

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, April 1, 1943

The House met according to adjournment.

Prayer by the Rec. David S. Eaton of Mount Vernon.

Journal of previous session read and approved.

The SPEAKER: The Clerk has in his possession a Committee of Conference Report filed at 9:56 this morning which he will read at this time.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Maine Development Commission and the State Geologist" (H. P. 1226) (L. D. 775) reporting that the House recede from its former action whereby the Bill was passed to be engrossed, adopt Senate Amendment "A" and pass the Bill to be engrossed as amended in concurrence.

(Signed)

Messrs. LEAVITT of Portland
MARSANS of Monmouth
SAYWARD of Kennebunk
Committee on part of House
WASHBURN of Washington
MEGILL of Kennebec
HANOLD of Cumberland
Committee on part of Senate

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

Mr. MURCHIE: Mr. Speaker, I have no particular reason for not letting this report of the Committee of Conference go as it is, but I would like the members of this House to understand the matter, and I would like to ask a question of the gentleman from Portland, Mr. Leavitt, if I may, at this time.

The SPEAKER: The gentleman from Calais, Mr. Murchie, desires to ask a question of the gentleman from Portland, Mr. Leavitt, and the gentleman from Portland, Mr. Leavitt, may reply if he so desires.

Mr. MURCHIE: I would like to ask the gentleman from Portland, Mr. Leavitt, if the report of the Committee of Conference means with the clause having to do with leaving the reserves of that department at \$50,000, or does that throw it out and place it so that the reserve is unlimited?

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

Mr. LEAVITT: Mr. Speaker, I should be very glad to answer the question of Mr. Murchie. The Committee of Conference agreed to accept Senate Amendment "A", which puts that clause back into the bill, and after \$50,000 is accumulated, the rest will lapse to the general fund.

Mr. MURCHIE: That is a gesture in that direction.

Mr. LEAVITT: That is correct.

Mr. MURCHIE: Mr. Speaker, I am satisfied then; I just had a feeling that the members of the House should know whether it was unlimited; and I want to apologize for questioning this.

The SPEAKER: The gentleman was in order.

The question before the House is on the acceptance of the report of the Committee of Conference. Is it the pleasure of the House that this Report be accepted?

The motion prevailed, and the Report was accepted.

Thereupon, under suspension of the rules, the House reconsidered its action of March 17th, whereby the bill was passed to be engrossed.

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

Senate Amendment "A" to H. P. 1266, L. D. 775, Bill "An Act Relating to the Maine Development Commission and the State Geologist."

Amend said bill by striking out the 1st paragraph of section 4 and inserting in place thereof the following:

'Sec. 4. R. S., c. 2, additional. Chapter 2 of the revised statutes is hereby amended by repealing section 113-C and by adding thereto the following sections to be numbered 113-C and 113-D, respectively, and to read as follows:

'Sec. 113-C, Unexpended Balances. **After Providing a reserve of \$50,000 for promotional advertising from accumulated unexpended balances, all additional unexpended balances at the end of any fiscal year shall be lapsed.'**

Further amend said bill by striking out the word "annually" in the 10th line of section 4 thereof, and inserting in place thereof the following words: 'for the fiscal year

ending June 30, 1944 and \$9,000 for the fiscal year ending June 30, 1945.'

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

Papers from the Senate Senate Reports of Committees Inexpedient

Report of the Committee on Labor on Bill "An Act providing that Labor Unions Shall be Licensed by the State" (S. P. 408) (L. D. 703) reporting that legislation is inexpedient at this time.

Came from the Senate, read and accepted.

In the House, on motion by Mr. House of Lincoln, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Towns reporting "Ought not to pass" on Bill "An Act relating to Annual Audits of Municipalities" (S. P. 99) (L. D. 158)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Final Reports

Final Report of the Committee on Interior Waters.

Final Report of the Committee on Maine Publicity.

Final Report of the Committee on Motor Vehicles.

Final Report of the Committee on Public Buildings and Grounds.

Final Report of the Committee on Towns.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to the Farmington Municipal Court" (S. P. 421) (L. D. 719) reporting same in a new draft (S. P. 482) (L. D. 879) under title of "An Act relating to the Municipal Court of the town of Farmington" and that it "Ought to pass"

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

In the House, Report read and accepted in concurrence and the

Bill had its two several readings and assigned for third reading this afternoon at four o'clock.

Report Tabled

Report of the Committee on Ways and Bridges reporting "Ought to pass" on Bill "An Act Authorizing a Bond Issue for the Purpose of Retiring Highway and Bridge Bonds" (S. P. 330) (L. D. 522)

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

In the House:

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

Mr. CROSS: Mr. Speaker, because I think there is a little misunderstanding about this bill and I think there has been a mistake made, I would like to lay it on the table until later in today's session.

The SPEAKER: The gentleman from Augusta, Mr. Cross, moves that the report and accompanying papers lie on the table until later in the day. Is this the pleasure of the House?

The motion prevailed, and the Report with accompanying papers was tabled pending acceptance in concurrence.

Ought to Pass With Committee Amendment

Report of the Committee on State Lands and Forest Preservation on Resolve Authorizing Conveyance of the Interest of the State in certain Land in Township Big W, N. B. K. P. in Somerset County (S. P. 203) (L. D. 282) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, Report read and accepted in concurrence and the Resolve was read once.

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

Committee Amendment "A" to S. P. 203, L. D. 282, Resolve Authorizing Conveyance of the Interest of the State in certain land in township Big W, N. B. K. P., in Somerset County.

Amend said resolve by striking out in the third line of said resolve the figures "\$200" and inserting in the place thereof the figures '\$201.24.'

Committee Amendment "A" was adopted in concurrence and the Resolve was assigned for second reading this afternoon.

Report of the Committee on Ways and Bridges on Bill "An Act to Provide for Reissuance of State Highway Bonds" (S. P. 329) (L. D. 505) 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".

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. 329, L. D. 505, Bill "An Act to Provide for Reissuance of State Highway Bonds."

Amend said bill by inserting in the 4th line of section 3 thereof, after the word "and", the following words: 'shall bear the facsimile of the signature of the governor and'

Further amend said bill by deleting in the 5th line of section 3 thereof the following words: 'countersigned by the governor'

Further amend said bill by deleting in the 1st line of section 4 thereof the word "controller" and inserting in place thereof the word 'auditor'

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

Non-Concurrent Matter

From the Senate: Bill "An Act relating to Compensation of Department Heads" (H. P. 598) (L. D. 356) on which the House accepted Report "B" of the Committee on Salaries and Fees reporting "Ought not to pass."

Came from the Senate with Report "A" reporting "Ought to pass" accepted in non-concurrence and

the Bill passed to be engrossed as amended by Senate Amendment "A."

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

Mr. SLEEPER: Mr. Speaker and Members of the House: As an elected official of this body, I purposely kept out of the discussion that we had on this bill a few days ago, in which the House accepted the "Ought not to Pass" Report, and I believe that we did that in good faith.

Since that time, I have learned that there was a real, sincere and genuine above-board need for the passage of this bill; and certainly Senate Amendment "A", providing that this Act is to remain in force for a period of two years only, after which time the present statute governing these salaries will apply, takes away any sting there might be to this bill.

So, Mr. Speaker, I move that the House recede from its former action in which it accepted the "Ought not to pass" Report, and concur with the Senate in the acceptance of the "Ought to pass" Report.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that it reconsider its action whereby it accepted the "Ought not to pass" Report of the Committee. Is this the pleasure of the House?

The Chair recognizes the gentleman from Bangor, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, although we have had considerable debate on the subject, I wonder if we have seen the matter in its two perspectives. What is the Governor asking for? He is asking for the right to adjust some salaries for the next two years. Why does he want it? He wants it because good men are scarce in these times. Brains—and men who can do a good job, ladies and gentlemen, are hard to find. He does not want to lose any of our employees, because they are going to be hard to get. It seems unlikely to me that it will be necessary to adjust a large number of salaries. As I understand it, there are only about fifteen or twenty involved here that there may be a necessity to adjust upward, and that would involve an expense of only \$15,000 or \$20,000; but assuming it was necessary to adjust all of them upward, it seems to me we are not going very far astray in trusting the

Governor and Council, which has a perfect record behind it,—and with a four million dollar surplus, to give them latitude to spend the amount of money required for that purpose.

As I recall the debate a few days ago, there was objection to this bill. One of the objections was on the basis that no single man was indispensable; and that that man could be replaced. Certainly you could do it in normal times but I do not think that these are normal. As far as man-power goes, you all know that men are scarce,—whether in the business of farming or store keeping or whatever business—you cannot get all the jobs done that you want to, because there are not men enough to do it. You have heard that John has gone into the shipyards, Joe has taken a construction job, and Jim is working for the government somewhere. At any rate, they have gone out of their normal pursuits. I do not think any of us would balk at giving those working for us a little more pay in order to keep them doing the job they have got to do.

If that is so in the case of the private employer, why is not that true in the case of the State? After all, we have got a job to do in the State in the next two years under very difficult times, and it does not seem unreasonable that a certain latitude should be given in this connection.

The other argument against the bill was on the basis of our letting the emergency beat us into doing something we should not do, in giving away the inalienable rights of this Legislature. After all, we are in a war.

Someone said on the floor of the House a day or two ago that fifty thousand men have gone from Maine. They are members of our families who are out of the State; out of our country. It is hard for us to believe, as we sit here wondering whether we are going to get the right amount out of the Claims Committee. After all, there are people outside of the country in this war who are taking punishment. I do not want to inject my personal affairs into this, but one of my very closest friends, who is a doctor, is in the service. He went to war and is now in England. I got a letter yesterday morning from my friend which has some bearing upon this subject. He states as follows:

“You know I have often thought of the majority rule in our local government, particularly in their failure to authorize the scrapping of the park ornaments during the metal drive last fall. I have thought of them a number of times here as I have passed both public and private buildings where fences have been removed or on reading of the way people here have given up grilled work and metal ornaments, or, seeing a particularly severe casualty. It would do (blank) and his ilk good to spend a few days in a foxhole or an outpost on the line. He might not look as dandified as he does on Monday nights and might think a little differently than he does. The unimportance of such ornaments which no one would miss for weeks if they were removed strike one particularly when one sees a young kid with both feet blown off or speaks with a plane crew, as I did the other day, who went out on a raid and came back to find that their best friends in another ship never got back. The attitude of some supposedly intelligent people at home is difficult for us to understand. For example, (blank) wrote that (blank) had 150 pounds of meat stored up in a refrigerating unit because of the rationing. I like (blank) but am disgusted with such a reaction. A few weeks on B-rations might make him realize how important 150 pounds of meat can really be. The sooner people really realize that there is more to the newspaper report of an action than the words tell and the sooner they join this serious game instead of sitting in a box seat eating peanuts the sooner this mess will be over with.”

