

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 25, 1943.

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

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

Papers from the Senate
Senate Reports of Committees
Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Procuring or Attempting to Procure Abortion or a Miscarriage" (S. P. 172) (L. D. 234) reporting same in a new draft (S. P. 457) (L. D. 805) under same title and that it "Ought to pass"

Report of the Committee on Ways and Bridges on Resolve in favor of a Bridge Across the Allagash River (S. P. 65) reporting same in a new draft (S. P. 456) (L. D. 804)

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

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

Ought to Pass

Report of the Committee on Insane Hospitals reporting "Ought to pass" on Bill "An Act relating to Commitment of the Insane" (S. P. 321) (L. D. 525)

Report of same Committee reporting same on Bill "An Act relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation (S. P. 320) (L. D. 524)

Report of the Committee on Judiciary reporting same on Bill "An Act to Make Uniform the Law of Transfer of Shares of Stock in Corporations" (S. P. 287) (L. D. 450)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Sessions of Boards of Registration in Cities" (S. P. 163) (L. D. 178)

Report of the Committee on State Lands and Forest Preservation reporting same on Resolve relating to Fire Protection for Baxter State Park (S. P. 377) (L. D. 803)

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

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

Ought to Pass With Committee Amendment

Report of the Committee on Counties on Bill "An Act relating to Bonds of Probation Officers" (S. P. 141) (L. D. 145) 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 read and accepted in concurrence, and the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 141, L. D. 145, Bill "An Act Relating to Bonds of Probation Officers."

Amend said Bill by striking out in the 1st line of the 2nd paragraph thereof the following: "whenever necessary, request" and inserting in place thereof the word **require**.

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

Ought to Pass With Committee and Senate Amendments

Report of the Committee on Legal Affairs on Bill "An Act relating to the Signature of the Treasurer of State" (S. P. 294) (L. D. 443) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report read and accepted in concurrence and the Bill had its two several readings.

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

Committee Amendment "A" to S. P. 294, L. D. 443, Bill "An Act Relating to the Signature of the Treasurer of State."

Amend said bill by inserting after the word "the" in the first line thereof, the word 'facsimile'.

Committee Amendment "A" was adopted in concurrence.

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

Senate Amendment "A" to S. P. 294, L. D. 443, Bill "An Act Relating to the Signature of the Treasurer of State."

Amend said Bill by adding at the end of the title thereof the following:

'and Endorsement of Bonds in the State Treasury.'

Further amend said Bill by adding before the headline thereof the following: 'Sec. 1.'

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

'Sec. 2 R. S. c. 2, sec. 83, repealed. Section 83 of chapter 2 of the revised statutes is hereby repealed.'

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

Ought to Pass—Recommended

Report of the Committee on Welfare reporting "Ought to pass" on Bill "An Act Permitting Certain Aliens who have Applied for Naturalization Papers to be Eligible for Old Age Assistance" (S. P. 107) (L. D. 76)

Came from the Senate, recommended to the Committee on Welfare.

In the House, on motion by Mr. Sleeper of Rockland, the Bill was recommended to the Committee on Welfare in concurrence.

Non-Concurrent Matter

Tabled and Specially Assigned

From the Senate: Bill "An Act relating to the Report of the State Auditor" (S. P. 184) (L. D. 270) which was passed to be enacted in the House on February 24th and which was passed to be engrossed in the House on February 19th.

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

In the House, on motion by Mr. Sleeper of Rockland, under sus-

pension of the rules, the House voted to reconsider its action whereby it passed this Bill to be enacted on February 24th.

Mr. SLEEPER: Mr. Speaker, I now urge the adoption of Senate Amendment "A" in concurrence.

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

Mr. PERKINS: Mr. Speaker, I move that the bill and amendment lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Boothbay Harbor moves that Senate Amendment "A," with accompanying papers, lie on the table pending adoption of Senate Amendment "A." Is this the pleasure of the House?

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

Non-Concurrent Matter

From the Senate: Bill "An Act Revising the Military Law" (H. P. 1245) (L. D. 746) which was passed to be engrossed in the House as amended by Committee Amendment "A" on March 17th.

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

In the House, on motion by Mr. Southard of Bangor, the House voted to reconsider its action of March 17th whereby it passed this Bill to be engrossed as amended by Committee Amendment "A."

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

Senate Amendment "A" to H. P. 1245, L. D. 746, Bill, "An Act Revising the Military Law."

Amend said Bill by striking out the second paragraph of section 46 therein and inserting the following in place thereof:

'Sec. 72. Armories to be provided by cities and towns; also places for parade; rent to be allowed by state. Municipal officers shall provide for each company of authorized state military or naval forces within their towns a suitable armory or place of deposit for the arms, equipment and equipage, furnished by the state. They shall also provide a suitable room for the safe-keeping of books, transaction of

business, and instruction of officers for each regiment battalion or other unit of authorized state military or naval forces located within their towns; and suitable places for their parade, target practice, and drill. A reasonable compensation for rent of such armory, headquarters, or place of deposit, may be allowed from funds appropriated for such purposes to the town or city furnishing such armory, headquarters, or place of deposit.'

Senate Amendment "A" was adopted, and the Bill was passed to be engrossed as amended by Committee Amendment "A" and by Senate Amendment "A" in concurrence.

Non-Concurrent Matter

Bill "An Act relating to Claims Against Estates" (H. P. 184) (L. D. 123) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 16th.

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

In the House, on motion by Mr. Haskell of Portland, the House voted to reconsider its action of March 16th whereby it passed the Bill to be engrossed as amended by Committee Amendment "A."

On further motion by the same gentleman, the Bill was indefinitely postponed in concurrence.

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Leathers of Hermon, be excused from attendance for the remainder of the week.

On motion by Mr. Hemphill of Mechanic Falls, it was

ORDERED, that Rev. A. G. Davis of Mechanic Falls, be invited to act as Chaplain of the House on Tuesday, March 30th.

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

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

Mr. PAYSON: Mr. Speaker, I present an order and move its passage. As it is an Order requesting an opinion from the Supreme Court, I assume, under Rule 46, it cannot be acted upon today.

The SPEAKER: The gentleman from Portland, Mr. Payson, presents an Order and moves its passage. The Clerk will read the Order.

Whereas, a bill has been introduced into the House and it is important that the Legislature be informed as to the constitutionality of the proposed bill; and

Whereas, it appears to the House of Representatives of the Ninety-first Legislature that it presents important questions of law and that the occasion is a solemn one; now, therefore, be it

ORDERED: That in accordance with the provisions of the Constitution of the state, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this Legislature their opinion of the following question:

Has the Legislature the right and authority under the Constitution to enact a law according to the terms of the following bill?

"H. P. 1301, L. D. 830.

An Act Relating to Alternative Method of Enforcement of Tax Liens.

Sec. 1. P. L., 1933, c. 244 §1, amended. Section 1 of chapter 244 of the public laws of 1933, as amended, is hereby further amended to read as follows:

'**Sec. 1. Alternative method for the enforcement of liens for taxes on real estate.** Liens on real estate created by section 3 of chapter 13 of the revised statutes, in addition to other methods previously established by law may be enforced in the following manner, provided, however, that in the inventory and valuation upon which the assessment is made there shall be a description of the real estate sufficiently accurate to identify it. Any officer to whom a tax has been committed for collection, or his successor in office in case of his death or disability, may, after the expiration of 8 months and within 1 year after the date of commitment to him of said tax, give to the person against whom said tax is assessed, or leave at his last and usual place of abode, or send by registered mail, to his last known place of abode, a

notice in writing signed by said officer stating the amount of such tax, describing the real estate on which the tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of the tax and demanding the payment of said tax within 10 days after service or mailing of such notice. If an owner or occupant of real estate to whom said real estate is taxed shall die before such demand is made on him, such demand may be made upon the executor or administrator of his estate or upon any of his heirs or devisees. After the expiration of said 10 days and within 10 days thereafter, said officer shall record in the registry of deeds of the county or registry district where said real estate is situated, a certificate signed by said officer setting forth the amount of such tax, **the name of the person against whom said tax was assessed, a description of the real estate on which the tax is assessed and an allegation that a lien is claimed on said real estate to secure the payment of said tax, that a demand for payment of said tax has been made in accordance with the provisions of this act and that said tax remains unpaid.** When the undivided real estate of a deceased person has been assessed to his heirs or devisees without designating any of them by name it will be sufficient to record in said registry said certificate in the name of the heirs or the devisees of said decedent without designating them by name. At the time of the recording of the certificate in the registry of deeds as herein provided, in all cases such officer shall file with the town treasurer a true copy of said certificate and also at the time of recording as aforesaid, the said officer shall mail by registered letter to each record holder of a mortgage on said real estate, addressed to him at his place of last and usual abode, a true copy of said certificate. If the real estate has not been assessed to its record owner the officer shall send by registered mail a **true copy of said certificate** to the record owner. The fee to be charged to the taxpayer for said notice and filing shall not exceed \$1 and the fee to be charged by the register of deeds for such filing shall not exceed 50c.'

Sec. 2. P. L., 1933, c. 244, additional. Chapter 244 of the public laws of 1933, as amended, is hereby further amended by adding there-

to a new section to be numbered section 6, and to read as follows:

'Sec. 6. Bill in equity to set aside tax or tax lien claimed invalid. At any time prior to the expiration of 18 months after the recording of the tax lien provided for in the foregoing sections, any person who has a legal or equitable interest in the real estate covered by such lien, and who claims that the provision of law relating to the assessment of the tax or the perfection of the tax lien have not been complied with, may bring a bill in equity to set aside the tax lien as invalid. The court may stay the foreclosure of such tax lien pending final decision, and shall, after notice and hearing, either affirm the validity of such tax and tax lien, or set aside the tax or the tax lien or both as invalid and void.'

Sec. 3. P. L., 1933, c. 244, additional. Chapter 244 of the public laws of 1933, as amended, is hereby further amended by adding thereto a new section to be numbered section 7, and to read as follows:

'Sec. 7. Limitation on action to set aside tax or tax lien provided; exception. At the expiration of said 18 months after the recording of the tax lien, if such tax has not previously been paid or the tax lien redeemed, the town shall be conclusively presumed to have acquired an absolute title to the real estate described in such tax lien, and all claims adverse thereto and not seasonably prosecuted under the provisions of section 6 shall be forever barred, provided however that this presumption and limitation upon action shall not apply where the tax lien is claimed to be invalid because the description in the recorded tax lien was insufficient to reasonably identify the property, or because the tax was not assessed against the person or persons legally assessable therefor, or because of failure to send the notices required by section 1 hereof.'

Sec. 4. P. L., 1933, c. 244, additional. Chapter 244 of the public laws of 1933, as amended, is hereby further amended by adding thereto a new section to be numbered section 8, and to read as follows:

'Sec. 8. Remedy when property conveyed after tax paid or redeemed. In event any person entitled so to do pays the taxes assessed upon property or redeems the same at any time before expiration of

the redemption period, and thereafter the town conveys the same to a third party under claim of title obtained by foreclosure of a tax lien, the purchaser thereof acquires no title thereto but may recover of the town his actual damages in an action on the case.”

The SPEAKER: In accordance with Rule 46, which requires that a proposition requesting an opinion from the Supreme Court, as provided by the Constitution, shall not be acted upon until the next day after such proposition is made, this Order will be laid on the table and assigned for tomorrow morning.

The SPEAKER: The Clerk has in his possession a Report of a Committee on Conference.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on H. P. 321, Resolve Closing Cobbossee Stream and Tributaries to Muskrat Trapping, report they have had the same under consideration, and ask leave to report as follows: That the House recede from its action whereby it recommitted the Report and Resolve to the Committee on Inland Fisheries and Game and that the Resolve be substituted for the Report, House Amendment “A” submitted herewith be adopted and the Resolve be passed to be engrossed as amended by House Amendment “A.”

That the Senate recede from its action whereby the “Ought not to pass” Report was accepted and concur with the House in substituting the Resolve for the Report and passing the Resolve to be engrossed as amended by House Amendment “A” submitted herewith.

(Signed)

Messrs. THOMPSON of Chelsea

DAVIS of Buxton

—Committee on part of House.

WORTHEN of Penobscot

MEGILL of Kennebec

PEAKES of Piscataquis

—Committee on part of Senate.

Thereupon, on motion by Mr. Sleeper of Rockland, under suspension of the rules, the House reconsidered its former action whereby this Report and Resolve were re-committed to the Committee on Inland Fisheries and Game; and on further motion by the same gentleman the Resolve was substituted for the Report of the Committee.

Under suspension of the rules the Resolve had its two several readings.

House Amendment “A” read by the Clerk as follows:

House Amendment “A” to H. P. 321, Resolve Closing Cobbossee Stream and Tributaries to Muskrat Trapping.

Amend said Resolve by inserting after the word “closing” in the 3rd line of said Resolve the following words ‘that portion of’.

Further amend said Resolve by inserting after the word “thereto” in the 4th line thereof the following words ‘located within the towns of Monmouth and Winthrop’.

Further amend said Resolve by striking out the figure “2” in the 4th line thereof and inserting in place thereof the figure ‘1’.

Further amend said Resolve by striking out the word “years” in the 4th line thereof and inserting in place thereof the word ‘year’.

The SPEAKER: The Amendment will lie on the table for printing, pending adoption.

The SPEAKER: The Chair recognizes the presence of the gentleman from Old Town, Mr. Cousins. We understand that he is about to assume the duties of Mayor of Old Town for the ninth consecutive time. These flowers are presented to him from the surviving members of Room 311 which, as some of you know, is located in the Augusta House and is the center of certain nocturnal activities. The Chair would ask that the Sergeant at Arms convey these flowers to the gentleman from Old Town, Mr. Cousins, and while they are properly classified as “annuals”, we ask that they be presented to a “perennial”. (Laughter and applause)

The Sergeant at Arms presented a bouquet of flowers to the gentleman from Old Town.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Cousins.

