, can be trusted with the right to elect their councillors.

The SPEAKER: The question before the House is on the acceptance of the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, I think perhaps I should explain to the members of the House the reason for the committee's report on this matter.

The matter of whether or not the people back home were to be trusted with the selection of councillors was not ever discussed; but it has always been my understanding, and apparently it was the understanding of the members of the committee, that the Governor's Council consisted of men who were the representatives of this Legislature, and therefore perhaps this Legislature ought to be the one who selected them.

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

Mr. ROLLINS: Mr. Speaker, I rise to a question. Did I not move the

substitution of the bill for the report?

The SPEAKER: The Chair must have missed that motion.

Mr. ROLLINS: I moved to substitute the Bill for the Report.

The SPEAKER: The Chair missed that point

The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report, but debate is still in order.

The gentleman from Greenville, Mr. Rollins, asks for the yeas and nays. Under the Constitution, in order for the yeas and nays to be called requires the consent of one-fifth of the members present. All those in favor of the yeas and nays being called will rise and stand in their places until counted and the monitors have made and returned the count.

Obviously less than one-fifth of the members having arisen, the yeas and nays are not ordered.

The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that the bill be substituted for the "Ought not to pass" report of the committee. All those in favor will say aye, those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the "Ought not to pass" report of the committee did not prevail.

The SPEAKER: The question now before the House is on the acceptance of the "Ought not to pass" report of the committee.

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

On motion by Mr. MacLeod of Bar Harbor, the House voted to take from the table the first tabled and unassigned matter, House Amendment "A" to Bill "An Act Relating to the Salary of the Sheriff of Hancock County." (S. P. 266) (L. D. 472) tabled on March 23rd for reproduction under Rule 36.

Mr. McLEOD: I move the adoption of House Amendment "A" and that the bill be passed to be engrossed.

The SPEAKER: It will be necessary for this matter to be retabled

because the amendment has not been reproduced.

On motion by Mr. McLeod, the bill was retabled pending the adoption of House Amendment "A" and specially assigned for Thursday, March 25th.

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

The Chair recognizes the gentleman from Bangor, Miss Clough.

Miss Clough was granted unanimous consent to address the House.

Miss CLOUGH: I hope that the House at this time will reconsider its action taken earlier this morning whereby we assigned for third reading tomorrow Bill "An Act Relating to Sale and Use of Fireworks" (H. P. 802) (L. D. 284). I may say that I am asking for this for the purpose that we may have the third reading of the bill now, in order that we may expedite this matter.

The SPEAKER: The gentleman from Bangor, Miss Clough, now moves that the House reconsider its action taken earlier this morning whereby L. D. 384 was assigned for its third reading tomorrow morning. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: This motion is being made for the reason that under the rules it is necessary that bills be assigned a day in advance.

Thereupon, on motion by Miss Clough, under suspension of the rules, the bill was given its third reading, was passed to be engrossed and sent up for concurrence.

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

In order to clear up any wrong impression that may have been gained, there is no intent on the part of the leadership to limit debate, and any remarks coming from the Floor Leader were simply to the effect that it was desired that business be assigned in such a manner that there would be no lapse. We are here to discuss these matters. That is your job and your privilege, and you are protected in doing it. There is no limit upon debate. That has been my experience with previous Legislatures.

If there is nothing further to come up under Orders of the Day, the Clerk will read the notices.

On motion by Mr. Ayer of Cornish,

Adjourned until ten o'clock tomorrow morning.