I do not want to use a thing like that of a personal nature to try to pressure through a bill like this measure, but we are in a war and things are going to be hard for the next two years; the State is going to be hard to run; and if we can assist our Executive in running it, more smoothly by giving him the right to adjust a few salaries up or down—to keep the people that he wants to run the State, I do not think it is an unusual thing to do.

I hope that the motion of the gentleman from Rockland, Mr. Sleeper prevails.

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

Mr. KELLER: I move that Item 12 and accompanying papers lie on the table and be tomorrow assigned.

The SPEAKER: The gentleman from Hallowell, Mr. Keller, moves that the two reports, with accompanying papers, be laid on the table pending further consideration and be specially assigned for tomorrow morning. The only debatable matter is on the question of time.

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

Mr. DOW: Mr. Speaker, would the gentleman object to making it this afternoon instead of tomorrow morning?

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

Mr. KELLER: Mr. Speaker, at four o'clock this afternoon.

The SPEAKER: The gentleman from Hallowell, Mr. Keller, moves that the two reports and accompanying papers be laid on the table and assigned for this afternoon at 4:00 o'clock. Is this the pleasure of the House?

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

The motion failed of passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the House reconsider its action whereby it accepted Report "B" "Ought not to pass."

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

Mr. DOWNS: Mr. Speaker and Members of the House: I don't know as there is very much more that I can add to what I said on one past legislative day in regard to this measure.

This is not a matter of sympathy or personal feeling which we are trying to decide this morning. Your committee considered it very faithfully and after much consideration, came out with a divided report. I am not particularly influenced by any action which may have taken place since that time.

The question of sympathy is not involved here. I do not think there is any question but what this House would vote unanimously to give any assistance and any relief or any supplies or anything which was needed to the soldier who was so

feelingly referred to by the gentleman from Bangor (Mr. Hutchins).

We are not considering a sympathetic matter this morning; we are considering this question, and this question alone—as to whether you want to take specific powers which at the present time and for several years have rested in the hands of the Legislature, and re-
pose them in the hands of the Governor and Council.

I expressed to you my feeling the other day, that no man has more respect for the Governor and Council of this State than I do. I also submitted to you at that time that no new legislation was needed or required to give to the Governor all that he asks at the present time; and I still believe I was right in the premises. In support of that statement it is unnecessary for me to cite the precedent which I recited to you the other day, but I believe there is a matter on the table at this time that establishes that fact because if I am correct—and if I am not, I am willing to stand corrected—the salary of one of our State officials was increased by just such an action as I contend the Governor has a right to do, and the man has remained in that position without any action of the Legislature for many years.

This particular law was enacted for a purpose, and it has worked pretty well. Now, this particular bill is a very short bill, and I assume that the State would function perfectly with it or without it. It provides, as you all know, that the Governor and Council shall fix certain salaries. If I am correct, there are about sixteen of those salaries. It has been argued to you, and probably will be that this is an emergency, and if some man who was a key man in a position felt that he could get more money in some other position, the Governor should have the right to increase his salary to such a point as would be attractive to the incumbent of the office. That is perfectly sound argument, and my contention is that it could be done under present conditions.

Now, is it wise? We do not know, as I reminded you the other day, what conditions are going to exist in two years from now, and bear this fact in mind: That this law, if enacted, is in operation for more

than two years from date because of the fact that it does not become operative until ninety days after the Legislature adjourns, and must well project itself into the next biennium. I have no power to foresee what conditions may obtain in the next biennium. For that reason, and that reason in particular, I am opposed to the bill. Naturally I am opposed to an increase in salaries, but I hope that I am not unreasonable upon that point. I am mindful of the burden of taxation,—and I do not know how the payment of salaries can come from any other source than through taxation — I am mindful that the burden on real estate taxation on the citizens of Maine today has come to the point of being confiscatory.

This present Legislature has considered bill after bill which would put more teeth into the tax collection law, and now at this day we are awaiting a decision from the Supreme Court as to whether or not one of our measures which we propose is constitutional.

Now, I do not believe that we should go along the line of additional extensive increases in the salaries of heads of departments. There is probably no bill which has been presented in this Legislature that has been considered more, and has had so much thought put into it, or has received so much consideration, in the corridors particularly. But I cannot see one thing that has changed—I cannot see one situation that has changed or one argument that has changed since the day that this House accepted Report A, "Ought not to pass", and I certainly trust that the motion of the gentleman from Rockland (Mr. Sleeper) will not prevail.

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

Mr. WEBBER: Mr. Speaker, this is a bill on which there has been an honest difference of opinion. I considered this very carefully, and, after thinking it over, I came to the conclusion it should be supported.

For more than twenty-five years I have worked with the school committees in the various towns and I was superintendent of schools. The law gives to the members of the school committee the right to fix salaries.

I believe in each portion of the government attending to the duties assigned to it, but there are times when the regular course may be changed a little.

The law provides that the setting of salaries shall be fixed by the school committee; but in times of emergency when the superintendent has to go out and hire a teacher, and the school committee is willing to waive their right to set the salaries, the executive can use his best judgment. That has been done in many cases, and we have worked in harmony and they knew they should not be allowed to keep this right; and when we have hired teachers afterwards the school committee has kept its right and it has gone back as it was before.

I believe in state government we are facing just such an emergency. We have great confidence in the executive and we know it will be beneficial to the state. I am sure he would not abuse his power if you gave him the right to adjust salaries. Therefore I hope that the motion of the gentleman from Rockland, Mr. Sleeper, will prevail.

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

Mr. JORDAN: Mr. Speaker, last Friday I tried in an inept way to liken the labor market to the situation found today in other lines of goods. You all know the law of supply and demand. You know that without the checks in force, the prices would be higher even than they are now. So it is with the labor market; and I should like to tell you in a few words what the situation looks like to me.

In times of peace, with plenty of labor, if a state position is open there will be plenty of applicants who will seek the position. Under that condition the person doing the hiring will be able to set any reasonable price for the services required, to a man qualified for the position.

In these times of booming industry and labor shortage, good men qualified for executive positions are open for employment by private business; and on a vacancy in a department, in order to secure a qualified man, it is entirely conceivable—indeed, probable—that we might have to go out after one. In this case you can readily see that the man selling his services has the

advantage and can name his price. Demand and supply act rationally all the time. If you have to stick to a certain definite amount to be paid as salary in times like these you must necessarily expect to get poorer quality because there has been inflation and the dollar is not worth as much. The question then remains as to whether you will be satisfied with services of inferior grade. If you are, O. K. If you are not, then as far as I can see, you will have to face the necessity of recognizing the fact that these times demand a change of policy. In these war years there must be some flexibility—someone to have the power to make decisions without calling the legislature into session just to hire one man.

Now at the end of two years, the law returns into the hands of the legislature. If the war is not over, and this money-mad race is still in existence of course the policy will have to be continued; but if peace has come no one under heaven can tell what the situation will be. It is, however, not outside possibility that there will be a depression and that unemployment would exist. In that case it is very evident that the necessity for high salaries would be gone—that men employed by the state would be only too pleased to retain their positions, and there would be no need of continuing the policy of granting the Governor the extra power.

I have firm faith in the Maine Legislature. I believe when the time comes, it will decide the question in a way to satisfy the citizens it represents.

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

Mr. GRUA: Mr. Speaker and Members of the House: I do not intend to add much to what I said the other day except I want to say that I am favoring this measure for the very reason that the gentleman from Rome, Mr. Downs, opposes it. It is simply because I cannot see into the future or even two months from now that I feel we should grant the Governor some power to adjust salaries and to keep the men on these jobs. If we could know what conditions would be two years from now, then we ourselves could make the adjustments. It is because we cannot see into the future, because we are in an

emergency of this kind, that the Governor and Council do need this power and they need it now. If, as the gentleman from Rome, (Mr. Downs) has said, the Governor has this power now, why do we quibble? Why not pass this, if he has already got it? What are we fighting about? If he is exercising it, and we are not complaining, then what are we fighting about? Let us legalize what he is doing, if he is doing something illegal.

Have you ever thought what it costs the State of Maine in dollars and cents to train a new employee in a new job? I am telling you that if we lost many of our highly paid executives, the State of Maine would lose money by employing other men at the same wages. To me this seems just a plain business proposition; the sort of thing that you would give to your manager, if you had a manger, of your business. You would say: "Of course I want you to go ahead and do what is best for my business." The Governor it at the head of the business of the State of Maine, and it is a tremendous business. Now I, for one, am perfectly willing to trust his judgment, with the aid and advice of the Council, on these purely business matters. I am willing to trust him for a full two years; but if perchance things seem too difficult, there is always the possibility of our coming back in a special session within a year, and we probably will be back if this law does work so badly that we feel we ought to take this power away—and we can do so when we come back in a special session; and I can assure you we will be back in a special session. Therefore, without saying more, I do hope that we will see fit not to hamstring the Governor and Council in what they are trying to do, but will give them this little additional power for a period of two years.

I hope the motion of the gentleman from Rockland, (Mr. Sleeper), will prevail.

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

Mr. RANKIN: Mr. Speaker, after we had taken the negative action which we did some time ago, I almost thought we had made a mistake; and I think we have. Most of the issues have been discussed, but one thing has not, and

that is our action on the increasing of the salaries of various county officers. We have just been voting those right and left. Maybe we were right, but at times it seemed to me we were going wild on that matter. I have in my mind's eye a certain member who is very strongly opposed to granting this power to the Governor and Council but who was very strong in getting an increase for his county officers.

Not only are we taking action upon these matters of these county officers but we are taking action also on the salaries of these department heads: the Commissioner of Agriculture, the Treasurer and the Attorney General. We have before us this morning a bill for changing the salary of the Commissioner of Agriculture. I hope that the discussion which we may now have will not prejudice our action on that matter. We propose to do something about that. We have done something about these county officers, and we are really saying that there is just one class of people that nobody means to do anything about; and we are saying in advance to the Governor and Council that the question of the increase of salaries of certain department heads shall not be considered at all. It seems to me that almost rather savors of a dog-in-the-manger policy.

Now, the gentleman from Rome, Mr. Downs, may be correct, although I really doubt it. He may be correct when he says that the Governor and Council have this authority already; but I know absolutely that the Governor and Council do not think they have such power, and they will not take such action unless we specifically give it to them.

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

Miss BANGS: Mr. Speaker, may I have permission to face the House?

The SPEAKER: The gentlewoman may.

Miss BANGS: Fellow Members of the House: I have been promising myself in your behalf that I would not talk too much, but for fear that there may be a misunderstanding in this matter and that possibly I can help clarify it, I cannot hold my seat any longer.

There seems to be an inconsistency in our statutes. There seem to be three types of heads of departments, or at least three ways of handling salaries and appointments of heads of departments.

First, there are the heads that are elected by this body, and their salaries are fixed by this body, as the gentleman from Bridgton, Mr. Rankin, says, one of those being the Commissioner of Agriculture. We are going to be asked to fix the salaries, increase the salaries of those people.