Mr. COUSINS: Mr. Speaker and Ladies and Gentlemen of the House: There has been a very grave mistake made in presenting these flowers. The man who should have received them is our friend from Paris, Mr. McKeen, as it was that

gentleman who brought these apples that we have here on our desks this morning. (Applause)

The **SPEAKER**: We are sure that that matter can be handled by the Steering Committee of Room 311. (Laughter)

House Reports of Committees Ought Not To Pass

Mr. Buzzell from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Payment for Reactors to Bangs Disease" (H. P. 1065) (L. D. 555)

Mr. Doughty from the Committee on Appropriations and Financial Affairs reported same on Bill "An Act relating to Damage by Deer or Moose" (H. P. 930) (L. D. 484)

Reports were read and accepted and sent up for concurrence.

Mr. Pelletier from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Funds for Payment of Claims for Damages Done by Protected Wild Animals (H. P. 931) (L. D. 483)

The **SPEAKER**: The Chair recognizes the gentleman from Buxton, Mr. Davis.

Mr. **DAVIS**: Mr. Speaker and Members of the House: I believe that a brief explanation should be made to acquaint those of you, who may not be familiar, with what has been done in the past regarding these claims for damages. Up until two years ago any claims for damages to automobiles, resulting from a car running into a deer or a deer running into a car, were presented directly to the Department of Inland Fisheries and Game, and paid for out of the funds of that Department. At the last session a bill was presented and passed to discontinue this practice, as Maine was found to be the only state where such damages were paid, and there was one state, the State of Vermont, that even prefers charges against the driver of the car involved in such an accident.

Now, the only remaining chance for any such claims is through the Legislature, and they naturally come before the Claims Committee. This bill was presented to set up an appropriation to take care of any claims which the members of the Claims Committee might see fit to

recommend payment on. They usually amount to something around \$12,000 a year.

I believe the action you take on the bill this morning will set up a precedent for the future and will establish a policy which may be regarded as fixed regarding any such claims in the future.

I hope that you will go along with the recommendation of your Committee that this bill "Ought not to pass."

The **SPEAKER**: Is it the pleasure of the House to accept the "Ought not to pass" Report of the Committee?

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

Ought Not to Pass (Cont'd.)

Mr. Cobb from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Peter Limberis of Bangor (H. P. 443)

Mr. Hamilton from the Committee on Claims reported same on Resolve to Reimburse the town of Troy for Money Expended for Snow Removal (H. P. 276)

Same gentleman from same Committee reported same on Resolve in favor of Kennebec Towing Company of Bath, Maine (H. P. 128)

Mr. Knight from same Committee reported same on Resolve in favor of Maine Freightways of Portland, Maine (H. P. 1078)

Same gentleman from same Committee reported same on Resolve in favor of Clifford E. Bowen of Orrington and General Insurance Corporation, of Portland (H. P. 1081)

Same gentleman from same Committee reported same on Resolve in favor of Gerald Duffy of Sherman and the General Insurance Corporation of Portland (H. P. 529)

Same gentleman from same Committee reported same on Resolve in favor of Herbert York of Oakland (H. P. 79)

Mr. Littlefield from same Committee reported same on Resolve in favor of B. L. Taylor of Farmingdale (H. P. 283)

Same gentleman from same Committee reported same on Resolve in favor of Charles Darrington of Canton (H. P. 895)

Mr. Perkins from the Committee on Judiciary reported same on Bill

"An Act relating to Private Nuisances" (H. P. 1121) (L. D. 586)

Mr. Brown from the Committee on Labor reported same on Bill "An Act Regulating Employment of Females" (H. P. 797) (L. D. 380) as it is covered by other legislation.

Mr. Staples from the Committee on Library reported same on Resolve for the Purchase of One Hundred Copies of "History of Hartford, Maine" (H. P. 811) (L. D. 390)

Mr. Savage from the Committee on Public Utilities reported same on Bill "An Act providing for Inspection of Gas and Electric Meters" (H. P. 1184) (L. D. 661)

Mr. Jones from the Committee on Salaries and Fees reported same on Bill "An Act relating to the Salary of the Treasurer of State" (H. P. 1185) (L. D. 662)

Mr. Jordan from same Committee reported same on Bill "An Act relating to the Salary of the State Auditor" (H. P. 1206) (L. D. 685)

Reports were read and accepted and sent up for concurrence.

Mr. Williams from the Committee on Salaries and Fees reported "Ought not to pass" on Bill "An Act relating to Salaries of State Employees" (H. P. 1225) (L. D. 717)

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

MR. WILLIAMS: Mr. Speaker and Members of the House: I wish to speak this morning to explain to the Members of the House and State Employees why the Committee on Salaries and Fees has voted unanimously "Ought not to pass".

This matter has been given very careful consideration by your committee; in fact, your committee spent several afternoons and evenings discussing this matter, and we have gone to every source of information that appeared available to find out the real facts.

Your committee feels strongly that a general wage increase for all State employees is necessary at this time, and we would like to recommend to this House and to the State government in general that such wage increase should be granted, especially to the lower paid employees.

This bill does not appear to be the answer to this problem; therefore we are reporting it "Ought not to pass".

In studying this question, we had been advised, first by the Governor in his budget message to us as Members of the Legislature, that such wage increases had been taken care of in his budget. Later he has affirmed this to members of this committee.

The Commissioner of Finance, Mr. Mossman, has assured your committee that in the budget provisions have been made for wage increases. The Personnel Director, Mr. Hayes, has assured that the Personnel Department is mindful of this need and will act. The Chairman of Appropriations Committee and members of that committee have assured us that the Appropriations Committee has made provisions for these wage increases.

With all this information before us, that wage increases were adequately taken care of, and the fact that money had been provided for these wage increases,—thus it appears to us that the employees of the State can be assured by this Legislature that we have been mindful of their needs, and that the Appropriations Committee has given the answer with more funds to meet those needs.

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

MR. MURCHIE: Mr. Speaker, I think it might be worth while for me to present myself at this time in this connection. I feel that the Salaries and Fees Committee are justified in making the report that has been submitted to you.

I think perhaps, in order to bring out the point I have in mind relative to this bill, that it might be well if I for one minute reviewed the status of State finances—just a one-minute review.

I think on Page 1 of the Budget Report there is a rather simple page that more or less explains itself. It shows there the money left is what I call the "kitty". What I mean by the "kitty" is that part of the un earmarked general funds of the State that have been unappropriated. The "kitty" is the difference between those funds and the funds that have been appropriated. There has been all the way through the budget hearings and all the hearings before the

Budget Committee very much demand, very much urge and very much claim that the employees of the State be given further wages. Now you will find that on Page 1, in what we call the "kitty", due to the fact it has narrowed down pretty well because of the fact we were compelled to meet the needs and desires of the situation in the various departments. You will see that on Page 1 of the budget book. In that "kitty" there was \$500,000 left there to meet teachers' pay if and when that bill became a law, and it already has. There is \$300,000 in there set aside for proposed Civilian Defense. There is also \$25,000 that the Governor desires you leave there for the purpose of increases he talked about. The balance of it is pretty largely a matter of estimates, and the amount of money left there is narrowed down pretty small, for the reason we have gone along and used it in an effort to see that the employees of the State of Maine all along are going to be considered.

Now the balance left there is small, and if the Claims Committee and the Pensions Committee have things that must come out, you will see we will be narrowed down to a pretty small scale.

The idea I am trying to convey is that a bill of this kind being introduced at this time would mean you would simply have to stay here and find some means of taxation immediately, because the bill would involve necessary funds of \$200,000 to \$500,000. That is the point I am trying to bring out. This bill, on top of increases that have already taken place, would mean that an effort would have to be made to find money which is not there or left over from the current funds.

In preparing the budget which was presented to the Legislature, the Governor and the Budget Committee made no reductions in the provisions for salaries made by department heads except in a few institutions and in a few cases in which requests for additional personnel were denied. The reason is that the personnel of these departments and institutions has broken down, largely due to employees having gone to war, and in many cases they are functioning

more economically than before, and we felt that it was perhaps just as well for them to drag along that way and not increase their personnel. That is the only place where there is any bearing down on this thing.

Both the Budget Committee and the Appropriations Committee have asked each department head if the provision for salaries was adequate. In those cases in which adequate provision has not been made, increases have been made by the Appropriations Committee following the budget hearing.

While final figures are not yet available, it appears that salaries during the current year are approximately 15% over last year and that the final provisions by the Appropriations Committee will be between 20% and 25% in excess of last year. With the endorsement of the department heads of the amounts provided and the additional cushion of the Institutional Emergency Fund, the Appropriations Committee feels that adequate provision for salary increases has been made and that there is no necessity for an over-all adjustment. They also feel that a blanket increase would be unfair inasmuch as substantial adjustments have been made in some departments, and due to the high rate of turn-over of employees in the past year, there are many new employees who were employed at current salary levels. In the case of these departments, it is the salaries of the older employees in which adjustment is most necessary.

Now, I agree some members may feel there might be individual cases which require consideration. Well, it is the proposal of the Appropriations Committee to set up an institutional emergency fund of \$150,000 that would take care in the future of isolated cases in the institutions that have not been provided for, and in the other cases in the institutions there is not any question that your Governor intends—and the Committee has felt so all the way along—that employees of the State of Maine should be properly and carefully looked after, and I feel that any isolated cases that might be pointed out would be cared for through the Governor's contingent fund. While

he might hate to think of dipping into that, I know his thought is these increases are more or less necessary. Of course the idea that this thing might be pressed a little harder, upon the part of employees of the State, is that they have not seen much except this ten per cent increase, and some of these increases cannot take place until the first of July while others would take place in a short time, upon the passage of this bill.

I think I have said much more than is necessary, and I feel you will back up the Committee in its effort.

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

Mr. BRALEY: Mr. Speaker, I cannot for the life of me visualize why we should promise our higher-bracket employees an increase in salary by putting a bill in the Legislature and, for our employees in the smaller brackets, not promise them anything definite.

There is a question I would like to ask, if the gentleman from Calais, Mr. Murchie, would be so kind as to answer, with the permission of our Speaker. Where do we find the money to pay increases in our higher-bracket employees like the heads of departments? He has already explained why we we couldn't find the money in the smaller brackets. I would just like to have this answered, and I think the rest of the members would as well as myself.

The SPEAKER: The gentleman from Augusta, Mr. Braley, asks a question through the Chair of the gentleman from Calais, Mr. Murchie. The gentleman from Calais, Mr. Murchie, may answer if he desires.

Mr. MURCHIE: Mr. Speaker, it appears to me as if I have more or less explained that and given the necessary information. The money coming to employees of the State of Maine is now all set up in the budgets of the various departments and institutions and bureaus to take care of these increases, and the money that was intended for increases to heads of departments was announced by the Governor in his budget message. Apparently, from the activities this morning, there is no thought of going ahead

with the increases to heads of departments.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, as a member of the Appropriations Committee, I will say I think some members have drawn a wrong conclusion in listening to Mr. Murchie's talk, and that is that we were making provision whereby the heads of departments were taken care of. When we speak of the heads of departments being taken care of, we mean that in our appropriations for State departments almost without exception every department head who came before this Committee felt about the situation very seriously and pointed out to us that these valued employees in other lines of endeavor could get much more money. When we say "heads of departments" we mean in the Appropriations Committee we have set up appropriations large enough so that these employees can be taken care of.

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to Pass" report of the Committee?

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

Mr. Dorsey from the Committee on Taxation reported "Ought not to pass" on Bill "An Act to Provide a Tonnage Tax on Commercial Fertilizer" (H. P. 1226) (L. D. 712)

Report was read and accepted and sent up for concurrence.

Tabled and Specially Assigned

Mr. Jordan from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation of Shore Fronts on Lakes" (H. P. 331) (L. D. 197)

(On motion by Mr. Rollins of Greenville, tabled pending acceptance of Report and specially assigned for tomorrow morning).

Mr. Jordan from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation of Rural Electrical Cooperatives" (H. P. 1207) (L. D. 684)

Report was read and accepted and sent up for concurrence.

Mr. Morrison from the Committee on Taxation reported "Ought not to pass" on Resolve to Create a Legislative Recess Committee to Study the State Mill Tax (H. P. 1228) (L. D. 714)

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

Mr. CROSS: Mr. Speaker and Members of the House: I do not wish to argue this resolve at any great length. I would like to bring to your attention some of the reasons for introducing this resolve.

Most of you who have been here in previous Legislatures, and those of you who have come here this year, understand that this problem is an ever-recurring problem. The mill tax bears very heavily upon the real estate owner, and this portion of the real estate taxation takes from the towns and cities of this State between four and five million dollars. Now, that is quite a considerable sum in the aggregate, even though the amount individually is only seven and three-quarters mills. Other states have found other methods of taxation to answer this problem. The State of Maine has talked for a good many years of doing something about it, and we have had other recess committees—or at least one that I know of—which have failed to bring in more than a written report, which was filed and forgotten. It seems to me that unless we take some definite action on this matter that we shall never formulate any specific program to correct this evil. Now, I say that this is an evil. I know a great many of you feel that this mill tax is an unjust tax, bearing heavier upon one portion of the people than the other.

However, no Legislature, no matter how long it may be here, is able to study this program sufficiently to bring forth any adequate legislation to substitute for it. We have had many bills in here in the past. We have a bill on the table here this morning, which would attempt to eliminate it and substitute other forms of taxation. I do not, personally, think this bill is the answer to that problem. I think a great deal of the man who introduced this bill,—of the original sponsor. I know his intentions are good but I do not think that bill is the answer. I do not know the

answer but I do not think any Legislature will ever produce the answer unless it makes a continued study of the problem. That was my only thought in introducing this resolve.

If you have read the resolve, you will notice that it says specifically that the committee is instructed to study the mill tax and to present to the next Legislature such legislation as seems to be necessary to eliminate the same and to substitute other methods of taxation. Now, of course that is a practical re-writing of our whole tax structure and some members of the committee thought the language was too drastic in specifically ordering the committee to do one thing. They feel that it should be studied by the Research Committee. I had given considerable thought to that in the first place, and, as you know, the Research Committee has put forth a great deal of time and effort in the past two years on many matters, and has done a wonderful job, but this problem is so large and covers so much territory, and affects every person in this room and every person owning property in the State of Maine, that it seemed that one specific committee with nothing else on its mind was the answer to that problem.

That is as far as I intend to go. I have no intention of moving to substitute the resolve for the report, unless the Legislature feels it thinks the same as I do on it.

I am willing, if this report be accepted, at a later date to introduce an order which I think would refer this matter to the Research Committee, but I still think it has its hands full without something of this nature.

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to pass" Report of the Committee?

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

Tabled and Specially Assigned

Mr. Morrison from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation of Intangible Property" (H. P. 1227) (L. D. 713)

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

Mr. ROLLINS: Mr. Speaker, this report represents a big item. We spoke here yesterday about intangible property,—the gentleman from Clifton (Mr. Williams)—in the amount of five million dollars. This bill covers a property that represents two hundred and fifty million dollars, and is worthy of careful consideration.

Mr. Speaker, I move that the Report lie upon the table, and be specially assigned for next Wednesday morning.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the report with accompanying papers be laid on the table pending acceptance of report and be specially assigned for Wednesday morning, March 31st.

Is this the pleasure of the House?

The motion prevailed and the Report, with accompanying papers, was so tabled and so assigned.

Mr. Wright from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxation of Owners of Parlor Cars" (H. P. 971) (L. D. 500)

Mr. Cross from the Committee on Ways and Bridges reported same on Bill "An Act relating to Removal of Trees, Shrubs and Weeds from Third Class Roads, by State Highway Commission" (H. P. 354) (L. D. 267)

Reports were read and accepted and sent up for concurrence.

Mr. Osgood from the Committee on Taxation reported "Ought not to pass" on Resolve to Reestablish and Continue in Effect the State Highway Planning Survey and Planning Survey Committee, as Created by Chapter 135 of the Resolves of 1937 (H. P. 918) (L. D. 530)

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

Mr. MURCHIE: Mr. Speaker, what I propose to say here now is without prejudice I assure you, and I do not want you, Mr. Speaker, to be fearful that I intend to clutter up your table, because I have no intention of doing anything of the kind.

When the story on this bill was told to the members of the Ways and Bridges Committee, I cannot believe but what every member of

that Committee saw the reason for it and was at that time disposed to go along; but I have a feeling that somehow or other there is a nigger in the woodpile, and I want to take a moment and try and explain this bill.

There was set up in the State of Maine some six years ago a Committee on Highway Planning Survey. It was inspired by the desire of the Federal government, or at least it was inspired by the fact the Federal government made demands that one and one-half per cent of all the funds coming into the State for matching must be used for highway planning for the future. With that idea in mind and under the urging of the Department of Public Roads in Washington, a committee was organized. That committee consisted, if you please, of two members of the Governor's Council, three members of the Highway Commission, six members of the two branches of the Legislature, and three leading businessmen, the thought being that that Committee, if and when the Highway Planning Survey was completed, would be able to have some real opinions on where and when and how the future highways should be built.

Well, the committee had one meeting. It was rather an indefinite thing, as far as the understanding of the committee goes, and it was decided then and there that we would not meet again, due to possible expense to the State of Maine. Incidentally, I might say this has been practically no expense to the State of Maine so far. The members of the Committee are not paid, and if any one or two or three might have attended one meeting, there would be merely their expense account, so there has been no particular expense up to the present time.

The point is that the Department of Public Roads felt and urged that this Committee should be reorganized. Most of the members of that original committee are gone. The legislative members are all gone except two, I believe, one in the Senate and one here. Two of the members of the Governor's Council are not now in office. In general, the committee is out and must be renewed, and that is what it is desired by this resolve to do.

Now my whole point is just this: Do you not feel that if and when the time comes that the Federal

government comes in here with matching funds that it might be far better if we had a committee of businessmen rather than just the highway group here to indicate that we were conscious of this situation, conscious of its needs, and anxious to meet their desires, and have some committee willing and ready to meet their wishes and go along with them?

With that explanation, I am going to move that the Resolve be substituted for the report of the committee.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that the Resolve be substituted for the "Ought not to pass" Report of the committee.

The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker, in defense of the committee's decision on this bill, I would say we did take into consideration what evidence was presented before us. We felt it never functioned as a useful committee, and we could see no need for continuing it. It is true, as the gentleman from Calais, Mr. Murchie, said, there has been no expense and might not be in the future, but we could see no legitimate reason for continuing this committee or setting it up again when it never had functioned or been of any value that we could see. I will not take any more time to discuss it.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that the Resolve 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 did not prevail.

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

Mr. Leavitt from the Committee on Welfare reported "Ought not to pass" on Bill "An Act relating to the Assessment on Towns for Aid to Dependent Children" (H. P. 51) (L. D. 32)

Mr. McFadden from the Committee on Public Health reported same on Bill "An Act relating to the Control of Venereal Diseases" (H. P. 1153) (L. D. 608)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Doughty from the Committee on Appropriations and Financial Affairs on Resolve in favor of Central Maine Sanatorium at Fairfield (H. P. 1074) (L. D. 563) which was recommitted, reported same in a new draft (H. P. 1309) under same title and that it "Ought to pass"

Mr. Jacobs from same Committee on Bill "An Act relating to Tuition for State Wards" (H. P. 1071) (L. D. 560) reported same in a new draft (H. P. 1310) under same title and that it "Ought to pass"

Mr. Barnes from the Committee on Judiciary on Bill "An Act relating to Jurisdiction of Trial Justices in Certain Parts of Aroostook County" (H. P. 1117) (L. D. 582) reported same in a new draft (H. P. 1316) under same title and that it "Ought to pass"

Mr. Brown from the Committee on Labor on Bill "An Act relating to Employment of Females and Minors" (H. P. 553) (L. D. 293) reported same in a new draft (H. P. 1311) under same title and that it "Ought to pass"

Mr. Ward from the Committee on Legal Affairs on Bill "An Act relating to the Choice of Assessors" (H. P. 798) (L. D. 463) reported same in a new draft (H. P. 1312) under title of "An Act relating to the Choice of Assessors and Compensation of Town Officers" and that it "Ought to pass"

Mr. Downs from the Committee on Public Health on Bill "An Act relating to Conduct of Persons who have Communicable Diseases" (H. P. 327) (L. D. 204) reported same in a new draft (H. P. 1317) under same title and that it "Ought to pass"

Mr. Morrison from the Committee on Taxation on Bill "An Act relating to Malt Beverage Taxes on Government Reservations" (H. P. 970) (L. D. 531) reported same in a new draft (H. P. 1313) under same title and that it "Ought to pass"

Mr. Osgood from the Committee on Ways and Bridges on Bill "An Act Prohibiting Throwing of Bottles, Etc. on the Highways" (H. P. 836) (L. D. 402) reported same in a new draft (H. P. 1314) under same title and that it "Ought to pass"

Mr. Lackee from the Committee on Welfare on Bill "An Act relating

to Appropriations for Private and Public Hospitals for Medical Treatment" (H. P. 1195) (L. D. 668) reported same in a new draft (H. P. 1315) 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

Mr. Knight from the Committee on Claims reported "Ought to pass" on Resolve Granting his Soldiers' Bonus to Frank W. Hughes of East Machias (H. P. 1197)

Report was read and accepted and the Resolve ordered printed under the Joint Rules.

Mr. Murchie from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act relating to Fees of Trust and Banking Companies" (H. P. 1073) (L. D. 562)

Mr. Pelletier from same Committee reported same on Bill "An Act relating to Allocations and Unappropriated Surplus Account" (H. P. 928) (L. D. 546)

Mr. Cousins from the Committee on Indian Affairs reported same on Bill "An Act relating to the Method of Computation of the Expense of the Education of the Penobscot and Passamaquoddy Indian Children" (H. P. 240) (L. D. 159)

Mr. Greene from same Committee reported same on Bill "An Act relating to Representation of Indian Tribes at the Legislature" (H. P. 539) (L. D. 309)

Mr. Williams from the Committee on Judiciary reported same on Bill "An Act relating to Payments to Franklin County Law Library" (H. P. 1177) (L. D. 655)

Mr. Smith from the Committee on Salaries and Fees reported same on Bill "An Act relating to Compensation for Members of the Parole Board" (H. P. 968) (L. D. 532)

Reports were read and accepted and the Bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Robinson from the Committee on Judiciary on Bill "An Act relating to the Pennell Institute in the town of Gray" (H. P. 1132) (L.

D. 553) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 1132, L. D. 553, Bill "An Act Relating to the Pennell Institute in the Town of Gray."

Amend said bill by striking out the last 2 words "appropriated and" in the 7th line of the 2nd paragraph thereof, and by taking out the deletion in the 8th line and by inserting between the word "town" and the word "the" in said 8th line the words "with the approval of".

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

Mr. Williams from the Committee on Salaries and Fees on Bill "An Act relating to Fees of Sheriffs and their Deputies" (H. P. 1187) (L. D. 664) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1187, L. D. 664, Bill "An Act Relating to Fees of Sheriffs and Their Deputies."

Amend said Bill by deleting from the 9th paragraph thereof, after the figures "\$3", the following:

"and in addition thereto the sum of \$1 for each hour over 1 hour necessary in making said attachment"

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

Mr. Ward from the Committee on Legal Affairs on Bill "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns" (H. P. 1134) (L. D. 598) reported "Ought to pass" as

amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1134, L. D. 598, Bill, "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns."

Amend said act by striking out from section 3 thereof subsection (e) and substituting therefor the following: "(e) 'Mayor' shall mean the mayor of the city, the manager of the city, or if the city have no mayor or manager, the officer charged with the duties customarily imposed on the executive head thereof".

Further amend said act by inserting after subsection (e) of section 3 thereof the following:

"(e) 'Board of selectmen' shall mean the selectmen of the town, or if the town have no selectmen, the officers charged with the duties customarily imposed on the selectmen thereof".

Further amend said act by striking out the first two paragraphs of section 4 thereof, and inserting in place thereof the following:

"Sec. 4. Creation of housing authorities. In each city (as herein defined) there is hereby created a public body corporate and politic to be known as the "housing authority" of the city; (for example, the legal title shall be "Housing Authority, City of _____ Maine" or "Housing Authority, Town of _____ Maine"); provided, however, that such authority shall not transact any business or exercise its powers hereunder unless and until the governing body of such city or town shall have adopted a resolution declaring that it has been found (a) that unsanitary or unsafe inhabited dwelling accommodations exist therein or (b) that there is a shortage of safe or sanitary dwelling accommodations therein available to persons of low income at rentals they can afford.

As a further condition precedent to the transactions of business and the exercise of its powers by such authority, the governing body of such city or town shall of its own motion have caused to be placed

upon a ballot to be used at some regular or special election therein with proper notice thereof in the warrant therefor the following question: "Shall the housing authority authorized by chapter (herein insert number of this chapter) of the public laws of 1943 proceed to transact business and exercise its powers?" and by majority vote the electors therein shall have answered said question in the affirmative".

Further amend said act by inserting after the word "mayor" where it first appears in the third line of section 5 thereof the words "or board of selectmen", and by inserting after the word "mayor" at the end of said line 3 the words "or board of selectmen".

Further amend said act by inserting after the word "mayor" in the sixth line of the second paragraph of section 5 thereof the words "or board of selectmen".

Further amend said act by striking out all of section 11 thereof and inserting in place thereof the following:

"Sec. 11. Eminent domain. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this act after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in sections 11 to 23 of chapter 69 of the revised statutes of Maine, 1930, and acts amendatory thereof or supplementary thereto, provided however that no authority shall without the written consent of the owner thereof take or acquire any property of any city, town or county, the state or any political subdivision thereof, or any of the property or facilities of any public service or quasi-municipal corporation used or acquired for future use by the owner thereof in the performance of a public duty, nor shall any authority without the consent of the owner thereof take or acquire any of the property of any person or corporation engaged in any manufacturing business or enterprise, which property is used or useful in the conduct thereof".

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

Mr. Smith from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Recorder of Rockland Municipal Court" (H. P. 575) (L. D. 342) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 575, L. D. 342, Bill "An Act Relating to the Salary of the Recorder of Rockland Municipal Court."

Amend said Bill by inserting after the enacting clause 'Sec. 1'.

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

'**Sec. 2. Limitation of act.** This act shall remain in force for a period of 2 years only. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect.'

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

Mr. Smith from the Committee on Salaries and Fees on Bill "An Act Increasing the Compensation of the Judge of Probate of Knox County" (H. P. 599) (L. D. 355) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 599, L. D. 355, Bill "An Act Increasing the Compensation of the Judge of Probate of Knox County."

Amend said Bill by inserting after the enacting clause 'Sec. 1'.

Further amend said Bill by add-

ing at the end thereof the following paragraph:

'**Sec. 2. Limitation of act.** This act shall remain in force for a period of 2 years only. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect.'

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

Divided Report

Tabled and Specially Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Penalizing Certain Activities relating to Rationed Commodities in Time of War" (H. P. 1178) (L. D. 656) as legislation is inexpedient.

Report was signed by the following members:

Messrs. FARRIS of Kennebec
McGLAUFLIN of Cumberland
HARVEY of York
—of the Senate.
ROBINSON of Brewer
Miss BANGS of Brunswick
Mr. PERKINS of Boothbay Harbor
—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BARNES of Houlton
GRUA of Livermore Falls
WILLIAMS of Auburn
MAXWELL of Bangor
—of the House.