Then there is another class of heads of departments: Those heads of departments, by legislative authority—the appointive power has been given to the Governor and Council and the Governor and Council have the power to fix the salaries of these heads of departments.

Then there is the other class which we today are concerned with, the class which is in that twilight zone.

The Legislature has given the Governor and Council the power to appoint those heads, but the Legislature has reserved the privilege of fixing the salaries of those heads of departments.

Now, that would seem a great inconsistency. We allow him to appoint but we fix the salaries, and the salaries for these department heads have been fixed many years previous. Most of them are out-moded.

Now, as I look upon this State government, it is a big business proposition. The heads of departments are men to whom the Governor must look for advice and counsel and information regarding these departments. The business is so big that it is divided into these departments. These departments must have their heads. To me they are the Governor's cabinet. We do not know how many hours these men put in, what type of work they have to do, what qualifications they have, what is expected of them. It is the Governor and Council that know these particulars, and why shouldn't the Governor and Council, as in any big business, have the privilege of telling or denoting what those services are worth, and particularly in line with the other heads of de-

partments which they do themselves have the privilege of appointing and fixing the salaries?

Now, we are not tying the hands of any future Legislature; we are simply saying that we are giving the Governor and Council—those eight men whom we have so many times denoted our trust in—we are simply giving to them the privilege for two years to declare what these department heads are worth. They are the ones who have all of the facts and the figures; who know what the department heads are doing and what they are expected to do.

The Governor himself is a hard-working man, and he expects services from these department heads; and we know that the Governor is not going to give these raises unless he feels that those department heads are justified in getting them, unless they have performed services for the State of Maine. The only person whose hands we are tying is the Governor's, and I certainly consider that it is a slap in the face if we don't give the governor that power at this time. We should look upon this in a business way. We should not be petty about this. We have said that we believe that the Governor has given us a good business administration. Yesterday we talked about these millions of dollars that are in our Treasury. We talked about the surpluses we have, and here we are quibbling about fifteen or twenty thousand dollars. Supposing the Governor should give a raise to all these Department heads, and supposing he should go out and squander fifteen or twenty thousand dollars of the State's money. Is that a serious situation? I say "No". I say that this Legislature will be neglecting its duties if we do not give that additional power at this time to the Governor and Council; and I sincerely hope that the motion of the gentleman from Rockland, Mr. Sleeper, will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the House reconsider its action whereby it accepted Report B, "Ought not to pass."

The Chair recognizes the gentleman from Bethel, Mr. Boyker.

Mr. BOYKER: Mr. Speaker and Members of this House: I am not

concerned with the money question. We are at war, and our very existence is at stake. We are asked to sacrifice and many of us are doing that; but I am surprised to learn that we have department heads of our State who have not the patriotism and the backbone to stay on their jobs at their present salaries during this emergency.

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

Mr. BRALEY: Mr. Speaker and fellow members: I would feel better about this if the Governor would increase the salary of the legislators. We come here for six hundred dollars. We come here not because we want to get rich by any means; we come here because we enjoy such work. Therefore, I say that if the Governor and Council would increase the salaries of us legislators I would be all for this bill; but he left us out of the picture. (Laughter)

To my knowledge there has not been an employee of the State of Maine or the head of a department who has said he would leave to go into war industry or anything else. I think it is a bluff, and if we stand our ground and let them bluff, I do not think they will leave.

Today the Governor asks to set the salaries of the heads of departments. How do we know but tomorrow he will say: "Let me appoint my council." We are not sure but what he may want to do that. I think we have granted our Governor many powers under the emergency clause, and I think his powers are broad enough now. I think that this is a matter of paying the heads of departments increased salaries and that is all it is. It is just increasing; there will not be any decreasing by any means. I think it should be left up to the Legislature just the way it is now.

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

Mr. DOW: Mr. Speaker and Members of the House: The gentlewoman from Brunswick (Miss Bangs) made a fine argument, and with part of it I agree; but, following out that line of reasoning, then the heads of our large departments—and we have some with more than five hundred employees—should also have the privilege of

fixing the pay of those whom they employ. We do not give it to them.

Any bill for raising revenue must originate in the House. I think that applies and that we should have some control over the spending of that money.

I think the main question brought up by this bill is: Should this Legislature delegate any more of its powers to the Governor and Council? I think they should not. I hope that the motion of the gentleman from Rockland, Mr. Sleeper, does not prevail.

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

Mr. LEAVITT: Mr. Speaker, the question of the patriotism of these men at the head of our departments has been questioned. I wonder if anybody here realizes that each one of these men can get jobs in defense work, in shipyards, in aviation plants, where they can receive a great deal more money than they are receiving working for this State; and they certainly would be considered patriotic if they were working for those defense production plants. When they stay here and work for the State of Maine, even with the small increase which probably will be given them, they are still showing a great deal of patriotism in working for the State. I think it is very unfair to call them unpatriotic because of the fact they need additional money to meet additional expenses in living at the present time. I wish to support the motion of the gentleman from Rockland, Mr. Sleeper.

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

Mr. KELLER: Mr. Speaker, I dislike very much to take issue with my friend from Portland, Mr. Leavitt. He cites the fact that these men would be hired away from the State at a greater salary. That is true. However, if there is any corporation in the shipbuilding business or anywhere else that decides they want a man, they will take him. So I do not think that is a very strong argument.

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

Mr. WILLIAMS: Mr. Speaker, may I have the privilege of facing the House?

The SPEAKER: The gentleman may face the House.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This is not a question over salaries; it is not a question over increased money; it is not a question over that miserable fifteen or twenty thousand dollars; it is a question of fundamental government, and the question is simply this: We are voting upon one issue this morning as we voted upon it the other day; and that is whether or not the legislative branch wishes to give over its power to the executive branch.

Now, I know in speaking upon this issue I am opposing a theory that is abroad in this nation of ours today. We have seen it in Washington, and some of us have viewed with alarm the way things have been changed. There used to be a time when Congress made the laws. Now they are made by men who have never been elected to any public office and who are not known to the public, but who somewhere are turning out laws like a machine. Do we want this same condition in Maine?

Maine has been unique in standing alone in the last dozen years in standing for the representative government. Some of you may feel this is a start in that direction.

I certainly was impressed and moved by the fine, sentimental oratory of that able legislator from Bangor, Mr. Hutchins, this morning; but this is not a matter for sentiment. If it was, I would be moved, because one of the greatest friends that I have in the world is missing in action in Africa. I know that if that boy could stand here this morning in my place he would stand for this principle of representative government; because I know that he believed in three branches of government, and not the theory that is abroad in America today of one branch.

The present chief executive of the State of Maine I will say I believe sincerely can be trusted with these powers; but this is a law we are putting on our statute books, and I am convinced, as you are, that this never will be removed if it is placed on our statute books. It cannot be removed, for the reasons which the gentleman from Rome, Mr. Downs, explained to you this morning. It will go out in July, two years and six months after another governor has assumed office. In the next legis-

ature the friends of that Governor will say, "Do you not trust him as you did the last Governor?" Certainly they will.

If I thought the powers were going to be abused, I would not speak against this bill this morning, because I know the Legislature would repeal them. They will not be abused by the present Governor. He has shown he is a safe man to have these powers. But we can all recall a few years ago when there was a little battle going on between the Governor and the Executive Council. At the present time there is apparently the greatest sincerity of purpose between our present Council elected to represent the Legislature and the present Governor, which, of course, is a fine condition; but these members of the executive body do not assume to tell the legislative branch how to vote on certain issues.

Maybe we are making too much of this point; but I believe it is just a question this morning for us to decide whether or not we wish to turn over more of the legislative powers in a permanent measure to the chief executive of our State, the Governor, to come in after a year—not the present Governor—he does not enter into this discussion in any respect—I believe the present Governor is a big enough man so that he realizes that when any one of us speaks upon one of these issues we are speaking upon this morning, which is a theory of government, that it is not a slap in his face. It is because we believe in certain principles of government.

Now as far as adjusting those salaries, it can be taken care of. The Committee on Salaries and Fees was called into the office of the Chief Executive at the beginning of this session, and he gave us three methods by which he felt that this situation which is being discussed can be taken care of. One method was the adjusting of salaries between certain limits, and another was for the Legislature to go through the salary brackets and increase them where it felt it was necessary. The Governor gave us information as to what he thought upon the matter, and I believe all the signers of this Report "B" "Ought not to pass" felt as I did, that that was the way to do it to take the recommendation

from the Governor and go through and adjust those salaries for the next two years; but other members just as sincerely felt that this bill was the way to handle the problem. I feel that if you should see fit to uphold the "B" report, "Ought not to pass," these adjustments in salaries will go on in an orderly manner. So, ladies and gentlemen of the House, I hope the idea of opposing the theory of government will not be upheld, and that the motion of the gentleman from Rockland, Mr. Sleeper, will not prevail.

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

Mr. BARNES: Mr. Speaker, this is an important measure, and I believe it has been ably carried along by others who are interested in it. I believe this House is about ready to vote on this matter. Of course, it is important, or it would not be back here for us to vote on again today.

I think that the gentleman from Clifton, Mr. Williams, has hit on the nub of this matter; but I think he is mistaken and I will explain why. If I have a piece of land I can deed it or I can lease it for a couple of years. This Legislature by taking the action proposed by our Floor Leader on this bill would not be giving a deed of these powers from the legislative to the executive branch; it would be simply a lease. It seems to me there are a great many reasons, all of which have been carefully told to the Members of the House, at this time why he should be given a lease of these powers. Personally, I do not feel that I am so much wiser than my successor who will come to some future legislature that I should say now that it would be too dangerous to do this thing; because I have faith in the powers of my successors who will sit here in these legislative chairs, to know their judgment can be probably as well trusted as ours. I can draw one comparison. As I told you when I first spoke on this bill it is either a question during this emergency of leasing these powers to the Executive Department for a couple of years, or for this House to put through an act which involves the salary of each individual department head. I concede that perhaps this should be an elastic thing dur-

ing this emergency and that the Governor and Council ought to have a leeway during the emergency. We might, and very well could, accomplish injustices by salary raises here, which they might know were not necessary.

As the bill reads, it not only provides for increases but it also provides so that if there are any inequalities decreases can be made; because it says "they may set the salary."

I believe that we ought to lease this power to the Governor and Council for a couple of years during this emergency; and I hope the motion of the gentleman from Rockland, Mr. Sleeper, will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper that the House reconsider its action whereby it accepted the "Ought not to pass" Report of the Committee.

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

Mr. SLEEPER: Mr. Speaker and members of the House: I started this discussion, and I would just like to say why I asked for a reconsideration. When I asked for reconsideration, that meant that before I had voted against the bill, and that is the reason I am now voting for the bill. As most of you know, as your majority floor leader it is my duty to carry out the wishes of the administration and the executive groups, if possible. I wish to say that on this measure I heard no word from the Governor and Council; they left it all to me; so it is purely out of friendship and respect for men like Dr. Downs and the gentleman from Clifton, Mr. Williams, that I voted against the bill, because I felt it did infringe slightly upon our prerogatives as legislators.