(On motion by Mr. Perkins of Boothbay Harbor, the two Reports, with accompanying papers, were tabled pending acceptance of either Report and specially assigned for Tuesday, March 30th)

Divided Report

Majority Report of the Committee on Public Health on Bill "An Act relating to Pre-Marital Medical Examination" (H. P. 632) (L. D. 357) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. TOWNSEND of Penobscot
FARRIS of Kennebec
BROWN of Aroostook
—of the Senate
DOWNS of Rome
Miss LONGSTAFF of Crystal
Miss DEERING of Bath
Messrs. McFADDEN of Pembroke
SAYWARD of Kennebunk
STEPHENSON of Union
—of the House.

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

Report was signed by the following member:

Miss CLOUGH of Bangor
—of the House.

The SPEAKER: The gentleman from Rome, Mr. Downs, moves acceptance of the Majority Report "Ought to pass" as amended by Committee Amendment "A".

The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker and Members of the House: As is quite apparent, I signed the minority report "Ought not to pass". Could I make a brief explanation in support of my action? I have no intention of trying to overturn the report of the committee. It was not for the purpose of debate I signed this report in this way, but because of conviction.

Now as you know, the power and the authority to waive the premarital blood test examination in this State is now vested in the Superior Court judges, of whom there are seven throughout the State. I have reason to know that the Superior Court judges have a great deal of work and are under a great deal of pressure, and in one instance in the City of Portland, there is now no Superior Court Judge, and that is a place where if ever there was a time when this premarital blood test needed to be waived it is now.

In seeking to remedy the situation, two bills were presented, one by the gentleman from Portland, Mr. Bartlett, No 357, which would put the power to waive the premarital blood test examination in the hands of the Probate Court judges as well as keeping it in the hands of the Superior Court judges. There are sixteen Probate Court judges and seven Superior Court judges. That

would mean that this authority to waive premarital blood tests would be somewhat increased throughout the State. It may be a good thing. I don't know. My feeling was that to remedy the situation we should put this authority in the hands of the District Health Officers, where I believe it rightfully belongs. There are six District Health Officers throughout the State in strategic places.

As I say, I have not any desire to overturn the report, but I do believe that those who are logically able and qualified to handle the waivers are the district health officers. I will go along with the majority report, but I did want to have this opinion recorded.

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

Mr. DOWNS: Mr. Speaker, in support of the motion to accept the majority report, I wish to state what influenced the majority of the committee. You will observe this report is signed by nine members of the Committee on Public Health. What influenced us was the fact, as the gentlewoman from Bangor, Miss Clough has told you it applies simply to who shall grant a waiver in the case of an emergency arising where a soldier wishes to marry and, due to the short time he may have on leave or furlough, there is not a sufficient amount of time to comply with the law as it is written. In consequence, as you will see, this might be a good solution of the situation.

Now bear this fact in mind: that this particular bill requires a waiver. Now the term "waiver" is connected with legal phraseology, and therefore it seemed fitting that some sort of an authority should grant that waiver. I cannot conceive of it being in the province of a health officer to grant a waiver on any proposition.

With that thought in mind, we consider the fact that the Superior Court judges were few in number, but in each county of the State you would find a Probate Court judge, which would add materially to the number of magistrates who would be entitled to grant this waiver. Now the whole question boiled right down to this: As to whether the right to grant this waiver shall be given to some member of the Health Department or whether it shall be

confined, as I believe is right, to some magistrate.

As I said before, when we think of the term "waiver" we think of it as a legal proceeding. Now the question boiled to simply that. The wisdom of the committee was that this should be confined to the courts, and to expedite this thing and to give it all the assistance we could, we have given sixteen additional men in the State of Maine the right to grant this waiver. I trust that the motion to accept the majority report will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Rome, Mr. Downs, for acceptance of the majority report "Ought to pass" as amended by Committee Amendment "A." Is this the pleasure of the House?

Thereupon the "Ought to pass" as amended by Committee Amendment "A" report of the committee was accepted.

This being a printed Bill, under suspension of the rules, the bill was given its first two readings.

Committee Amendment A was read by the Clerk as follows:

Committee Amendment "A" to H. P. 632, L. D. 357, Bill "An Act Relating to Pre-marital Medical Examinations."

Amend said bill by striking out all of Section 1 thereof.

And further amend said Bill by striking out at the beginning of Section 2 the underlined "Sec. 2."

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

Divided Report

Majority Report of the Committee on Public Health reporting "Ought not to pass" on Bill "An Act relating to Waiving of Pre-Marital Blood Tests" (H. P. 967) (L. D. 498)

Report was signed by the following members:

Messrs. TOWNSEND of Penobscot
FARRIS of Kennebec
BROWN of Aroostook
—of the Senate.

DOWNES of Rome
Miss LONGSTAFF of Crystal
Miss DEERING of Bath
Messrs. McFADDEN of Pembroke
STEPHENSON of Union
SAYWARD of Kennebunk
—of the House.

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

Report was signed by the following member:

Miss CLOUGH of Bangor
—of the House.

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

Mr. DOWNS: Mr. Speaker, I move you the acceptance of the Majority Report "Ought not to pass."

In support of that motion, I will say that these two bills seem contradictory. If we voted to pass this one, we would contradict the action which we have just taken. If we vote "Ought not to pass" on this measure, the bill which we have just considered stands in full force.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, I have no disposition to speak on this bill, as the situation in regard to the District Health Officers is the same as in the previous bill. I will go along now with the majority report, "Ought not to pass".

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

Divided Report

Report A of the Committee on Salaries and Fees reporting "Ought to pass" on Bill "An Act relating to Compensation of Department Heads" (H. P. 598) (L. D. 356)

Report was signed by the following members:

Messrs. BRAGDON of Aroostook
BUCK of Lincoln
—of the Senate.

JORDAN of Saco
SMITH of Thomaston
GOLDSMITH of Orono
—of the House.

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

Report was signed by the following members:

Messrs. HALL of Franklin
—of the Senate.

DOWNES of Rome
JONES of China
WILLIAMS of Clifton
SANBORN of Baldwin
—of the House.

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

Mr. BARNES: Mr. Speaker, I move the acceptance of Report "A" "Ought to pass." I would like to explain my reasons for making this motion.

Legislative Document No. 356 is brief and very simple. It is so brief that I can take a very short time and read it. It simply says: "The heads of all administrative departments, bureaus, commissions, and agencies, who are appointed by the governor with the advice and consent to the council, shall receive such compensation as shall be fixed by the governor and council."

There are a great many members of this House who have discussed this bill, and the chances are there are some who have not.

As you all know, this Legislature elects some department heads, such as the Attorney General, the Secretary of State and the Treasurer of State. I think it is perfectly proper that this Legislature set the salaries of the department heads that it elects. On the other hand, it seems to me as proper and it seems like good business, when this Legislature says that the Governor and Council shall appoint department heads, that it shall also give the Governor and Council the power to set their salaries.

In this connection, it might be interesting to the members of the Legislature to know that when the Code was passed in this state setting up several departments that exactly this language was used and this Legislature did give the Governor's Council power and authority to set their salaries.

This measure is in a way a war measure. Some department heads have already been called away to service and it is necessary for the Governor and Council to replace them. Personally, I feel we can safely vest in the Governor and Council the power to set the salaries of the heads of departments that they must choose. Any situation whereby we feel the Governor would abuse his power is thoroughly checked by our representatives on the Governor's Council.

I urge the adoption of Report A for these reasons: First, it seems logical that when we say to the Gov-

ernor and Council you must appoint we should say to them you must set the salary; second, I feel it can be safely done; and, in the third place, I feel at the present time and in the present emergency it certainly should be done.

There are individual bills, as you will see on the Senate calendar today, relative to each one of the department heads. This Legislature has to do one thing or the other: It must pass upon each one individually or it must pass this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Barnes, that Report "A" "Ought to pass" be accepted.

At this time the Chair recognizes the gentleman from Augusta, Mr. Cross, and designates him Speaker pro tem. Will the Assistant Sergeant at Arms conduct him to the rostrum?

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker and Members of the House: I was very hopeful I would not talk on any measure this year, but, in the closing days of the Legislature, one often finds it necessary, especially when he finds himself signing a divided report, and I have signed the "Ought to Pass" report on this bill that was presented by Mr. Barnes.

During this session I suffered with an illness, and I sometimes wonder if I should not attribute the illness and the headaches to having served on the Salaries and Fees Committee rather than my former connection with Room 311, and I sometimes wonder if the beautiful roses should not have been presented to me for possessing such courage and having lived there as long as I did. (Laughter)

Now, what conditions, if any, are we confronted with in this institution of ours, the state government? What did the Salaries and Fees Committee have to take into consideration in forming their opinion in regard to this report?

We might liken the state institution to any large industry or busi-

ness. You have a Governor, who might be called your President of the Corporation, and a Council, who are the Board of Directors. Generally speaking, the stockholders require of their president and board of directors efficient operation of that industry by employing help well qualified to fill their positions.

It has been pointed out that the Governor and Council have appointed certain executive departmental heads. We felt, in entrusting them with that authority, that they would go out and hire proper men to fill those departments, and I believe right now we have in Maine such competent officials.

Now why is it necessary in a time like this to talk of increased salaries? We all know that large industries today are reaching out for competent help and attracting them with much better salaries than they can receive here. We also know that men serving our State have a certain tenure of office. If they perform their duties well, they can stay here, and that is one good reason why many of them do stay. In times like these, however, the cost of living having gone up considerably, we feel these men should be held here as long as possible and not allow any other private industry to come in and attract them away from us. It is a difficult job for the Governor and Council to go out and get the help they want in times like this.

This is not a blank check we are giving the Governor and Council. We all know that the council is our representative, and each and every one of us had an opportunity to elect our own councillor. They keep a close check on matters, and we cannot trust them and the Governor to set salaries such as they see fit at a time like this, then we should abolish the whole system. They are not asking for too much power. We know the Governor and Council are not going to call in the department heads and say, "Here, John, you are getting \$4000 and we will give you \$5000." They are not going to do that. They are going to be open to severe criticism if they undertake any such matter.

Mr. SPEAKER, I hope the gentleman's motion that Report A be accepted will prevail.

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

Mr. GRUA: Mr. Speaker and Members of the House: I very much favor the passage of this Report A. It seems to me that what the gentleman from Orono (Mr. Goldsmith) has just said is very well said indeed, and I do not need to add to it. I feel that if the people who appoint these officers and have to take the blame for their performance or non-performance are entitled to select them, surely they ought to have some leeway in the amount of pay they give to them, especially, as has been pointed out, under present circumstances. It seems to me if you are going to give them the power to select men to work for you then they should also have the power to say how much they are going to pay them. There has been nothing that has come to my attention that makes me feel we have any reason to distrust the wisdom of the Governor and Council in setting the salaries they have set. We can always take it back in our hands if they should misuse this power we give to them. I therefore hope, Mr. Speaker, that this motion to accept Report "A" will prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, I would like to state that as it appears on this calendar I did not sign the report. I agree to sign a report with an amendment for two years.

I do not see this amendment is on this report, and, unless it is correct, I should like to see both reports laid on the table until it can be corrected.

The SPEAKER pro tem: Does the gentleman care to specially assign a day?

Mr. JORDAN: Any day, Mr. Speaker, just so long as it gets corrected. I do not know how long it takes to correct that. It will be all right for this afternoon.

The SPEAKER pro tem: The Chair will state that there is not in the possession of the Clerk any committee amendment. The reports do not mention any committee amendment.

Mr. JORDAN: It was agreed that this report I agreed to sign had a committee amendment for two years.

The SPEAKER pro tem: Would the gentleman wish to make a motion to recommit?

Mr. JORDAN: I make that motion, Mr. Speaker, if it is the proper one.

The SPEAKER pro tem: The gentleman from Saco, Mr. Jordan, moves that the House recommit the two reports and accompanying papers to the Committee on Salaries and Fees. Is this the pleasure of the House? All those in favor will say aye; those opposed no.

A viva voce vote being taken the two reports with accompanying papers were recommitted to the Committee on Salaries and Fees and sent up for concurrence.

First Reading of Printed Bills

Bill "An Act relating to Alternative Method of Enforcement of Tax Liens" (H. P. 1301) (L. D. 830)

Bill had its two several readings.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker, earlier in today's session there was an order introduced requesting an opinion from our Supreme Judicial Court relative to the constitutionality of this bill. While the Constitution of our State requires that no act may become a law without further action by that unmentionable body under the rules of our House, in order to have this legislation in proper form should the House decide that it desires the question of constitutionality decided, I now move that the rules be suspended and that this bill be given its third reading at this time.

The SPEAKER pro tem: The gentleman from Biddeford, Mr. Donahue, moves that the rules be suspended and that this bill be given its third reading at this time. Is this the pleasure of the House?

The motion prevailed, and, under suspension of the rules, the bill was given its third reading, passed to be engrossed and sent to the Senate.

First Reading of Printed Bills

(Continued)

Bill "An Act to Create a Board of Fire Commissioners for the town of Sanford" (H. P. 1302) (L. D. 831)

Bill "An Act relating to Bonds to be Furnished by State Officials and Employees" (H. P. 1304) (L. D. 832)

Bill "An Act relating to Compensation of Employees who have Re-

ceived Prior Injuries" (H. P. 1305) (L. D. 833)

Bills were read twice and tomorrow assigned.

Passed to Be Engrossed Tabled Until Later in Day

Bill "An Act to provide for Post War Planning" (S. P. 178) (L. D. 242)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker, I move that we lay Item 1, Senate Paper 178, Legislative Document 242, on the table to be acted on at a later hour in this same legislative day, and in explanation I would state that the gentleman—

The SPEAKER pro tem: The Chair would remind the gentleman that the motion to table is not debatable.

The gentleman from Bradford, Mr. Osgood, moves that Bill "An Act to provide for Post War Planning" (S. P. 178) (L. D. 242) lie on the table and be specially assigned for later in the day. Is this the pleasure of the House?