I will say that there has been no intimidation made against me; no one asked me to take this stand, and I have been ashamed at the way I voted before, because I knew there was justice in the bill and I felt it ought to pass; but I was just jealous enough of our prerogative as members of the Legislature to vote against this slight infringement. When you analyze this out, I think you will find that certainly the Governor and Council have the power during the war to set salaries as

high as they want to; but I think if you have a Governor and Council courteous enough to realize that we as members of the Legislature are their bosses, and that we can do away with the council if we see fit, I say to you, if we feel we have a Governor big enough and a council big enough to ask your permission, the least we can do is allow them to do it legally and ethically. I certainly hope my motion will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the House reconsider its action whereby it accepted the "Ought not to Pass" Report of the Committee.

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

Mr. DOWNS: I would like to reply to some of the statements made by the gentleman from Clifton, Mr. Williams. Any increase which was necessary and which His Excellency felt was necessary could have been suggested to the Committee on Salaries and Fees and have been reported and gone through this Legislature in an orderly manner.

As I said before, I believe in the State of Maine; I believe in our system of government; I believe in our three branches of government, and I believe that each branch has its province and should not transgress into the affairs of the others. And that is what we are fighting against this morning, the giving up of the powers of the legislative branch and imposing it in the hands of the executive branch.

I have been accused this morning of not being consistent, but I am always being accused of so much that it does not worry me a bit.

I admit I did stand on the floor of the House and argue for an increase of \$200 in the salary of two officials of Kennebec County, which has been so feelingly referred to by the gentleman from Bridgton, Mr. Rankin; but I say that an increase of \$200 is quite different from an increase of \$500 or \$1000.

Another thing, there are certain officials not covered by this piece of legislation who are just as meritorious as those we are considering. Why did we come in through the back door to do this thing? If it is a poor law, why not repeal it so that the salaries of state officials should be set by the Governor and Council? If by the one token it is fair for the

Governor and Council to set salaries of certain officials, by the same token it should be fair to set the salaries of other officials. Now, I am wondering if legislatures in the past have been so wrong when they provided as to how these men should be elected or appointed and their salaries set? If they have been, and we are so much wiser than past legislatures, why not proceed and repeal this law and make a different law which will take care of the entire situation.

I say to you, as I said the other morning this is simply a move to take certain powers from the hands of the Legislature for which there is no demand; because the situation could well have been taken care of by the procedure which I have attempted to outline to you. But I still say it is an attempt to take away the power of the Legislature and impose it in the hands of the executive.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I think we all come here with sincerity of purpose and to do the best we know how according to the light that we have.

I have served in this House for many terms down through the years; and I have watched with a great deal of concern that there have been attempts many times to take away from this legislative branch the powers that it possesses, and to give them over to an administrative branch.

I feel that every man who is at the head of the departments of Maine fully understood the salaries that they would receive for the services rendered. I have contacted many of these heads of departments this winter, and I have failed to find where there is any insistent demand for increasing their salaries. I know that these men are capable and able, and I believe I know that they are capable to stand by their guns and do the work intrusted to their care, especially in this time of emergency,—or any other time.

In the course of the debate in this House, the gentleman from Rockland, Mr. Sleeper, has spoken twice on this bill. I want it to be understood perfectly clearly that in my judgment the gentleman from

Rockland, Mr. Sleeper, can speak for anything which he wishes to; but I do not believe that he thinks when he is speaking as the Majority Floor Leader of this House, that he is governing or trying to govern our attitude on these bills.

As I understand the position of the Floor Leader, in the past, when the House was more divided than it is now, there was a Majority and Minority Floor Leader, whose duty it was to guide the Majority or Minority parties in their views on certain things pertaining to things political. I should think that any man or any woman should be able to stand on the floor of this House and speak their minds on anything. I believe now, and I have always believed, that we should not delegate the legislative powers that we possess to others. Of course we can trust our present Governor, but this takes in a period of four years—beyond his term. Some other Governor can raise the salaries, where they are not needed, I believe salaries are high enough for the heads of departments. Last night in the Appropriations Committee we debated on the problem of raising salaries, and we raised the salaries of the employees of the State of Maine almost a million dollars. That is quite a tidy sum. We recognize the needs of lots of these employees in the lower brackets; but I believe, ladies and gentlemen of the House, that the heads of departments are receiving ample pay for the services rendered.

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

Mr. GOLDSMITH: Mr. Speaker and Members of the House: I have not very much to add to what I said last week in my support of this bill. As a member of that committee I signed Report "A" in favor of it. I brought out the fact that if we elect the Governor and also elect the Council, we should have confidence enough to go along with those gentlemen. But this is April Fool's Day and I do not think I am smart enough to get up and say a few words to convince you, ladies and gentlemen of the House, to vote one way or another on this measure.

Tuesday night we gathered at the Augusta House and paid tribute and respect for the executive head, and

complimented him on his fine executive ability. Today, on Thursday of this same week, we become inconsistent and are just ready to throw away all the nice things we spoke to that man on Tuesday night.

I hope, Mr. Speaker, and Members of the House, that the motion of the gentleman from Rockland, Mr. Sleeper, will prevail.

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

Mr. PAYSON: Mr. Speaker and Members of the House: When the telephone rang in my room this morning at 8:30 and the operator said, "Good morning, 8:30. This is April Fool's Day" I asked my wife if this would be a proper day for me to speak, and she said it would be all right. (Laughter)

I have to take issue with the gentleman from Augusta, Mr. Braley on the Governor fixing the salaries of the Legislators. I am afraid in my own personal case it would deprive me of my property without due process of law, because he expressed his opinion of my legislative ability once, and he would cut my salary in half, and I do not want to stick out my neck. (Laughter)

There has been a lot of serious talk about the delegation of legislative authority. I would like to consider that point for just a moment in a sane, and not in an oratorical light. I know about the delegation of authority that everyone in this legislature resents—the type that has gone on in the Federal government for a number of years, where some federal official is given authority to legislate—and an administrative official of the federal government can lay down rules and regulations and attach penalties to them that are more severe than some laws we pass in our Legislature. That is a type of delegation of legislative authority I can understand and fight against. But when they talk about this proposition as being a delegation of legislative authority, I think they are plain wrong.

It is true that the Legislature has this authority; but I believe the fixing of the salaries of the executive heads is purely an administrative function within the limits of the budget which the Legislature sets up for the executive. I think the executive should

have control of salaries of the men he has to hire and who are working for him in this state. When you think of that as legislative authority, and try to compare it with the delegation of authority in the federal government, I cannot see any comparison at all.

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

Mr. DOW: Mr. Speaker and Members of the House: May I say to the gentleman from Orono, Mr. Goldsmith, that so far as I am concerned personally I have every confidence in our present Governor and Council. The objection I had was to the delegation of legislative power and that only.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I will not try to add to the oratory that has been expounded on this bill; but I just rise to say that my position is the same as it was on the vote the other day. There has been a lot of mention made of our 50,000 boys in the service. I just want to say I stand firmly here behind the thought that we hope most of those 50,000 boys, I hope to God, when this thing is over, will be able to come back to a free legislative government.

I hope that the motion of the gentleman from Rockland, Mr. Sleeper, does not prevail.

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

Mr. JONES: Mr. Speaker and Members of the House: I was a signer of the "Ought not to pass" report, and I just wish to state that my views have not changed a bit. I still think the Legislature should hold its power of setting the salaries, and I do not think we are in any particular jam on this matter. Some of the speakers have said that we might be, but the Legislature is in session and they won't have to come back; we are here now; and if there is any particular need of it it can be taken care of right here now. I hope the motion of the gentleman from Rockland, Mr. Sleeper, will not prevail.

The SPEAKER: The question before the House is on the motion of

the gentleman from Rockland, Mr. Sleeper, that the House reconsider its action whereby it accepted Report "B" "Ought not to pass."

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

Mr. BARNES: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Houlton, Mr. Barnes, asks for a division.

All those in favor of the motion of the gentleman from Rockland, Mr. Sleeper, that the House reconsider its action whereby it accepted Report "B" "Ought not to pass" will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. Forty-eight having voted in the affirmative and 78 in the negative, the motion did not prevail.

On motion by Mr. Rollins, of Greenville, the House voted to adhere.

On motion by Mrs. Leidy of Fort Kent, House rule 25 was suspended for the remainder of today's session, in order to permit smoking. (Applause)

Non-Concurrent Matter

Bill "An Act to Create a Board of Fire Commissioners for the town of Sanford" (H. P. 458) (L. D. 246) on which the House accepted the Majority Report of the Committee on Legal Affairs reporting a new draft (H. P. 1302) (L. D. 831) and passed the Bill to be engrossed on March 26th.

Came from the Senate with the Minority Report "Ought not to pass" accepted in non-concurrence.

In the House, on motion by Mr. Pelletier of Springvale, the House voted to insist on its former action and ask for a Committee of Conference.

The following Communication:

STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND

March 30, 1943.

Dear Sir:

I transmit herewith for the Justices of the Supreme Judicial Court their answers to the questions of the House relating to H. P. 1069, L. D. 558, and relating to H. P. 1301, L. D. 830.

Very truly yours,

(Signed) GUY H. STURGIS,
Chief Justice.

Hon. Harvey R. Pease,
Clerk of the House
of Representatives,
State House,
Augusta, Maine.

To the Honorable House
of Representatives of Maine:

The undersigned Justices of the Supreme Judicial Court have the honor to submit the following answer to the question propounded to us bearing date of March 24, 1943, relating to the issuance of refunding bonds of the State.

Question.

Would H. P. 1069, L. D. 558, "An Act to Provide for the issuance of the Refunding Bonds of the State" if enacted by the Legislature in its present form, be constitutional?

Answer.

Unless otherwise expressly prohibited, the Legislature has the power to authorize the refunding of valid outstanding obligations of the State but the issuance of bonds for that purpose an unreasonable length of time before the maturity of the indebtedness for the avowed and inseparable purpose of establishing an interim investment fund for gain and profit as is authorized by H. P. 1069, L. D. 558, pending in the 91st Legislature of Maine, will create a new debt or liability on behalf of the State in violation of the Provisions of Section 14 of Article IX of the Constitution of Maine as amended. We answer this question in the negative.

Very respectfully,

(Signed) Guy H. Sturgis
Sidney St. F. Thaxter
James H. Hudson
Harry Manser
Harold H. Murchie
Arthur Chapman

March 30, 1943

To the Honorable House of Representatives of Maine:

The undersigned Justices of the Supreme Judicial Court have the honor to submit the following answer to the question propounded to us bearing date of March 25, 1943, relating to Amendments and Additions to Public Laws 1933, Chapter 244, providing an Alternative Method of Enforcement of Tax Liens.

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.

Answer.