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

Bill "An Act to Simplify the Inland Fishing Laws" (S. P. 455) (L. D. 808)

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 "An Act Authorizing the Department of Health and Welfare to Regulate Public and Private Institutions" (H. P. 823) (L. D. 377)

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

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

Mr. WILLIAMS: Mr. Speaker and Members of the 91st Legislature: A situation has arisen in regard to the inspection of nursery homes. Because of the death of this child in this home in Lewiston, Maine, that makes some amendment or legislation advisable. I therefore move that Item 3, L. D. 377, lie on the table and be

specially assigned for tomorrow morning.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Williams, moves that Legislative Document 377 lie on the table pending third reading and be specially assigned for tomorrow morning. Is this the pleasure of the House?

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

Passed to be Engrossed
(Continued)

Bill "An Act relating to Conveyances of Municipal Airport Lands to the United States of America" (H. P. 1306) (L. D. 824)

Bill "An Act Amending An Act to Incorporate the Brunswick Village Corporation" (H. P. 1307) (L. D. 825)

Bill "An Act relating to the Election of the School Committee of the town of Brunswick" (H. P. 1308) (L. D. 826)

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

Bill "An Act relating to the Salary of the Judge of Probate for Androscoggin County" (S. P. 166) (L. D. 767)

Bill "An Act relating to Compensation of Judge of Probate of Lincoln County" (H. P. 264) (L. D. 169)

Bill "An Act relating to Powers of Police Commission of the City of Augusta" (H. P. 756) (L. D. 405)

Bill "An Act relating to Inspection and Recounts in Municipal Elections" (H. P. 800) (L. D. 382)

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

An Act relating to the Amount to be Paid for Clerk Hire in the Office of the Recorder of the Municipal Court of the city of Portland (S. P. 58) (L. D. 51)

An Act Regulating the Transportation of Deer (S. P. 188) (L. D. 274)

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 Membership in Farm Lands Loan Commission and Emergency Municipal Finance Board (S. P. 197) (L. D. 280)

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

Mr. BARTLETT: Mr. Speaker, at the earnest and urgent request of Governor Sewall who pointed out to me this morning that there is a serious error being perpetrated by this particular act and its several amendments, I now move that Legislative Document 280 lie on the table pending enactment, and that it be specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Portland, Mr. Bartlett, moves that Bill, S. P. 197, L. D. 280, lie on the table and be specially assigned for tomorrow morning.

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

Passed to be Enacted

(Continued)

An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday (S. P. 241) (L. D. 361)

The SPEAKER pro tem: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker, I do not believe that this is a good bill for the State of Maine. The history of some other acts connected with Sunday observance or non-observance shows that a beginning was made in the line of sports, non-commercial, and afterwards other legislation was introduced which tended to commercialize Sunday.

I hope that this bill is not going to pass, because I am opposed to any further invasion of what some of us believe to be a good thing—the keeping of the Lord's Day.

I move that this bill be indefinitely postponed.

The SPEAKER pro tem: The gentleman from Mapleton, Mr. Webber, moves that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Hallowell, Mr. Keller.

Mr. KELLER: Mr. Speaker and Fellow Members of the House: There is one thing that I do admire, whether in here or on the outside;

and that is good sportsmanship. The other day I took a good licking—and I liked it. I sincerely hope that the motion of the gentleman from Mapleton (Mr. Webber) does not prevail.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Mapleton (M. Webber) that "An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday (S. P. 241) (L. D. 361) be indefinitely postponed.

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

Mr. BUBAR: Mr. Speaker and Members of the House: Not being here at the session last Monday, when this matter went through, I did not have a good chance to show my colors on this bill at that time.

This is another bill similar to the one we killed yesterday, or the day before, to infringe further upon our Sunday laws and to gradually wedge itself in until finally we have totally done away with Sunday, as we know it today, and I believe it is wrong on every point. If they want to race horses there are six days in the week, in which it can be done, without infringing upon those of us who regard Sunday as a Holy Day.

Members, I want to go along with the motion of the gentleman from Mapleton (Mr. Webber).

The SPEAKER pro tem: The question before the House is on the motion to indefinitely postpone Bill "An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday" (S. P. 241) (L. D. 361).

The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I move that this motion to indefinitely postpone lie on the table and be specially assigned for next Tuesday morning.

Cries of "No," "No."

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Rankin moves that the motion to indefinitely postpone lie upon the table and be specially assigned for next Tuesday morning.

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

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

The SPEAKER pro tem: The question now before the House is on

the motion of the gentleman from Mapleton, Mr. Webber, that this bill be indefinitely postponed. All those in favor will say aye; those opposed no.

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

Thereupon, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted (Continued)

An Act relating to the Salary of the County Treasurer and Clerk Hire for the County of Kennebec (S. P. 269) (L. D. 457)

An Act relating to Salary of Register of Deeds of Kennebec County (S. P. 368) (L. D. 636)

An Act relating to the Governor's Expense Account (S. P. 443) (L. D. 784)

An Act relating to Regulation of Loans by Trust Companies (H. P. 55) (L. D. 55)

An Act relating to the Salary of the Recorder of the Portland Municipal Court (H. P. 119) (L. D. 73)

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.

An Act relating to Mutual Fire Insurance Companies (H. P. 1273) (L. D. 779)

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Bowker.

Mr. BOWKER: Mr. Speaker, for the purpose of presenting an amendment, I move that the House, under suspension of the rules, reconsider its action of March 22nd whereby it passed Legislative Document 779 to be engrossed.

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

The motion prevailed, and the House reconsidered its action whereby the bill was passed to be engrossed.

On further motion by Mr. Bowker, under suspension of the rules,

the House voted to reconsider its former actions whereby it adopted House Amendment "A" and House Amendment "B".

Mr. BOWKER: Mr. Speaker, I now move the indefinite postponement of House Amendment "A" and House Amendment "B".

The SPEAKER pro tem: The gentleman from Portland, Mr. Bowker, now moves the indefinite postponement of House Amendment "A" and House Amendment "B".

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

Mr. GRUA: Mr. Speaker, I am not aware of the purpose of the gentleman's motions; but it seems to me like a rather radical action, and that we have not had a chance to look this matter over.

We adopted these amendments for a good reason, and unless the gentleman wishes to explain his purpose, at this time, I would ask that the matter lie on the table until tomorrow morning.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Bowker.

Mr. BOWKER: Mr. Speaker, I would be very glad to explain the matter. This new amendment, House Amendment "C", that has been drawn is to clarify House Amendments "A" and "B"; and it is the intent in the new House Amendment "C" to clarify.

Mr. GRUA: I withdraw my objection then.

The SPEAKER pro tem: May the Chair inquire of the gentleman—

Mr. BOWKER: Mr. Speaker, I now offer House Amendment "C" and move its adoption.

The SPEAKER pro tem: The gentleman from Portland, Mr. Bowker, offers House Amendment "C".

The Clerk will read House Amendment "C":

House Amendment "C" to H. P. 1273, L. D. 779, Bill "An Act Relating to Mutual Fire Insurance Companies".

Amend said bill by adding after the word "non-assessable" in the 5th line of section 2 thereof, the words 'advance cash premium'.

Further amend said bill by adding after the word "non-assessable" in the 18th line of section 2 of said bill, the words 'advance cash premium'.

Further amend said bill by drawing a line through the word "either" in the 19th line of said section 2 and inserting in place thereof the word 'one'.

Further amend said bill by adding after the word "non-assessable" in the 22nd line of said section 2, the words 'advance cash premium'.

Further amend said bill by adding after the word "levied" in the 23rd line of said section 2, the words 'under the contingent liability provisions of this chapter'.

Further amend said bill by inserting after the word "surplus" in the 7th line of section 3 of said bill, the words 'to policy holders'.

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

'Sec. 4. Interpretation of act.

This act shall not be construed as limiting any existing rights of any mutual companies, other than mutual fire insurance companies, to issue non-assessable policies.'

The SPEAKER pro tem: This amendment, not having been reproduced, will now lie upon the table under the Joint Rules.

**Passed To Be Enacted
(Continued)**

An Act relating to Investments of Permanent Trust Funds (H. P. 1276) (L. D. 789)

An Act relating to the Teachers' Retirement Annuity Fund and Appropriation of Money therefor (H. P. 1277) (L. D. 790)

An Act Amending the Law relating to Deposits of State Funds (H. P. 1278) (L. D. 791)

An Act relating to Terms of the Northern Aroostook Municipal Court at Fort Kent for the Trial of Actions of Forcible Entry and Detainer (H. P. 1279) (L. D. 792)

An Act to Provide for the Surrender by Milton Plantation of its Organization (H. P. 1281) (L. D. 794)

Finally Passed

Resolve relating to the Completion of the Eighth Revision of the General and Public Laws (S. P. 444) (L. D. 785)

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.

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

Mr. SLEEPER: Mr. Speaker, the calendar is pretty well filled and the hour is late, so I now move that the House recess until 4:30 o'clock this afternoon.

The motion prevailed, and the House recessed until 4:30 o'clock this afternoon.

After Recess 4.30 P. M.

The SPEAKER pro tem in the Chair.

At this point, Speaker Richardson resumed the Chair, and the Speaker pro tem, the gentleman from Augusta, Mr. Cross, was escorted to his seat amid the applause of the House, the members rising.

The SPEAKER: The House will be in order.

Under Orders of the Day, the Chair now lays before the House the first tabled and today assigned matter, House Report "Legislation Inexpedient" of the Committee on Agriculture on Bill "An Act Permitting the Department of Agriculture to Encourage and Promote Farming During the Present Emergency and Provide for the Rehabilitation of Farm Families After the War" (H. P. 1241) (L. D. 741) tabled on March 23rd by Mr. Bartlett of Portland, pending acceptance of report.

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

Mr. BARTLETT: Mr. Speaker and Members of the House: I have no criticism to make of our Committee on Agriculture, but I do find in their report of "Legislation Inexpedient" something for self-criticism. It is evident that I failed to make that committee understand what the real purpose of this bill is. That appears to be a human failing of mine. I frequently find that I fail to make myself understood.

As a matter of fact, I know that some members of this House mis-

understood the intent of certain remarks that I made in the course of the debate in this House yesterday, and I want to say right here and now that if those remarks offended any member of this House I am truly sorry.

Now, to avoid the risk of further misunderstanding in this matter, as much as I hate to stand up here and read things to you gentlemen, I am going to rely to a considerable extent on my arguments in favor of this bill upon the language of others. I would like the members of this House to know what some other people in this State think of the purposes of this act, which I, apparently, could not get across to the committee.

Now, before I do that, I would like to point out to you just one thing. The printed bill which you have before you does not fairly represent the measure which I have in mind. That bill was hurriedly and poorly drawn. It was done to save an idea. At a hearing before the Committee on Agriculture, I submitted to that Committee a new draft. At this time the only way I can get that new draft before you, consists of asking at the proper time that the bill be substituted for the report, in the hope that I may have an opportunity to offer a House Amendment. The House Amendment that I propose to offer is on your desks and appears under Filing 148, and I am not going to read that to you.

It occurs to me that many of you must feel as I do, that the great newspapers of our State on their editorial pages reflect the opinion of a large cross-section of their readers. They must reflect such opinion, if they wish to prosper.

The Portland Evening Express, having the broad coverage which it does through the State of Maine, must, I say, of necessity reflect the opinion of many of the voters of the State of Maine, and I have here the editorial page of the February 25th, 1943, issue of the Portland Evening Express. I am not going to read all of this editorial to you; it is too long; but I do want to skim through a few of the high spots. The editorial is entitled "Back to the Land? Yes!"

"Some day, the high wages will stop. That will not be because anyone wants them to stop; it will

not be because anyone thinks high wages are all wrong. It will be because the activities—the booming war industries—which make today's fat pay envelopes possible, will slow down, will stop completely in many instances, 'When the lights go on again'.

"That is a harsh fact which must be faced. Peace will end the 'war boom'. And it will take time to retool the factories for the change-back, from tank production to automobile production. It will take time to convert shipyards-for-war to shipyards-for-peace and the commercial needs of peace.

"In the interim, in the retooling period, it is probable that many workers now earning 'good money' for a hard week's labor, will be at least temporarily unemployed. It took time to shift the gears for war production; it will take time to shift back to production-for-peace.

"During that interval of the change-over, wherewith shall they be fed, and clothed, and housed—those who may have to face unemployment, whether of brief or of long duration?

"Or will it be back to WPA?

"Or will it be 'Back to the Land'?

"Those who hold that 'Back to the Land' would be the better solution are rallying in support of a bill introduced in the Legislature by Rep. Charles A. Bartlett of Portland, the purpose of which is 'to encourage and promote farming'; 'to provide for rehabilitation of farm families after the war'; and to 'encourage city folks to farm this Summer and succeeding Summers', on small, workable parcels of land within commuting distance of cities.

"Prevailing high wages surely would make it no great hardship for the high-wage-earners to purchase 'good' land, (i. e. potentially productive, easily worked land) without buildings, not too far out from the cities in which such workers are now employed.

"The Bartlett Bill would encourage the purchaser of such land to begin cultivation as soon as possible this Spring, and to plan at the same time for the future erection of buildings upon the land—buildings which would mean a home, on the land, for the worker and his family; security through any lean

years which might follow the present period of war-induced 'boom'."

And skipping down a few more paragraphs, the editorial goes on to say:

"What's wrong with such a plan? Why not begin, now, a 'Five-Acre Farm Club' movement? This newspaper, far from finding anything faulty in the Bartlett Bill, considers the measure wholly praiseworthy."

And they go on and say: "And now is the time to 'talk it up', time for the Maine town meetings—which will be convening next week—to indicate their approval of such a measure by adopting resolutions to send to the Legislature, urging that the Bartlett back-to-the-land bill be enacted at this session."

I am not going to read you the rest of that editorial but I know that some have read it. As a matter of fact, I know that a few towns in this State, following this editorial and apparently as a result of it, did pass resolutions supporting this bill; and those resolutions have come into the hands of some of you gentlemen.