The Amendment of Chapter 244 of Public Laws of 1933 by the addition of Section 6 and Section 7 as proposed in H. P. 1301, L. D. 830, pending in the 91st Legislature of Maine, would provide a method by which a person might be deprived of his property without due process of law. We, therefore, answer this question in the negative.

Very respectfully,

(Signed) Guy H. Sturgis
Sidney St. F. Thaxter
James H. Hudson
Harry Manser
Harold H. Murchie
Arthur Chapman

Communications were read and ordered placed on file.

Petitions Requiring Reference

Petition of Francis D. Orne of Rockland, Knox County, and 33 others in favor of passage of H. P. 1240, L. D. 739, "An Act relating to Hunting and Trapping of Foxes" (H. P. 1355) (Presented by Mr. McFee of Richmond)

Petition of C. L. Hutchings, of Gardiner, Kennebec County and 10 others in favor of same (H. P. 1356) (Presented by same gentleman)

Petition of Clyde McKenney, Auburn, Androscoggin County, and 21 others in favor of same (H. P. 1357) (Presented by same gentleman)

Petition of Peter C. Anderson, Saco, York County, and 38 others in favor of same (H. P. 1358) (Presented by same gentleman)

On motion by Mr. Jacobs of Auburn, were ordered placed on file and sent up for concurrence.

Mr. Pascucci of Sanford, presented the following Order and moved its passage:

ORDERED, that there be printed for the use of the House 1,000 copies of the debate in the House on March 18th on Bill "An Act relating to Standard Form Insurance Policy."

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

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

House Reports of Committees Leave to Withdraw

Mr. Bubar from the Committee on Temperance on Bill "An Act relating to Sale of Liquor" (H. P. 1233) (L. D. 732) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. McKusick from the Committee on Pensions on Resolve Placing Sherman Graves of Mexico under Law relating to Superintendents' Retirement Plan (H. P. 1151) reported same in a new draft (H. P. 1351) under same title and that it "Ought to pass"

Miss Clough from the Committee on Public Health on Bill "An Act relating to Infectious and Communicable Diseases" (H. P. 259) (L. D. 192) reported same in a new draft (H. P. 1352) under same title and that it "Ought to pass"

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

Report Tabled

Mr. Downs from same Committee on Bill "An Act relating to Slaughterhouses" (H. P. 1221) (L. D. 708) reported same in a new draft (H. P. 1353) under same title and that it "Ought to pass"

(On motion by Mr. Williams of Clifton, tabled pending acceptance of report and the new draft ordered printed under the Joint Rules)

Report Tabled

Mr. Harvey from the Committee on Temperance on Bill "An Act relating to the Manufacture and sale of Cider" (H. P. 1169) (L. D. 624) reported same in a new draft (H. P. 1354) under title of "An Act relating to the Manufacture and Sale of Apple Wine" and that it "Ought to pass"

(On motion by Mr. Pierce of Bucksport, tabled pending acceptance of report and the new draft ordered printed under the Joint Rules)

Ought to Pass

Mr. Clapp from the Committee on Pensions reported "Ought to pass"

on Resolve in favor of Miss Mary A. Hughes of Frenchville (H. P. 1150)

Mr. Davis from same Committee reported same on Resolve relating to Retirement Pension for Ralph M. Chesley of Thomaston (H. P. 630)

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

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

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

First Reading of Printed Bills

Bill "An Act to Incorporate the Vanceboro Water Company" (H. P. 1345) (L. D. 884)

Bill "An Act to Incorporate the Bethel Water District" (H. P. 1346) (L. D. 885)

Bill "An Act relating to Institutional Farms" (H. P. 1348) (L. D. 886)

Bill "An Act for the Better Protection of Livestock and Poultry" (H. P. 1349) (L. D. 887)

Bills were read twice and assigned for third reading this afternoon.

Passed to be Engrossed

Bill "An Act relating to Buyers and Sellers of Milk and Cream" (S. P. 476) (L. D. 860)

Bill "An Act Amending 'An Act to Create the Port of Portland Authority' as amended" (S. P. 477) (L. D. 859)

Bill "An Act relating to the Salary of Various Officers of Waldo County" (S. P. 478) (L. D. 861)

Bill "An Act relating to Attached Mortgaged Property" (S. P. 479) (L. D. 858)

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

Bill "An Act relating to Compensation for Personal Injury to Employees" (S. P. 480) (L. D. 869)

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

Mr. Barnes of Houlton, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to S. P. 480, L. D. 869, Bill "An Act Relating to Compensation for Personal Injury to Employees."

Amend said bill by striking out in the last line of section 1 of the bill the underlined words, "injury occurred", and inserting in place thereof the following words, "in-capacity began".

Further amend said bill by striking out in the 7th line of section 2 of the bill the words, "8th day following", and inserting in place thereof the following words, "date of".

And further amend said bill by striking out in the last line of section 3 of the printed bill the words, "8th day following", and inserting in place thereof the following words, "date of".

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

Mr. BARNES: Mr. Speaker, in urging the passage of this amendment I will simply say that this amendment clears up a slight ambiguity in the bill.

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

Passed to be Engrossed (Continued)

Bill "An Act Granting Increase in Salary to Judge of Probate in Piscataquis County" (S. P. 481) (L. D. 867)

Bill "An Act relating to the Aroostook County State Park" (H. P. 153) (L. D. 112)

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

Tabled and Specially Assigned

Bill "An Act to provide Relief during the Emergency for Businesses in Financial Distress Because of Wartime Conditions" (H. P. 1322) (L. D. 863)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, due to certain errors or defects of a verbal nature, the Revisor of Statutes asks that this bill, Legislative Document 863, lie upon the table until tomorrow morning.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Rankin, moves that H. P. 1322, L. D. 863, lie upon 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.

Amended Bills and Resolve

Bill "An Act relating to Loss of Membership in Indian Tribes by Marriage" (S. P. 89) (L. D. 16)

Bill "An Act relating to the Salaries of Clerks in the Offices of the Register of Probate and Clerk of Courts in Piscataquis County" (S. P. 305) (L. D. 473)

Bill "An Act relating to the Salary of the Commissioner of Agriculture" (S. P. 397) (L. D. 675)

Bill "An Act relating to Jurisdiction of Municipal Courts in Criminal and Juvenile Cases" (S. P. 431) (L. D. 748)

Bill "An Act relating to Medical Examiners" (S. P. 460) (L. D. 823)

Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians (S. P. 416) (L. D. 724)

Bill "An Act relating to Audit and Use of Funds of Maine Forestry District" (H. P. 1070) (L. D. 559)

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

At this point, Speaker Richardson resumed the Chair, and the Sergeant-at-Arms conducted Mr. Stephenson to his seat on the floor, amid the applause of the House, the members rising.

Bill "An Act relating to Farm Bureau Assistance in Oxford County" (H. P. 1094) (L. D. 565)

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

Passed to Be Enacted Emergency Measure

An Act to Authorize and Provide for the Temporary Admission to Practice in this State of Physicians and Camp Physicians to Protect the Health of the Civilian Population During the War Emergency Period (H. P. 328) (L. D. 205)

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

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

A division of the House was had.

One hundred and fourteen having voted in the affirmative and none in the negative, 114 being more than two-thirds of the entire elected membership of the House, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Defining an Indian (S. P. 86) (L. D. 13)

An Act relating to Acquiring Membership in Indian Tribes (S. P. 90) (L. D. 17)

An Act relating to Highway Bridges (S. P. 153) (L. D. 151)

An Act relating to Sessions of Boards of Registration in Cities (S. P. 163) (L. D. 178)

An Act relating to the Salary of the Reporter of Decisions (S. P. 268) (L. D. 458)

An Act Amending the Inheritance and Estate Tax Laws (S. P. 307) (L. D. 430)

An Act relating to the Discharge of Persons Committed to Insane Hospitals (S. P. 319) (L. D. 523)

An Act relating to Fines, Costs, and Forfeitures (S. P. 334) (L. D. 508)

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

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)

An Act relating to the Age of Children Attending School (H. P. 535) (L. D. 307)

An Act relating to Representation of Indian Tribes at the Legislature (H. P. 539) (L. D. 309)

An Act relating to the Salary of the Recorder of Rockland Municipal Court (H. P. 575) (L. D. 342)

An Act Increasing the Compensation of the Judge of Probate of Knox County (H. P. 599) (L. D. 355)

An Act relating to Pre-marital Medical Examination (H. P. 632) (L. D. 357)

An Act relating to Allocations and Unappropriated Surplus Account (H. P. 928) (L. D. 546)

An Act relating to Compensation of Members of the Parole Board (H. P. 968) (L. D. 532)

An Act relating to Fees of Trust and Banking Companies (H. P. 1073) (L. D. 562)

An Act relating to the Pennell Institute in the town of Gray (H. P. 1132) (L. D. 553)

An Act relating to Payments to Franklin County Law Library (H. P. 1177) (L. D. 655)

An Act relating to Fees of Sheriffs and their Deputies (H. P. 1187) (L. D. 664)

An Act Revising the Military Law (H. P. 1245) (L. D. 746)

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

An Act relating to Compensation of Employees who have Received Prior Injuries (H. P. 1305) (L. D. 833)

Resolve in favor of Kennebec Journal Print Shop (S. P. 208) (L. D. 321)

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: At this time the Chair recognizes the gentleman from Portland, Mr. Payson, and designates him Speaker pro tem, and requests the Sergeant-at-Arms to conduct the gentleman to the rostrum.

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

The SPEAKER pro tem: The Chair lays before the House the first today tabled and assigned matter, House Report "Ought not to pass" of the Committee on Mercantile Affairs and Insurance on Bill "An Act Creating a State Fire Marshal" (H. P. 1244) (L. D. 744) tabled on March 30th by the gentleman from Bucksport, Mr. Pierce, pending acceptance of Report; and the Chair recognizes that gentleman.

Mr. PIERCE: Mr. Speaker and Members of the House: There has been introduced in this Legislature several bills attempting to modernize and clarify the laws of the State regarding fire protection. This is an extremely technical subject and with minor exception all of the bills have been referred to the 92nd Legislature, with the intent that the entire matter could be discussed with the Research Committee. I have discussed this bill, which I have introduced to correct a certain situation, and it has been reported out "Ought not to pass" because, I frankly admit, the wording of the bill is not correct. I have discussed the matter with the Committee on Mercantile Affairs and Insurance as individuals and they are in accord that the matter should also be discussed by this Research Committee.

I will therefore ask the House to be gracious enough to allow me to substitute the bill for the report in order that I may make a motion that this bill be referred to the 92nd Legislature.

Mr. Speaker, I now move that we substitute the bill for the report.

The SPEAKER pro tem: The gentleman from Bucksport, Mr.

Pierce, moves that the bill be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed; and on further motion by Mr. Pierce the bill was referred to the 92nd Legislature and sent up for concurrence.

The SPEAKER pro tem: The Chair lays before the House the second tabled and today assigned matter, Bill "An Act to Increase the Salary of the Recorder of the Waldo County Municipal Court and to Provide for Clerk Hire" (H. P. 1319) (L. D. 856) tabled on March 30th by the gentleman from Belfast, Mr. Coombs, pending third reading; and the Chair recognizes that gentleman.