And again, last Saturday, March 20th, 1943, the Portland Evening Express has another editorial. The title is "Five Acres and A Future".

"Sponsors of the so-called Five-Acre Farm Plan Bill, which is now before the Maine Legislature's Committee on Agriculture, argue that the measure if passed would have these beneficial effects:

"1. Encourage a back-to-the-land movement—at first, during the war emergency, on a part-time basis—by war workers who would cultivate small parcels of land as oversize Victory Gardens; later, when the war and the fat pay envelopes alike were but memories, it would mean at least an ace in the hole, at least a means of subsistence, for those who would prefer going back to the land instead of back to WPA.

"2. Through certification of land suitable for small-scale farming, by the Department of Agriculture, it would protect the novice back-to-the-lander who might, in his inexperience pay out good money for bad land.

"3. By means of its proposed revolving fund it would provide for loans to finance the eventual erection of dwelling units and other

needed buildings for those who would buy the land now, out of war-inflated earning power, with the intention of settling on the land—and living at least partly off such land—when the war-boom collapses and the highly-paid jobs may again be few and far between.

"4. By all of these means, the measure would contribute to self-respect, self-reliance and independence—qualities which back-to-landers would retain and which the back-to-WPA boys easily might lose.

"Is there the sound of an axe being ground, somewhere behind all this? Is it somebody's pet project, this bill which, if enacted, would help men to keep their heads up when hard times return—and help them to keep their families together, well fed, decently housed, and independent of state paternalism?

"Yes, we suspect that the Five-Acre Farm Plan is, undoubtedly, somebody's pet project. He need not be ashamed of it."

I am not going to read any further. That does show at least what the Portland Evening Express thinks about this.

After that introduction, you may say to yourself, "Well, all right, what is the Five-Acre Farm Plan Bill? What is this plan? Is it the result of a bad dream that Bartlett had some night?" I want to answer those questions, ladies and gentlemen.

This plan—and I take no credit for the authorship of this plan—as a matter of fact, I do not know who first conceived the plan, but the first place I know of where it was put into effect was in the City of Detroit, the suburbs outside of the City of Detroit, by Henry Ford, and that plan is being worked outside of the city of Detroit today. Henry Ford saw that conditions surrounding his factory were such that there were occasional periods of lay-off when the factories were being retooled for new models and when production had gotten too far ahead of sales. The thought occurred to him, as it perhaps has to others, and it has now to me, that if those workers in his factory, instead of being huddled in tenement areas within walking distance of the factory, could live outside of the city a little ways on a small plot of ground where they could have a cow and a couple of pigs and twenty-five or fifty hens, a little asparagus

and a garden, when these lay-offs came that they might have something with which they could tide themselves over until the next paycheck came.

Now, I have told you what the newspaper said, and now I would like to read to you what Henry Ford said about this plan. I have got a letter here, and I would like to read to you a couple of sections from it. He said: "The land, that is where our roots are; there is the basis of our physical life. The further we get away from the land, the greater our insecurity. From the land comes everything that supports life; everything we use for the service of physical life. The land has not collapsed or shrunk in either extent or production; it is there, waiting to honor all the labor we are willing to invest in it, and able to tide us across any dislocation of economic conditions. No unemployment insurance can be compared to an alliance between a man and a plot of land." And in conclusion, he states: "A plan similar to that which you suggest has been in operation among our employees for the past eight or ten years, and it has been interesting to note the gradual change which has come about."

That was Henry Ford speaking, one of the greatest industrialists this country has ever seen. If he is too far away, let us get a little closer to home.

The next letter I have here is from William S. Newell, President of the Bath Iron Works Corporation. I want to read you a paragraph or two from his letter. He says: "Nearly three-fourths of all the people that are employed at the Bath Iron Works come from outside of Bath, and some from distances of 40 to 45 miles.

"In the first place, it would be impossible for them to all live in Bath because the place here is not large enough to assimilate or take care of them; and in the second place, it would be bad even if facilities were put up, because when this fracas is over Bath would be filled with men, women and children with nothing for them to do; and in the meantime, even with their living in outlying places, the schools are hardly adequate to take care of the people who have been able to come to Bath and find places to live. Then again, with their

staying in their homes outside of Bath and the surrounding communities within the 45-mile radius, they take their money back to the locality in which they live, which helps that locality; and then, as I said before, when this rumpus is all over, they are still where they were when they started, and there are no violent or large migrations into Bath and then back out again, and I think the situation is on a more stable basis when conducted along the lines that it is being conducted.

"This all means that your problem is very opportune and fits the situation nicely.

Yours truly,

W. S. Newell"

Now, that is what a couple of our leading industrialists say about this plan.

What about the other side of the fence, if you want to call it that,—what about the man who is working for a living? I would like to have you hear from the Vice-Chairman of the Brotherhood of Locomotive Engineers of the Maine Central Railroad System of Portland. I am quoting from his letter: "It is my opinion that this would be a grand idea if it could be worked out, especially with the men that will no doubt be out of employment after this war is over with, also it might interest some of our employees that will take the Pension when they are 65 years old."

I have a letter here from the General Chairman of the Order of Railway Conductors of America, and he states: "In connection with the matter of thought and study of the aftermath of those now engaged in defense work, as to the predicament which they and their families may find themselves at the end of the war, I visualize, the same as you, that we surely will have a great problem to meet on this question. However, I hope and at the same time believe that there are those in authority who see the matter the same as you and I and that necessary steps will be taken to care for the situation." That man, ladies and gentlemen, has some hope that we would deal with the situation.

The next man was not quite so hopeful. He is an executive of the

Brotherhood of Railroad Trainmen. He says: "I think your thought is a good one, but I do not believe that you will be able to secure much consideration on the matter from the gentlemen at Augusta, for from what I am able to learn they are being confronted with severe loss of revenue under existing conditions, and would hesitate to undertake underwriting such a plan. "I think such a plan would interest the average laboring man, especially in view of the present restrictions of rationing, and the expected expansion of this program, for certainly it will be necessary in the very near future for everyone to become interested in planting gardens for the necessary supplies of the future, for their own families at least, if not on a larger production basis."

That last letter brings up one of the outstanding arguments of the opponents of this bill. They say, "Where are you going to get a million dollars?" Well, I do not know. I have looked all through this thing, (indicating the Budget Report) to see if I could find a million dollars in there somewhere; and I was not very successful in putting my finger on it. And I think if any of you gentlemen have ever looked through it in the same way, perhaps you would not be able to work it out any better than I do.

I did find something right up on the front page that impressed me. It says that for the fiscal year ending June 30, 1942, state expenditures amounted to \$2,070,000 less than revenue. It is estimated for the fiscal year ending June 30, 1943 (which is this June) the surplus of revenues over expenditures will be approximately \$1,800,000. During these two fiscal years, therefore, we shall have accumulated a surplus of nearly four million dollars".

I do not know what page that surplus is on in this book, but I did not hear a ripple over this House not long ago when somebody got up and made an amendment to a bill here, and they picked somewhere out of this book \$1,200,000 for the purchase of liquor. Members of the House, liquor is getting scarce and the State wants to lay in a supply of it, and that is a good business proposition. Do you members of the House feel that the people who sent us up here are going to be very sympathetic with

an argument that says we can find \$1,200,000 to buy up some liquor but we cannot find a million dollars to do something about encouraging the production of food? In that connection I quote just a short paragraph from today's Kennebec Journal: "How can a sane nation tolerate milk deliveries every other day, and see no diminution of beer trucks rolling by every day?" "Some people still believe that the teaspoon of sugar that goes into coffee and lemonade is more important to the morale of America than the teaspoon of sugar that takes the bite out of the gin in a Tom Collins." That is what the Kennebec Journal said this morning. That may or may not answer the question of where we are going to find that million dollars.

The next principal point of the opponents, as they have approached me, they say: "The idea is exceedingly idealistic." I would like to read an idealistic section from the revised statutes. It is Section 2, Chapter 39, the section that defines the duties of the Commissioner of Agriculture. Here is what he says: "He shall by personal observation, investigation and correspondence, acquaint himself with the methods and wants of practical husbandry, the means of fertilization, and the adaptation of various products to the soils and climate of the state; also with the progress of scientific and practical agriculture elsewhere, with a view to the more complete development of the natural resources of the state. He shall gather statistics of information concerning agriculture and publish the same annually;"

Stop and think what that is. We have, ladies and gentlemen of the House, one of the most able Commissioners of Agriculture in the United States. He has made his investigations as directed by our statutes. He does know and is acquainted with agricultural problems; and we take this expert and say "You may now publish a report annually." As a matter of fact, lately he has a chance to get on the radio, and once in a while he makes a nice speech.

I say that my bill is not idealistic. My bill is a practical matter, and puts this expert that we have here in our midst to work, and I want to read to you just a sentence of Sec-

tion 1 of my bill, and see what it says: "When in his judgment it appears to be for the best interest of the welfare of the people of the state, the commissioner of agriculture, with the approval of the governor and council, is authorized to enter into and execute, on behalf of the department of agriculture, with the owners or parties in possession of tracts of land, deemed by him to be suitable for agricultural purposes, agreements necessary to encourage and promote the production thereon of farm food products—"

Is it idealistic for me to ask your permission to untie the hands of our Commissioner of Agriculture, our expert, so that he can actually put them to work? Perhaps it is.

That brings me to another article in the Portland Evening Express, under date of Monday, March 22, It says, in part, "Persistently generation after generation ***man has followed old patterns but he cannot make them fit; he cannot use them in this devastating day. And so at the end of his search for a way of life, man finds the gates to his paradise still closed by greed and self-interest, by hunger and by fear.

"Though slow to acknowledge it even to himself, man now knows*** that he has missed the way. It is in his hour of defeat that he is hoping for a Voice.

"And there is a Voice, there is a Guide, there is a Way; but only the sincere of soul can hear and see; only the sincere of soul will dare take the first courageous steps along the Way. . ."

That brings up another form of opposition to any bill, not only to this bill but bill after bill before this House. I have said here, and I have heard opponents or proponents say: "twenty-six states in this Union" or "thirty-eight states in this Union" or "seventeen states in this Union". As a matter of fact, my colleague on the left, the gentleman from Greenville, Mr. Rollins, yesterday stated in favor of a particular proposition that there were only four states in the United States that did not have the particular scheme of things that he wanted. He used that as an argument as to why we in the State of Maine should adopt it. Conversely, I heard the same type of argument used, as has been used in this particular bill, that it has not been tried out in

any other state, and, therefore, Maine should not use it. That brings me to this point. It is my understanding that somewhere between 60 and 70 per cent of the members of this House are here for the first time. You do not come here after having successfully served terms in the Legislature in other states, having proven yourself worthy of a job. Do you now lack the courage of the voters who sent you here? Are there none among us who dares to pick up the banner that was left us by our forefathers, upon which is emblazoned the word "Dirigo"?

When is the State of Maine going to again make it so that "As Maine goes so goes the Nation"?

Now, Mr. Speaker, I move you that the bill be substituted for the Report of the Committee "Legislation Inexpedient."

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Bartlett, that the bill be substituted for the Report of the Committee, which was "Legislation Inexpedient."

The SPEAKER: The Chair recognizes the gentleman from Winn, Mr. Boyd.

Mr. BOYD: Mr. Speaker, if a man today can take five acres of land, one acre being wood lot, and build a home on it, and get a living, I think he should be President. (Laughter). Five acres of land would not feed a cow.

And if we did not have any liquor to sell, instead of having a surplus, we would have a loss.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Bartlett, that the bill be substituted for the "Legislation Inexpedient" Report of the Committee.

The Chair recognizes the gentleman from North Kennebunkport, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, this bill, I believe, was given a fair hearing. I believe the Committee thought at the time that it was inexpedient. We have what they call a Farm Security organization that is used for the purpose of financing the men that are capable of carrying on the farms or going back to the farms and doing a real job.

As the gentleman from Winn, Mr. Boyd, has said, the five-acre unit is nothing. It is a hindrance to the man that is on it.

Now, there is another thing to that that has not been mentioned, and that is the fact that if we were to place these people, finance these people, back onto these little small areas, you are pushing them back onto the towns and the towns can ill afford, through financing by the State, to develop squatters in these areas and burden the town to the extent that they may go under themselves.

This is a big proposition, ladies and gentlemen of the House, and I hope that the motion of the gentleman from Portland will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Bartlett, that the bill be substituted for the Report of the Committee. All those in favor will say aye, those opposed no.

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

Thereupon, on motion by the gentleman from North Kennebunkport, Mr. Pearson, the "Legislation Inexpedient" Report of the Committee was accepted and sent up for concurrence.

The Chair lays before the House the second tabled and today assigned matter Bill "An Act Relating to Civil Actions for Death" (S. P. 466) (L. D. 788) tabled by the gentleman from Rome, Mr. Downs, on March 23rd, pending third reading.

On motion by Mr. Downs, the bill was given its third reading and passed to be engrossed in concurrence.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Providing for Funds for Homestead Taxation Relief, and Imposing a Gross Sales Tax Therefor." (H. P. 1167) (L. D. 622) which was tabled on March 23rd by the gentleman from Bridgton, Mr. Rankin, pending acceptance of the report.

The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I think it is well known that I am

not the real sponsor of this bill. The real sponsor of this bill is Mr. George Brown. He could not introduce it into the Legislature, and he asked me to do it, so I am doing it in accordance with his wishes. I think I may say that I am in a sense a trustee for the bill. I wish to say I have tried to handle the matter just as he would want it to be handled so far as possible. To be sure, I am for the bill.