Mr. COOMBS: Mr. Speaker and Members of the House: Due to the fact that the interested party concerned has no more interest in the matter, I move for indefinite postponement of the bill.

The SPEAKER pro tem: The gentleman from Belfast, Mr. Coombs, moves that Legislative Document 856 be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, and the bill was indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: The Chair lays before the House the third tabled and today assigned matter, Majority Report "Ought to Pass in New Draft" (H. P. 1347) (L. D. 882), and Minority Report "Ought not to pass" of the Committee on Agriculture on Bill "An Act Relative to Licensing Dealers in Livestock." (H. P. 1067) (L. D. 554), tabled by the gentleman from Rome, Mr. Downs, on March 31st, pending acceptance of either report.

The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, aside from the physical dangers involved because of my proportions, I shall for other reasons refrain from placing myself out on a limb, especially when there are so many stalwart members of the Committee on Agriculture gathered around ready to shake me off my perch.

I would like to say just a word about this bill. I am not against

it. I merely, at a later time, wish to offer an amendment.

The main purpose of this bill, as we all know, is to have the dealers register and keep records, so that the Department of Agriculture, through its Division of Animal Husbandry, can then check back on any source when they find contagion in cattle, namely Bang's Disease, — they can check back on that source, and eradicate any possibility of its spreading further. In other words, they are merely concerned with cattle and Bang's Disease.

The fact that the Federal government, through O. P. A. regulation, which goes into effect today, sets up a like situation where they are making dealers register and keep records with strict fines, it apparently has no bearing on this bill.

I have no quarrel with it, under section 7, where if one of the dealers has a grievance and does not agree with the Commission, he can go to the Superior Court within ten days. Of course he may live in a county where the Superior Court would not be in session for several months, and if he cannot get there in ten days, he will just have to lose his case. Nor do I have any quarrel with what the term "dealer" means. "The term 'dealer' means any person engaged in the business of buying or selling livestock" — that would include every farmer who has a few odds and ends around, and part of his business is to gain a living by selling a few animals. He would have to take out a license. In fact, if I want to that farmer to buy a pig or a sheep or a goat, we are in the business of buying and selling live stock and could be held to need a license.

But the Committee, in its writing up of the definitions of livestock, saw fit to exclude mules and donkeys; and since I believe that horses are more or less in that family, and it affects some constituents of mine who are dealers in Kennebec County, I want to have "and horses" stricken off as being no more germane to this problem than donkeys and mules. Of course sheep and goats have no place in there but we will allow them to stay; the Department being more concerned with cattle. As far as swine are concerned, there is a possibility that one of the stages of incubation of Bang's Disease might

be in swine,—they have been working on that, and so we can leave swine in.

As I say, I am not quarreling with this bill and I leave it to your judgment whether you accept the report. I merely want at a later time to inject in my amendment to delete "and horses."

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

Mr. DENNY: Mr. Speaker and Members of the House: I well know there has been a lot of controversy about this bill. A good many of you ladies and gentlemen of the House have heard from some of your constituents back home. I think it should be explained, because I know that there is a great deal of misunderstanding about this bill. In the first place, you will notice that the intent of the act is to "suppress unfair and fraudulent practices in the buying and selling of livestock," and to "suppress practices in such transactions which tend against the elimination of diseased and unfit livestock."

For instance, in the effort to "suppress unfair and fraudulent practices," we have been asked often "what are those unfair and fraudulent practices?" One is the keeping by dealers of cattle which are infected, and which they know are infected along with cattle which they take out and re-sell to farmers, giving the clean cattle a chance of infection while they are in the same barn.

Another situation that occurs now and then—due to the advancement of the Bangs' Disease program—there are a good many veterinarians out in certain areas testing cattle. They often go out on a back road where a farmer does not know necessarily what is going on; perhaps he does not get a paper more than once a week; he does not know the value of the stock in the present market. The cow is condemned, because she reacts to the disease. An unscrupulous dealer comes along and paints a picture of how dangerous that cow is, and of how he should get rid of her just at that minute. He then offers a very low price for the cow. The farmer is excited, and sells the cow at a lower price; thus discouraging the farmer, and in some cases making it a burden to the State

in having to pay indemnity because the salvage value of the cow is not what it should be.

There is also danger in transportation—dealers taking diseased animals in their trucks, not properly disinfecting and cleaning out their trucks.

It is for these purposes and others along in the same category that this bill is aimed.

Then we have the other purpose of suppressing practices and transactions which tend against the elimination of diseased cattle. Now, here is a good example. It is a typical example; it is an example of what is actually happening. A dealer called the department; he had several cattle on hand which he wanted to ship. The cattle included one bull. The department sent a man out who tested the cattle and found the bull reacted to the tubercular test. The dealer was asked where the bull came from, and he said he could not remember. He was pressed by the department, because they wanted to know where the bull came from so they could continue the test. He could not remember. He had no idea where the bull came from. So, under the present laws they are able and authorized and must quarantine that dealer until that disease is cleared up. They get as far as pretending to locking the door of the barn. That dealer had had a sudden lapse of memory, but suddenly decided he got the bull from such-and-such a herd. That was fine. The inspector went to that herd, and found that seventy per cent of that herd was infected with tuberculosis, and the owner of the herd was selling milk as raw milk to the customers.

The point is this: Had not that dealer had that odd lapse and return of memory just at that particular minute, they could have quarantined him; but they would not have got at the other herd, where that bull came from, and been able to clean that herd up and take away the danger of infection to other cattle in that herd; and also the danger of spreading disease among human beings.

Now, that is one very good example of what it is hoped this bill will accomplish. Now, the term "dealer" I know has been confusing. You will notice in the bill it says:

"The term dealer means any person engaged in the business of buying or selling livestock."

Now, in my community we could draw a very distinct line; with no trouble at all as to who are dealers and who are not.

It further goes on to say: "whether such purchase or sale be completed by cash" and so on. Also, it clarifies a little the intent of the act. It says: "This act shall not apply to the sale of livestock at public auction by duly licensed and bonded auctioneers, nor to any agricultural cooperative corporation in its dealings with its members, nor to persons licensed under the federal packers and stockyards act in respect to transactions regulated under that act, nor to farmers selling or buying livestock for the purposes of disposing of or restocking their own herds or flocks."

Supposing I am a farmer; I do not consider myself a dealer, but I go out and buy half a dozen cows. Perhaps I have every intention of keeping those cows for re-stocking or replenishing my herd. But at the end of a month or a week perhaps I decide that two of those cows are no good and so I sell them. They come in and say: I am a dealer. What is the harm? This bill asks for a \$1.00 license and that is practically all that it asked for. That might be a border line case; and probably would not happen, but suppose it did? I ask you, is there any great harm in it? At the hearing on this bill, there was a lot of opposition as far as numbers were concerned. Some twenty-five or more—I do not recall just how many dealers were at the hearing—but they were all represented by one attorney whom they had retained. The press notice of that came out in the paper a day or so later, and it covered the high spots of that attorney's opposition to this bill. I just want to read you the only points that the press picked up, and they were the major points in opposition. The first one is this. "So-and-so declared passage of the legislation 'would kill every element of thrift in a young farmer' by discouraging his natural instinct to buy and sell."

In support of that the attorney stated that his reason for making that statement was that if any de-

partment had the authority to issue licenses, it would issue one license only in each locality. Now I submit to you, is that the way the departments have done? Would there be any object in it? There is nothing in this bill that prevents anyone from getting a license, and any boy ten years old, if he wants to deal in live stock, can get a license for one dollar, just as well as the largest live stock dealer in the State can get one. There are absolutely no grounds for that contention.

Further on, this gentleman made this statement. He said that the bill to license live stock dealers was "one of the most vicious" proposals that the committee would ever hear and that its passage would develop a "bunch of bureaucrats."

In support of that his argument was this, that the dealers would all thereafter be designated as "bad boys"; that some department of the state would point its finger at them and say they were "bad boys"—and because they were "bad boys" they must be licensed.

Now, I am in the milk business. We produce milk from our own herd and we buy milk and pasteurize milk. We produce Grade A milk and we pasteurize Grade A milk. I just want to tell you what we have to do and what anyone else in our position has to do. We are not large dealers. There are many larger dealers in the state and many smaller ones, but we are all in the same boat. In the first place, we have to have a license to sell milk. We have to have a license for each depot. We have a main plant and three branches, so we have to have four licenses covering those. We have to have licenses for each truck delivering milk; and we have nine trucks delivering milk—that is nine more licenses. Nine and four—that makes thirteen licenses. We also have to have a license to pasteurize the milk. That makes fourteen licenses. We also have to have a license from the Milk Control Board, because we happen to be in a Milk Control Board area; that is fifteen licenses. We produce Grade A milk. We have to have a license, so that makes sixteen licenses. We pasteurize Grade A milk, and we have to have another license to pasteurize Grade A milk; and that

makes another license. So that makes seventeen licenses that we have to have to produce and sell milk. Now, I do not feel, and I do not know of any milk dealer who feels—that any department is pointing at him—because I have to have seventeen licenses—and tells him he is a “bad boy” and he has got to be under supervision because he is a “bad boy.” That is not the purpose of licensing or the purpose of this bill.

I submit to you however, that neither of these points that the attorney brought up at the hearing were germane to the subject.

There was another man there who was opposed to the bill. I believe he is considered one of the largest cattle dealers in the State. His only opposition to the bill was that he would have to have a bookkeeper if he had to keep the records.

Well, I just want to refer for the moment to something which has recently been issued by Washington. It is called “Title 7—Agriculture—Chapter 11—Food Distribution Administration—Food Distribution Order No. 26 Live-stock—Part 1410—Livestock and Meats—Purchase and sale of Live-stock.” Now, this gentleman figured he would have to hire a bookkeeper under this bill to keep his records—and incidentally, all the records that are asked for or could be wanted are that the dealer keep a record of from whom he buys that animal and to whom he sells that animal; just for the purpose so that the department can check where the animal came from and where it is going to, in case there is Bang’s disease or T. B. The case I have given you is typical of not only T. B. or Bang’s disease, but any other communicable disease the Department might have to contend with and check through and find the source and stop the disease before it gets out into the public.

Now, this order I am referring to is a matter of keeping records. This gentleman said he would have to keep a bookkeeper. Now, those are all the records, just as I told you, from whom he bought the animal and to whom he sold it. That is all the department is interested in. That is all the bill is for. On April 1st today this is

supposed to go into effect, and I ask you just to consider this, for instance—the matter of records:

“Every dealer, agent, and producer shall keep a record of each purchase and each sale of livestock. Such records shall include the date of each purchase or sale, and the name and address of the buyer and seller, and the number, kind, weight, and price paid for the livestock. All such records shall be maintained for at least two years, or for such other periods of time as the Director may designate.

“(2) Records of dealers or agents at posted stockyards, kept in compliance with the Packers and Stockyards Act, 1921-2, and the regulations issued thereunder, shall, with respect to purchases or sales at such stockyards, be considered as meeting the requirements of (c) (1) hereof.

“(3) Sales or purchases made by a dealer or producer through an agent shall be recorded as sales to or purchases from such agent.

“(4) As of the effective date of this order, dealers shall prepare and keep on file an inventory of the livestock on hand, including the number, kind and estimated weight. (These record-keeping requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942)

“(5) Reports. Every person subject to this order shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.”

Then it goes on to Audits and Inspections.

If the dealer keeps one-tenth of the number of records that it asks for it is enough to satisfy the department and accomplish the purpose of this bill.

This is not a precedent asking for a license of dealers of live stock. We have had in effect for some time a dealer bill for those selling poultry. If you think this bill, and the gentleman thinks this bill is vicious, then, for those of you who are not acquainted with the poultry bill, let me read you this. It is now in effect and has been in effect since 1935, and was amended in 1937. It is working perfectly. The department almost never hears

any complaint against a licensing bill which provides for a license fee of \$2.00—I believe that it is not over \$2.00.

This is what it says in Section 10B: "No person, firm or corporation shall transport poultry from place to place within this state upon any way unless possessed of a license duly issued by the commissioner of agriculture or his duly authorized agent, nor shall any person, firm or corporation transport poultry from place to place within this state between the hours of 7 P. M. and 5 A. M. the following morning * * *"

Now, if this live stock dealers' bill is a vicious bill, would not you think this might be still more vicious? Still, there is a good purpose for it, and it is well carried out, and the dealers are satisfied; as they would be with this dealer bill.

All that this bill asks for is a list of dealers, so that the department may check on all communicable diseases, to find the source and to stop further infection to both animals and humans.

Incidentally, this order that I was referring to, requiring so many records, goes into effect anyway as of April 1st; and of the records here, as I said before, only one-tenth of them are needed to comply with this live-stock dealers' bill. But this goes into effect April 1st for the duration of the war.

This was originated for the exact purpose of controlling the black market. It is in no way connected with the Department of Agriculture or with any other department of the State. It is under the control of the State War Board, and administered by the Food Administration, and has absolutely nothing to do with any State agency.

Now, I have gone at some length to explain some of the opposition that I have already heard to this bill, and I have yet to hear of one good sound argument against this bill. It is not new and it is not radical. It certainly does not discriminate, and I cannot see how it will cause any hardships or how it will penalize anyone — even the border-line case. Supposing that I might be called a dealer,—supposing I am? I had just as soon be called a dealer as anything else. All it requires is to take out a \$1.00 license.

Now, you will hear a lot of opposition to this, and you have probably had a lot of opposition presented to you by some of your constituents; and I think I am safe in saying that the bill is not understood by those people, any more than it was understood by the twenty-odd dealers who came to the hearing and were represented by the attorney, who talked all around the case but did not give one single argument that was sound, in opposition to this bill.

Now, all I am asking you folks to do is this—take the opposition that you hear to this and put it on one side of the scales and carefully sort out that opposition to be sure first that it is germane, and to be sure secondly that it is sound argument; then on the other side of the scales put this—this state has a four hundred and fifty thousand dollar Bang's Disease program, which is only partially completed, perhaps a little more than half way completed. It is being carried on very successfully and economically, living within the budget and doing a good job. It is an investment of the State in the amount of four hundred and fifty thousand dollars. Now, put that on the other side of the scales, and draw your own conclusion.

The SPEAKER pro tem: Does the gentleman from Damariscotta, Mr. Denny, desire to make a motion in connection with that measure?

Mr. DENNY: Mr. Speaker, I move the acceptance of the Majority Report, "Ought to pass in New Draft".

The SPEAKER pro tem: The gentleman from Damariscotta, Mr. Denny, moves the acceptance of the Majority Report "Ought to pass in New Draft," on Bill "An Act Relative to Licensing Dealers in Livestock."

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

Mr. TUTTLE: Mr. Speaker, I was one of those who appeared against this bill before this Committee; and I did not appear as an attorney for any dealers, and neither do I believe that many of the opponents of this bill did; but I appeared as a member of this Legislature. I believed the bill was wrong at the time; and I still do. There are several reasons why I do. I believe that we have got bureaus and investigators enough now. I do not believe that it is necessary.

Now, it has been brought up to us that the farmers are all right, but that in a good many cases they do not know what they are doing. Now, my experience with the farmers of this state is that they do know what they are doing. When they offer an animal for sale they know why they are doing it; they have a good reason in most cases. Now, I believe that if we are going to enact legislation to protect the farmers of this State, who I believe are in the main trying to do an honest business, and conform to all the laws and regulations and protect their property—if we are going to enact laws to protect them from the dealers, then I think we had better have some laws to protect the dealers from the farmers.—I certainly do because I believe they are in the same category.

Now, I feel that Section 1 defeats the whole purpose of the bill, if it is a bill to eradicate Bang's disease. It goes on and exempts most everybody that has anything to do with livestock from the provisions of this bill. It states: " * * * nor to farmers selling or buying livestock for the purposes of disposing of or restocking their own herds or flocks." I ask you members of this Legislature if you do not believe with me that the disposition of animals affected with Bang's Disease would not be one of the reasons why they wanted to dispose of an animal? I believe it is a fair question, and I believe the answer would be "Yes." It might. Now, the bill, to my mind, is very loosely drawn between who is a farmer or in one of these categories exempting farmers, auctioneers, and so forth, and men who are dealers. Now, I cannot in any way express the point that I would like to make any better than to repeat the story of Jim Withee, who went down to Bangor and traded horses. He traded one hundred and twenty-five times. A fellow went to him and said, "I guess you are kind of a horse jockey, ain't you, Mr. Withee?" He replied, "No, I am not a horse jockey. I was just trying to find one that suited me."

Now, I believe there is no possible chance to differentiate, so I am opposed to this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Monmouth, Mr. Marsans.

Mr. MARSANS: Mr. Speaker, I heartily agree with the gentleman

from Damariscotta, Mr. Denny, that we should help the Department of Agriculture, through its Division of Animal Husbandry, continue the good work which it has been doing in eradicating and tracing down factors in regard to Bang's Disease. I also believe that most of the dealers agree that that is a good feature to continue. I am going at this bill through my amendment practically on a selfish reason, in that I am trying to safeguard conditions that affect my district. In my district they have dealers mainly concerned with the selling of horses; there is one dealer who sells more than any other three dealers in the State. That affects my district and I am taking care of that. Under admission of the Division of Animal Industry horses, sheep and goats have no reason to be in this bill; swine, possibly; but certainly sheep, goats and horses have no place in it. The talk has been of cattle and cows, and I think they should be there. In some sections of the State there are men who are raising sheep. If they have to keep a record of every sheep they buy, and follow it in its course among several thousands, and then keep a record of where it went; that is their problem. My problem only concerns "and horses".

The SPEAKER pro tem: The Chair recognizes the gentleman from Benton, Mr. Kent.

Mr. KENT: Mr. Speaker, I would like to go on record against this bill. Members of the House, I think we are going so far now that by and by there will not be a thing in our business but what somebody is going to butt in on it. I think we do not need it. Somebody said that farmers out on the back roads did not get the news and did not know the value of this, that and the other. I do not believe that. We have a rural delivery which goes to every place in the State of Maine. Every day those people get their papers and they know what the markets are. I know that we are being regulated today so that we can hardly do anything. I think that it is time we stopped some of this. And then there is the matter of a dollar coming out of somebody. Every farmer in the State will have to give a dollar before they get through with it, in case they want to buy or want to sell. I have been on a farm for a good many years and bought a good

many cattle and sold a good many cattle. Every time I sell a thing I have got to give a record to somebody else. I do not know why we should be put under any such laws.

Now, the government has taken hold of this thing and if we have got to keep a record of everything as the national government says, what do we want with the other bill? You have got to keep all of those records. I am sure there is no one in the State House who wanted those records but what could get them and find out what was going on.

We have had one county after another tested for Bang's Disease; we have had cattle tested for Bang's Disease. We know, perhaps, they have done a good job in this; but, as soon as they get one of these things cleaned up, they will start something else, because they have got to keep something going all the time. I think it is time we stopped this thing and gave a man a chance to live without being inspected and inspected. Let us go along as we always have.

Sometimes when I sit here and look over this audience and see all the people, I just wonder how they ever grew up and got where they are; and when I go out into the hall and see those paintings of the people who have gone before us, and who came up out of the little country schools and who have come to be Governors and Representatives of this State, I just wonder how it all happened.

The State is getting control of everything that we have got and they want more control every day. I think it is time that we left some of these things alone and let some people get along as they have been.

You know that these men, when they once get a little authority, how much authority they take. You take it in the milk business; men come from Massachusetts down here and really impose upon the farmer. He cannot do anything to suit them. One man comes down and says to do one thing; and another man comes down and tells a person to do another; so you are simply going from one thing to another. Bless your soul, there are men in the State now who are putting their milk houses on skids so that they can move them every time one of these Massachusetts men comes down and tells them where to go. (Laughter) Now it is a fact. It does

not make any difference how good you build it or how good you do it; you have got to comply with what these men say. Here is another joke. Somebody else is going to tell you when you can buy a cow or when you can sell one; and what you can do with it. I think it is time that thing stopped. I am against this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Durham, Mr. Day.

Mr. DAY: Mr. Speaker and Members of the House: I just want to endorse every word that the gentleman from Damariscotta, Mr. Denny, has said. He presented this case fairly and touched upon every point that it is necessary to touch upon.

We are not trying to hinder any farmer from buying and selling to replace his herd. It is simply a control measure, so that those animals that are diseased can be traced; and it is a health measure in that our citizenry are affected by Bang's disease and also T.B., and we should protect the health of our citizens, and this is one method of doing it.

As the gentleman from Damariscotta, Mr. Denny, said, the State is spending a large sum of money on eradicating Bang's disease, and if the careless dealers are going to spread disease we should at least have some control.

I myself have had some experience with Bang's disease just purely due to the carelessness of a neighbor; and I lost fourteen head of my best milkers because of the carelessness of one man. I think that this is a good measure and that it will help our department in eradicating this disease which is such a menace to our industry.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Damariscotta, Mr. Denny, for the acceptance of the majority report "Ought to Pass in New Draft" on Bill "An Act relative to Licensing Dealers in Livestock."

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

Mr. OSGOOD: Mr. Speaker and Members of the House: I just want to state my position on this matter. I do not believe that we need this and I cannot see any need of it. I am a farmer, you all know I am a farmer, and keep livestock, and I buy and sell and trade, or anything

you may call it. I do not believe it is necessary for the control of Bang's disease that this measure be passed. Furthermore, I think it would be very confusing for any dealer to interpret Section 5 in regard to licensing, which provides: "The commissioner may decline to grant or may revoke a license when he is satisfied that the applicant or dealer is subject to any of the following disqualifications: That he has violated the statutes of the State of Maine or of the United States or official regulations governing the interstate or intrastate movement, shipment or transportation of cattle," because the orders are coming out of Washington so fast that the bureaus which are represented by lawyers cannot understand them themselves; and I wonder how the dealer is going to be able to keep up with the orders that are coming out.