There was a slight manifestation a few days ago which indicated that some members of this House do not care to have the bill debated again. On the other hand, I am quite sure a great many members of this House do want to have it debated again, and those who do want to have it debated again under our rules and customs and courtesies are supposed to have the advantage and to have their way. I am not anxious to debate it. As a matter of fact, I should feel relieved if I did not have to debate it. This slight manifestation and other similar ones remind me that we seem to have a sort of urgency to get through. I hope I am not wrong, but it seems to me that those who are steering our schedule are pushing us along. I personally think that that is a mistake. I think this is the poorest time in all of a lifetime for us members to rush through legislation. If there ever was a time when we ought to be deliberate and to present matters that are vital to the interest of the State, this is the time. That is one thing I have in mind. Another is this: that we ought to do things that have to do with the future. I am most in sympathy. I think I am more in sympathy with these bills which have to do with the planning after this war than any other bills, and yet there is a disposition to rush them through. I wish those who have the responsibility for our programs, our schedules, notably the able leader of the Republican side, could assure this House that we do not have to rush through those things.

I am going to begin what I have to say by reading something. I have two editorials here. It has been said very truly that the newspapers of the country represent a large section of public opinion. That is quite true. But they are not an infallible barometer of public opinion. Some-

times public opinion is on the other side, and it is always true that while there is a large section of the public whose opinions are reflected in the newspapers, it is also true there is a large section that is opposed to those opinions. I happen to be a strict Willkie Republican, and a very great majority of the newspapers of this country two years ago were for Mr. Willkie, and he is not the man who is in the White House. I have two editorials here which reflect a large section of public opinion, but I do not think they represent the whole, I hope not the majority of it. I am not going to read them but I am going to call attention to them. Many of you have read those editorials. Here is the title of one of them: "Sales Tax Again." That is written in a very fair way on the whole except it only gives one part of this bill. It represents to the readers that this bill proposes to saddle a heavy burden of taxation on the people of Maine who are already heavily over-burdened. That is not true. The other side of the bill is not mentioned at all.

And here I have quite a different editorial which some of you have read. I am going to read the first paragraph of this one because I think it is very interesting.

"Once again the monstrosity of tax measures, the combination retail sales-homestead tax bill, has reared its ugly head upon the legislative horizon at Augusta. Senator George V. Brown, Aroostook county farmer, who is sponsoring this year's measure, introduced a similar one that was defeated two years ago."

Those editorials are all right. I used to be in journalism myself, so I know something about those matters and how they occur. In fact, I used to write some of the stuff that appeared on the editorial pages.

Now I am going to read some other letters. You know there is a good deal of fear of this proposed legislation on the ground it is new. It is not new. Fifty-two per cent of the people of this country live under general sales taxes. You would think from reading these editorials and hearing some of the speeches that will probably be made here that these states must be in a very bad way.

The sales tax does not work perfectly in these states. It is being moulded and changed and developed, but, on the whole, it is working well. Here is a state of mind which many people have. This is written by William Raymond Green, who, for many years was Chairman of the House Ways and Means Committee at Washington and was Chairman of the Joint Committee on Ways and Means, and who has written a book on taxation that is already a classic. He says this: "It is doubtful whether, in any other period of the world's history, taxation has been a matter of such supreme importance." I think that is true. He also says: "Unfortunately too few have made a study of it." And he quotes from an author, whose name has slipped from me, this paragraph which I will read: "The public seldom takes kindly to a new tax and is always inclined to submit to the evils of a bad system rather than try a new one. If the tax is an old one, the public often considers it like the storms in bad weather, as something to be dreaded and to which submission must be made with the best grace possible, whereas a new tax is likely to be looked on as a new evil even though it may displace an old one which is in reality more objectionable."

You will remember that Hamlet long ago said: "We rather bear the ills we have than fly to others that we know not of."

I have another letter I am going to quote from. This was written by Miss Josephine Hardy, who is teaching in a small college in Illinois. She is a Maine citizen. She says: "Read in the Bangor News about your proposed bill about sales tax and lowering or removing real estate tax on small farms and homes.

"I think it would be an excellent idea. I am still a resident of Maine in summer vacation, was raised on a small Maine farm, though I now teach in a church college in Illinois.

"I know from experience what a hard struggle it is for the New England and Maine farmers (with exception of the more fertile Aroostook land)"—she is mistaken there about conditions in Aroostook County—"both before and during the depression.

"The farmers of this middle west region" — this is Illinois — "seem wealthy in comparison, two families can make money from a corn farm,

the owner and renter, and both do well, while at the same time they get help from the Government, rather than the small New England farmer. It is time that something be done for the latter, either by state or national government.

"The farm on which I was raised could be sold for only \$1200, yet the tax is \$96 and including personal tax \$125.

"Thirty years ago the same place was valued at \$5000 to \$6000, at the time there was a cash income in hay, which disappeared when autos came in abundance.

"Now if a farmer is lucky enough to get \$300 to \$400 in cash during the year he has to pay over \$100 in taxes. I wonder if there is any other class in the entire nation taxed to that degree. And if some defense tax is added in the future on top of all that, it will strike him worse than anyone else.

"For the past ten years in depression I have used my extra savings to help various Maine farmer relatives to prevent their land being taken by town liens for taxes.

"Have also helped educate nephews, and furnished medical attention to my mother in her last days. I know what a struggle they are all having. * * * *

"Whenever my earning capacity stops for any reason, it is going to make a big difference to three farm families.

"If meanwhile some relief is given in line of taxes to farmers in Maine, it will make a big difference to us all."

I think those quotations are significant.

You know two years ago we had this matter before us and we debated it and voted on it and voted rather strongly against it. I was asked the other day what the situation is now in this Legislature. I do not know what it is. I do know this: that some of us who voted against it two years ago are going to vote for it now. There has been, I may say, a growth in sentiment towards it, and that is true not only in the Legislature but outside.

I belong to the Lions Club, and I heard the other day that the Lions Club at a recent meeting voted unanimously for this measure.

The Grange was opposed to the sales tax a number of years ago be-

cause there was nothing to set over against it as we have here, therefore the Grange took action against it. But I know Grangers who are for it at the present time. Among the Grangers, I think I was about the only one that voted for that sales tax. But that is not true of the Grange today that I belong to at the present time. So I believe there is a growth of development of opinion in that direction.

Many people are opposed to this bill and yet they have nothing to offer in its place. That is true of some of the members of this Legislature to whom I have talked; they have nothing to offer. I was talking to one of our members, and he was opposing this bill and he gave me his reasons, which I did not think were adequate. He went on to say: "We must do something. The situation in Maine is simply intolerable. If we do not do something in a year or two we will be on the rocks." And this war strengthens that position, because when this war is over the farmers will not only have this burden of which this native from Illinois writes but the farmers of Maine will have much heavier burdens. Yet some are saying, as this member of the House said—and he will know to whom I am referring—"We must do something." I said, "What do you propose?" He said, "I do not know."

Now I have heard nothing adequate proposed here. I heard an amendment this morning by the gentleman from Augusta, Mr. Cross, and I think that had quite some merit in it, but I do not think it is adequate.

Now this idea we cannot do anything about it is perfectly absurd in the face of all that is being done about it by half of the states of this country. As I say, fifty-two million people live under the general sales tax at the present time. There are certain states that are very interesting and typical in this matter. First I will mention the southern states. Now there are great difficulties in putting measures in force in the southern states, peculiar difficulties, because there is a large negro population. Just think of the difficulties of a sales tax where most of the people are negroes. Yet states like Mississippi have achieved splendid results from it. And North Carolina, the most progressive of the Southern states, has a large surplus in the

treasury it does not know what to do with on account of sales tax.

Typical examples among the states which have the sales tax are Michigan, Indiana, Ohio, Illinois, Minnesota and the State of Washington.

What the State of Washington has done is exceedingly interesting, I think. Remember this—and here is something that seems to me to be significant—about thirty years ago the Russell Sage Foundation made a survey of the public schools of this country, and that survey said that the State of Washington was at the very top, and California was second, and Massachusetts third in their schools. And, just three or four years ago, another survey was made independently by another organization as to the intelligence of the adult people. The result was the same: Washington was put first; California was put second; Massachusetts was put third.

Now the history, I think, of the sales tax in the State of Washington has been more interesting than in any other state. According to the latest report—and of course this is all prior to the war; figures since the war began amount to nothing—the receipts were \$17,500,000. As a result of this sales tax they have greatly reduced the real estate tax. They are gradually overhauling the tax system, which greatly needs to be done in most states and in our state particularly, because we have no tax system in this state really. The two per cent tax was so useful in Washington and reduced the real estate tax so much that they adopted a three per cent tax, and they have made the tax broader yet. It is surprising from how many sources they get their income and they are doing splendidly. When they put through the sales tax it had some defects, but they are remedying those from year to year. That is in the state which is said to have the highest degree of intelligence in the United States, and the people who see the workings of it are enthusiastic. I do not doubt some people in Washington are opposed to it, but that would always be true under any circumstances. Not only that, but these central western states I have mentioned, Indiana, Michigan and Ohio, are interesting examples of the results of this sales tax.

More than one member has come to me and said, "Well, we will find that in spite of this tax exemption we will be paying the same old tax. Well, I have a graph here which is issued by the Farm Loan Bank of Springfield. You know there are twelve of those in the country, the same as there are twelve Federal Reserve Banks. This graph shows that in Maine, New Hampshire and Massachusetts since 1926 the property tax levies have gradually gone up, and farm taxes, it was agreed, have gone up somewhat; yet in Ohio, Indiana, Michigan and Washington the property tax has gone down fifty per cent. The farm taxes per acre in Maine, Massachusetts and New Hampshire have gone up, while in Ohio, Indiana, Michigan and Washington they have gone down nearly sixty per cent.

I used to live in the State of Michigan, a very remarkable state, not only a great industrial state but one of the greatest of our agricultural states. I went there six years ago for a vacation to visit friends and relatives. I had heard objections to the sales tax, and I knew they had it. I knew some of the merchants. I went to them, and I found all of their fears were in advance; that when it went through it wasn't so bad. They were all satisfied with it, everyone with whom I talked; and the State of Michigan got \$60,000,000 in 1940 from this sales tax. That same history has also been true in Ohio and Indiana. Ohio, you know, pays a real estate tax of ten mills. Ours is how much? About fifty.

Something has been said about conditions in the State of Maine. One of our committees recently had a lady before it making a plea for a certain case, and I asked her this question: "How many people are there living now in your town?" She said, "Five hundred." I said, "How many did you have living there in the past?" She said, "As many as three thousand at one time." That is typical of very much of this State. You know it is quite a common thing for the tax of the farmer to equal one-half of his net income, and in many cases it is as much as his net income in this State. That is the situation. Not only are they leaving the farms, but in Aroostook County we know—you have heard the story told by

Mr. Brown of the man who went out to western New York State and bought five hundred acres of land. That is one of the most fertile regions in the country where the markets are about the best. He bought five hundred acres of land with better buildings than he has in Aroostook County, and his tax was \$150. Mr. Brown's taxes on 280 acres of land not so good was \$1000. That is the situation in Maine.

We know this also: that Maine has the highest farm tax in the United States: \$2.58 per hundred, actual value, while the average for the United States is \$1.16 per hundred, and yet we are told we can do nothing about it. That seems incredible. If these other states can do it why not we? Our motto—We all know what it is. When these states have shown us so splendidly the way, why in the world should we not do something about it? I am perfectly sure we can do something about it.

Now sales taxes, as you know, are not new in this country. Twenty-five per cent of the tax of this country is sales tax. Sales taxes are simply an extension of the excise tax. It is old stuff. We have had sales taxes. We have national sales taxes and state sales taxes, and we are all familiar with them. Take the cigarette for example. There is an internal revenue tax on raw tobacco, then there is a federal tax on the cigarette itself, then we add a two-cent tax here, and the total tax, of course, is more than the cigarette costs. Those are all excise taxes, they are all really in effect sales taxes. We are familiar with them. I repeat: Twenty-five per cent of our taxes in this country are upon that basis, and yet we are told in one of these editorials that if we put on two per cent more that we will disrupt our entire system. Who can believe anything of that sort?

You know there was great objection for years to the income tax. The Federal Supreme Court decided that the income tax was unconstitutional. Then practically all the economists were against it. Later the Supreme Court reversed itself and voted the other way. I think we would agree that the income tax is the best tax we have, and I should be for an income tax for the State of Maine if the Fed-

eral government had not already preempted the income tax field.

Now some objection is made to the sales tax, and perhaps this homestead tax is somewhat intricate and somewhat complex. Now, strange to say—and this I believe to be true—the authorities upon taxation agree almost without exception that the simple taxes are the worst taxes, the most iniquitous. The income tax is rather complex. It is not perfect but it is fair. Taxes as they become fairer become more complex; they have what we may call checks and balances.

Now, in regard to the other side of this tax. This is a very big subject and I must not speak too long, but it seems impossible to say anything about a subject so vast as this in just a few minutes. I wish I had an hour—and you are probably glad I do not have an hour. Some people may think the matter of homestead tax exemption is a new thing. Surely everyone here knows that tax exemptions are not a new thing. There are all kinds of tax exemptions. We have them in this State,—some of them are unconstitutional by the way. But tax exemptions are very common. They are common in industry; they are common in corporations. There are all sorts of exemptions in industrial business and in almost every sort of business that we can imagine. We are making tax exemptions here, and there is not anything strange about that. That was, I think, a very entrancing picture painted to us by Mr. Bartlett on his bill for farm homes. If they had homestead exemption on those homes they might do very well, but if they do not have it and are out of work they probably will be much up against it.

What does this homestead exemption provide? It provides that homesteads, places on which people actually live in cities, and farms, if they actually live on the place itself, shall be exempted up to \$2000. Some people tell me that is class legislation and discriminatory. If anyone can tell me of a law that is not discriminatory, I would like to know of it, but I believe that this law is as little discriminatory as any. If a man has a home valued at \$3000 it is exempted to the extent of \$2000. If he has a \$10,000 home, it is exempted the same, \$2000.

Now, there are thirteen states in this country that have homestead exemption. I happen to live in a certain house not far from here, and the lady of the house was asking me something about what homestead exemption meant. She didn't know. I started to tell her, and she grasped it at once. She said, "If we had that during the depression, many of our young people getting married and starting to have a home here, if they were out of work, under this law they would not have lost their homes, but, as it was, many people lost their homes." So it seems to us that is a very fair thing.

We do not make any money out of our homes. The home ought to be a man's castle. When our men and women get old they should have a home; their homes should not be taken away from them so easily as they are at the present time.

Now I go back really to the point where I started, that is to say the matter of the difficulty of doing something about this. You remember that the able gentleman from Calais, Mr. Murchie, proposed something. I have said that practically no proposals have been made in the direction of solving our tax problems, but Mr. Murchie—and we all have great respect for his opinions in these matters—said he was going to take us down a strange road, and he did take us down a strange road so it seemed to me; but there was nothing about it really that looked towards overhauling our tax system or doing anything very fundamental or radical here.

Our Republican Floor Leader, Mr. Sleeper, the other day made a suggestion. He said he believed that Old Age Pensions ought to be centered in Washington, that it was a national matter. Maybe it is, but I should greatly regret it if that were the case. And he went on to say that if Washington handled it we would not perhaps have to pay any mill tax whatever. Now, I think he was not thinking with his usual—what shall I say?—his usual perspicacity; because we know that if all the old age pension business were settled in Washington we would have to pay our share just as we do now. We would not have any relief from it in the long run. The government might borrow some billions of dollars and we might think that we were free from it, but in the end the cost would be just as much, be-

cause in the end the government in Washington is likely to be more liberal than we are. So I say nothing constructive has been suggested.

I was hoping that the Legislative Research Committee would have a considerable program of taxation, but it has nothing practical, it seems to me, to offer us. I do not say that in the way of criticism of that committee. I think that is a good committee, and, so far as I am concerned, I think the idea of the Legislative Research Committee is very fine.

So this is the program of this sales tax and this homestead exemption as I see it. I should like to go back, but I am not going back. I over-looked the fact of the alleged injustice against the sales tax because it is said it is regressive, that is to say it hurts the man of small income more than the man of large income. I do not believe that is true. I hope some other speaker who follows me on this side will deal with that matter. But I will mention one illustration Mr. Brown used in the committee hearing. He said under our present system we do not act on that basis. Two men go into a shoe store. One, a man of considerable income, buys a pair of shoes for five dollars, and the poor man comes in at the same time and buys a similar pair of shoes for five dollars. We do not charge the rich man more than we do the poor man; but the rich man pays his five dollars under this bill and ten cents extra. The average family on the farm in this State would spend about ten dollars; that it all. This bill would draw in a large sum of money not because the individual units are large but because everybody pays it, while under the present system many, many people escape the tax altogether.

Now, I think this Legislature ought not to be a backward-looking Legislature; I think this Legislature should be a forward-looking Legislature. The conditions under which this Legislature is working are more urgent than ever before. Suppose peace were dropped in our lap right now, or perhaps in a year or two when conditions are worse than they are at present. Many of our young men who went into industrial work would not go back to the farm. A prominent lawyer in Portland said to me the other day that he asked a good farmer if he would advise

whether a man who knows something about agriculture in Maine, if he were offered a farm free of all incumbrances with a set of buildings in good repair, if he would advise him to take it, and he said "I would not advise him to take it." That is the situation of agriculture in this State. As I drive through the country and see some of the splendid old houses and barns, I often say to myself: "The man who lives there could not possibly put up a set of buildings like those." After two hundred years of Maine history, I say it is a tragic situation. I believe we are not helpless, that we are not just bound by certain hard, economic laws. I believe that man, as it has been said, is a social creature, and I believe that the people of Maine have enough initiative, stamina and everything else to make Maine a better state than it has been in the past, but it is up to use in this Legislature, it seems to me, to show them the way.

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

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

Mr. WEBBER: Mr. Speaker and Members of the House: I am in favor of this bill. I think we can all agree that there should be some reduction in the burden of taxation.

I have talked to a good many people in regard to the sales tax, not only in this State, but also in other states, and the majority of those who have discussed the matter seemed to be in favor of a sales tax.

They have expressed themselves that way, and one point in favor of it is that it will work, wherever it is tried; when the system is set up right, the money is available.

For that reason, and for reasons which I do not need to discuss, because you have heard them and will hear them from others, I hope that this bill will receive favorable consideration.

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

Mr. JORDAN: Mr. Speaker and Ladies and Gentlemen of the 91st Legislature: It is only because of a sense of duty that I inflict myself upon you today. The proponents of this bill are attempting to substitute the bill for the report over a unanimous "ought not to

pass" report of the Taxation Committee; and I feel that it is up to me as a member of that committee to give you some of the reasons at least why we voted that way.

But let us first of all be fair. The vote in the committee on the first ballot was nine to one "Ought to pass". The lone member voting for the bill did not feel like signing a minority report all alone, and so let it come out as a unanimous report.

Now it is not because we do not realize that the taxation system of the State of Maine is so antiquated it creaks that we oppose this bill. We know this is so full as well as the proponents, and I, for one, would welcome the chance to overhaul it thoroughly. We also admit that the farmer and small home owner is without doubt in need of perhaps more help than any other class; but we do maintain that their position is not so much more serious that they demand so much priority over all other classes. If you have a simple cold your doctor does not put you into the iron lung and give you the cure for spinal meningitis. I think in that case you would say the cure was worse than the disease, and that is just what we say of this bill, as one of the reasons for voting against it.

Do you realize that the 7¼ mill tax represents about five million dollars, and that this bill, according to the proponents' figures, would bring in ten million dollars? Just a few days ago a member of this House tried to propose a way to give back ½ mill reduction on the state tax, and felt he was doing a big thing. But with this sales tax we could accumulate enough to send twice the total mill tax back to towns and really help all classes, but this bill provides that only a certain class have this benefit. I do not know what proportion this class represents, but I am sure if you think it over you will realize that it is much smaller than would first appear.

Taxation is put on in proportion of value, and when you run over the list of classes left out, and which receive no benefit from this lucrative tax, you will realize that these classes represent enormous values. Let us look at some of them: Maine industry representing cotton and wool manufactories, paper plants, shoe shops, machine shops, boat building plants and canneries.

Then think of the office buildings, banks, insurance companies, theaters and other places of amusement—apartment houses and hotels, both Summer and all-year-round. Remember all the wild lands and sporting lodges, the fish packing plants and the fishing boats. On all these taxes are paid, and at the same high rate that is assessed on the homes of the private owner, and yet no relief is offered them from this bonanza, the sales tax.— And I almost forgot the stores of Maine which also have the pleasure of being taxed, and which, under this bill, are to be the tax collectors for the state, of \$10,000,000.00 with no hope of receiving any benefit from the tax themselves, but just for the sole purpose and result that its customers may have their homes tax free. Also do not forget the power companies which pay twenty-three cents of every dollar out in taxes. No help is offered them. The opponents of this bill say that the sales tax is an important matter, and if we are going to have one let us have it, but let it be of assistance to all of us.

That is the first reason for opposing this measure. Our second is that enough inconsistencies were pointed out at the hearing to convince us that this could not be done during this session of legislature.

It was pointed out that the manner in which the refund was made to the town—or perhaps I should say, to the owner—made it possible for owners in different towns to receive different amounts of money for the same value of property. As you can readily see, no two towns operate on the same value and rate policy. Some towns have high valuation and low rate; others a low valuation and a high rate. As the money is given back to the town by the multiplication of the rate times the amount to be exempted, it is evident that the town which values its property at a low rate gets back for its citizens a greater proportion of value than those with a high value. As an example: In Town A a house worth \$10,000 is rated 80%, or \$8,000 with a 50 mill rate equalling \$400.00 Exemption on \$2,000 100.00

Paid by Owner \$300.00

Town B gets 60% more money back from the state than Town A—\$160 to \$100. You can see the rush of all towns to see how low it can get its valuation.

Then it was pointed out that in the exemptions from the tax it was written so that the manner in which the power company paid its tax made a difference, or rather—in what form. The result was that the users of power of the Central Maine Power Co. were in fact not exempted at all, and would be obliged to pay a sales tax on the power they used.

These two were not the total inconsistencies shown, but will give you the reason for the committee feeling that a new bill was necessary, and that more study was needed.

The third reason is the sales tax itself. I know this House is pretty well divided into three classes on this subject: First, those who are absolutely opposed to it in principle. Second, those who feel it is the ideal tax; and third, those who would vote for it under certain conditions. I belong to the third class, and so would like to give my own reasons why I would not vote for it in this bill. I would vote for a sales tax under two conditions: First, the state needed a certain definite sum of money, and the sales tax would procure that definite amount as nearly as could be figured. Second, if the state desired to scrap its present antiquated system, I would vote for a sales tax as part of a well-rounded system. This measure does not fit either condition.

I firmly believe that under the present state of taxation the amount of money required should be ascertained first, and the tax fitted to the need. This measure raises the money first, and then presents it to cities and towns with no restrictions, but with the idealistic hope that real estate taxes would be reduced in those communities. It has always been my conviction that given more money to spend, more money would be spent. It was brought out in the hearing that such had been the experience in other states. It was stated that reductions had been made for a year or two, but that soon new reasons for spending were found and the gain was lost.

This argument was, of course, propounded by those opposed to

the bill. Mr. Maxim, tax expert for the proponents, however, admitted that this had happened in other states, and all he could say in reply was that in states which had a ceiling on real estate taxation, the reduction made had been held. Now I will not deny that Mr. Maxim is probably right, but Maine has not a ceiling on the taxation of real estate, and therefore must be classed with the states in which Mr. Maxim admitted that were apt to dissipate the gains or reductions in taxes aimed at.

We have been informed that no new taxes were necessary, and I know that no one wants to levy any. However, unless some check is placed on the power of taxation we have at present in the cities and towns, when a nice fat sum of money is handed to them from the state each year. I am afraid that the result is only too evident; and we will find that, with the best intentions in the world, we have added to the tax burden of the people of Maine.

Now, if this bill should pass I should be sorry for a personal reason. I have mentioned above that Mr. Maxim said that in the states that had a tax ceiling, the reductions made had been kept. Now a tax ceiling on real estate is, in my opinion, the foundation on which Maine should reconstruct her taxation system. Two years ago a bill to accomplish this was presented to the legislature, and passed the House. I can call it a grand idea because I did not present it or think of it previously. Mr. Grua presented it, and just after this session started, he asked me what I thought of the measure for this legislature. I said that everyone had agreed that this session was not the time for any taxation changes because of the chaotic world conditions. He said that he felt that way too, and that, while he would like to do something on the tax ceiling, he thought it would be just as well to forget it for this session. With a tax ceiling on real estate you know how much you can collect from that tax, and you can then figure how much money is necessary to secure from other sources, and you are in a position where you can intelligently approach the problem of a just and logical tax system. So I shall be sorry if this bill should pass, because then I should feel that I had done my

little bit to prevent a bill coming before you—a bill in which I am vitally interested.

I still believe that this session is not the time for any drastic change in our tax system because if it is to be changed it should be overhauled thoroughly. We have not the time to do that but we can prepare for the future if we so desire by voting that taxation should be studied during the recess period, either by a taxation committee, or by the regular research committee.

I have given you some of the reasons why the Taxation Committee voted "Ought not to pass" on this measure. There were eight other members of this committee who voted as I did. I am sure they could give you other reasons why they personally came to their decision. I am confident that you members of this House will agree with the committee.

The SPEAKER: The Chair recognizes the gentleman from Pownal, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker and Members of the House: I would like to go on record as being in favor of this bill. I represent an industrial district where probably in my class towns seventy-five percent of the people are working people, people who carry a dinner pail; and I am not at all afraid of a sales tax. I believe that it is fair. We know that the situation has arisen when the value is no longer in real estate and everyone acknowledges that we have got to make a change sometime and when can we make that change in adopting a sales tax any better than we can now, when wages are high and everybody appears to have plenty of money?

Now, my reason for especially favoring this bill is because it is the only bill in sight; it is the only redress we have at the present time. Now, let us see, what is the attitude of the opponents of this bill, and what has always been the attitude? A few years ago it was placing an undue burden on the part of the working man. Today it is inexpedient.

Now, we know there is no bill—there is nothing that is the last word. I recall our Ten Commandments—and I bring this up for an illustration in passing—for several thousand years we considered the Ten Commandments to be the last

word on ethics to govern ourselves by, but when the Master of Life came to earth he told us: "A new commandment I give unto you—that ye love one another." I simply bring that up in passing to illustrate that there is nothing this side of the Great Beyond that is the "last word."

Now I think that perhaps I can illustrate my position, and possibly the position of our opponents in this matter, by citing a little instance that happened in my native town of Buckfield. Now some of us do, and more of us would, enjoy the sport of following the hounds in fox hunting. This is one of the laws of fox-hunting: That if anyone shoots a fox in front of another man's dog, the owner of that dog may claim the fox.

We had a man in our town called Uncle Robinson Gammon, who took a fox home with him that was shot in front of Frank Irish's dog. Mr. Irish called to see Uncle Robinson Gammon, and said, "What about my fox skin, Uncle Robinson?" Uncle Robinson replied, "Well, I am waiting, Frank, to get a more primer skin for you."

I think perhaps that is the attitude of the opponents of this bill. They are waiting to get a "more primer" bill; but they have not offered us anything yet; and, for that reason, I want to go on record in favor of this bill.

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

Mr. SLEEPER: Mr. Speaker, I do not wish to attempt to shut off debate on this bill, as it is rather controversial; but there are several members in this House who commute back and forth to their homes, and there seems to be considerable anxiety as to how much longer we are going to keep on with this debate. I believe there are several more who wish to speak on this bill, and perhaps there will be a roll call on it; and I know there is going to be considerable debate on the next unassigned matter (Laughter), and perhaps considerable debate on several other measures. So I now move you, Mr. Speaker, that the House adjourn until 9:30 o'clock in the forenoon.

On motion by Mr. Sleeper of Rockland,

Adjourned until 9:30 o'clock tomorrow morning.