I do not feel myself that we need to be regulated by any more bureaus out of Washington or in the State of Maine.

Furthermore, under Section 7 I fail to see where it would be mandatory or have any teeth in regard to the enforcement of this law; therefore, I think this thing would be just one more chapter on the statutes. I do not see the necessity of it.

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

Mr. DOWNS: Mr. Speaker and Members of the House: I feel like apologizing again for imposing upon your good nature. I want to try to analyze this bill a little, and probably when I get through you won't know whether I am for it or against it; and I don't know as I know myself. I appeared before the committee purely for the purpose of getting information, trying to get at the fact of whether this bill was needed at this time or not.

I want to correct one impression which my good friend, the gentleman from Damariscotta, Mr. Denny, may have made upon you, and that is in regard to the cattle dealers which he has told you about. There were about 25 of them and they were represented by an attorney. Much as I dislike the attorneys, this was not an unpardonable sin on the part of the cattle dealers, because, and I want to bring this to your attention, probably half of

that number of men who appeared there that day, believing they were honest in their convictions, had never been in the Senate Chamber before in their lives, and probably had never appeared before any legislative committee, and that is why they secured the services of an attorney to represent them.

I heartily agree with the gentleman who said that there was a great big loop-hole; and to my mind the most dangerous loop-hole that could be left in this bill was left in Section 1.

I want you to visualize for one moment an occasion where perhaps one hundred, or three or four hundred cattle are sold under the hammer—and I want to say that very frequently happens in the State of Maine, particularly in the fall of the year.

Now there are absolutely no restrictions on the party selling those cattle; they are sold for the high dollar and they go all over the State and perhaps into other parts of the United States.

It seems to me it would be much wiser if this bill were needed—and if it is needed I certainly do not want to oppose it—because there is not a man in this House here who is more interested in the eradication of Bang's disease than I am and that is my business—but it seems to me it would be much fairer to have written into this bill that any animal sold at public auction must have passed a Bang's test. Then we could conclusively know that they were not going to carry it and scatter it all over the State of Maine. But that has not been done. Section 1 leaves it open.

Now, there was one case which my good friend recited to you where a T. B. animal went hither and yon over the state with the results he told you. Of course that must have happened many years ago, because I have the records to bear me out—and if I am not right I know the gentleman will correct me when I say that the rate of tuberculosis in the State of Maine is something less than one per cent at the present time; so we are not in great danger of T. B. This bill is not intended for that purpose. The intention of the bill is perfectly honest, to assist in the eradication of Bang's

disease, but I wonder if it is going to accomplish its purpose. If it is, I certainly want it enacted.

I go along a little further. I went over it as carefully as I could; and I find a certain section which I am not going to touch upon at all, which provides that a person shall be licensed as a dealer in cattle. That is perfectly all right. Then it goes on to provide certain things he must do; and that is perfectly all right. But nowhere in the bill do I find a single mention of penalty if he violates each and all of the provisions of this act.

Now, bear in mind I am not arguing against it; I am just trying to bring out whether or no we need it and whether it is going to accomplish its purpose. If it does not, it is just another piece of useless legislation which will not accomplish any purpose.

I have no great fight over this matter of records; although I could easily see where it would make a lot of extra work to a shipper of cattle if every week he had to make a record of where he bought every animal when he goes to Brighton or any other market where they are sold. But perhaps that is perfectly all right.

Now we come down to Section 7. I have been over this rather hastily. I find there: "Before any license shall be revoked, the commissioner shall give the licensee 10 days' notice, personally or by mail, of the time and place of hearing. At such hearing the commissioner shall receive evidence and hear the licensee and shall thereafter file an order either dismissing the proceeding or revoking such license."

That is all right. But supposing that some dealer, after his license has been revoked, goes home and decides he wants to buy a cow or sell one; what is the penalty for it? How is he going to be punished? That is enough for that.

Now, you have been told that O. P. A. regulation goes into effect today, and you have been told that the requirements of the O. P. A. are much more stringent than those required in this particular bill. Now, that being true, we know that O. P. A. regulation supersedes any regulation or statute we might pass. The only question I am asking you to decide is whether we need a

secondary piece of legislation which duplicates—it is not as strict, but it duplicates—what is required under O. P. A. regulation.

I am just leaving those thoughts in your mind, and if you can satisfy yourselves you will do better than I can.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Damariscotta, Mr. Denny, for acceptance of the "Ought to Pass in New Draft" report of the committee on Bill "An Act relative to Licensing Dealers in livestock.

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

MR. WILLIAMS: Mr. Speaker, I am not going to take much of your time, but I do want to mention two or three things in this bill. I am heartily in sympathy with every effort to eradicate Bang's disease among our cattle. I was brought up on a farm and am somewhat familiar with farm problems.

In Section 4 one of the requirements is that the applicant shall satisfy the department or the Commissioner as to his financial responsibility. Now, I am wondering just what that means and how that would be interpreted. In the section of the State where I was brought up it was customary for young fellows to buy cattle and sell cattle, and it did not require much money to do it. They would buy one or two head and sell them. I am wondering how that would be interpreted.

Then in Section 6 it says that every dealer shall keep records. Now, we are told that is only records of where these cattle go. As the section is written, it might as well include financial records of all kinds, which would mean a man would have to keep a record of all transactions; and his own financial records, personal records, would be open to inspection. Then there is a difficulty in keeping records and details. I can see how in the case of registered cattle where they have registration numbers and they are marked, it could be done. But how are you going to keep track of the ordinary run of cattle that the dealer buys and turns out to pasture in the spring? How is he to identify those cattle as a practical matter? Maybe some of you who are still on the farm can solve that problem;

but it presents a question in my mind as to how to get around those particular features.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mechanic Falls, Mr. Hemphill.

Mr. HEMPHILL: Mr. Speaker, this bill is all right in some respects. Now, I am a small milk dealer and it has been the height of my ambition to produce the best milk possible. We have laws on our statute books here prohibiting Bang's Disease and tuberculosis. The State has gone to considerable expense in trying to eradicate those two diseases. Are we going to throw that money away by not passing at least part of this law pertaining to cattle. I go wholeheartedly along with the gentleman from Monmouth (Mr. Marsans), because I think that horses, sheep, goats and possibly some others,—but on cattle especially with him, because that is a protection to the public, and when we can do anything that is going to protect the public, I believe in doing a good job. The State of Maine is trying to do that in just those two matters—tuberculosis and Bang's disease. Don't let us throw away that money that we have already spent trying to eradicate those two diseases.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Damariscotta, Mr. Denny, that the Majority Report "Ought to pass in New Draft" be accepted. Is the House ready for the question?

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

Mr. DENNY: Mr. Speaker, I just want to clear up one or two points, and I will be very brief. It may seem very far-fetched but there is the possibility that horses might enter into this disease control of cattle. Many horses are kept in one end of a barn, and the cattle walk through the barn in back of the horses; and if they are loaded into a truck, they might carry infection in that way. However, it is all right with me if horses, sheep and goats are stricken from this bill. It is primarily for cattle, I will admit.

Now, regarding the auctions the gentleman spoke about—you must remember that cattle cannot be transported for a public auction out

of the State; and in some cases they are taken out of the State without being tested.

It is the man who takes the clean stock in his truck, which is already infected by his having hauled some infected stock, that this bill is trying to get at.

I spoke about the T. B. case especially; although there are hundreds of Bang's Disease cases to every T. B. case. I am told within a year that it is very true that there is less than one percent T. B. in this State in cattle; but still every now and then you find it. In this case which has been spoken of there was seventy-five per cent of this one herd infected, but still in the State of Maine as a whole the average is less than one per cent.

This bill is intended to cover not Bang's Disease primarily but it is to cover communicable diseases. Unquestionably Bang's Disease is the most important of these.

I just want to call your attention again to the fact that this Federal regulation that is in effect, or will be in effect as of today, and will carry for two years everything and more, too, that is contained in there requiring the filing of records will cover all that this department asks for. But just bear this in mind, that this Federal order is to control a black market. It has nothing to do with the State Department. It has nothing to do with the control of disease. The whole purpose of this proposed bill is just to plug up one of the loopholes that still remains in the successful operation of the Bang's Disease program and other communicable disease programs.

The SPEAKER pro tem: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Damariscotta, Mr. Denny, that the Majority Report "Ought to pass in New Draft" on Bill "An Act relative to Licensing Dealers in Livestock" be accepted.

All those in favor of the motion of the gentleman from Damariscotta, Mr. Denny, for the acceptance of the Majority Report "Ought to pass in New Draft" will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Forty-eight having voted in the affirmative and 39 in the negative,

the motion prevailed and the Majority Report "Ought to pass in New Draft" was accepted.

Thereupon, this being a printed bill, the rules were suspended, and the bill was given its two several readings and assigned for third reading this afternoon.

On motion of Mr. Marsans of Monmouth, the House voted to reconsider its action whereby it assigned the bill for third reading this afternoon.

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

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

House Amendment "A" to H. P. 1347, L. D. 882, Bill "An Act Relative to Licensing Dealers in Livestock."

Amend said bill by striking out the comma after the word "goats" in the second line of section 2 and inserting in place thereof the word "and" and by striking out the words "and horses" in said second line.

House Amendment "A" was then adopted and the bill was assigned for third reading this afternoon.

On motion by Mr. Sleeper of Rockland,

The House recessed until 3:00 o'clock this afternoon.

Afternoon Session

3:00 P. M.

The House was called to order by the Speaker.

The SPEAKER: The House will now be in recess until 3:30 o'clock.

After Recess—3:30 P. M.

Called to order by the Speaker.

The SPEAKER: The Chair appoints as a Committee of Conference on the part of the House on Bill "An Act to Create a Fire Commissioner for the Town of Sanford":

Messrs. PELLETIER of Sanford
WARD of Millinocket
DONAHUE of Biddeford

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, House Report "Ought to pass in New Draft" (H. P. 1343) (L. D. 889) of the Committee on Interior

Waters on Bill "An Act Relating to Storage in Millinocket Lake." (H. P. 1199) (L. D. 690) which was tabled on March 31st by the gentleman from Presque Isle, Mr. Brewer, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. BREWER: Mr. Speaker and members of the House: I was prepared to debate this bill today, but, due to the fact that the Chairman of the Committee on Interior Waters, Senator Clement, requested me—and at the request of several members of the Aroostook delegation—I ask that this be tabled and specially assigned for Monday afternoon, and I so move.

The SPEAKER: The gentleman from Presque Isle, Mr. Brewer, moves that this matter be tabled pending acceptance of report and specially assigned for next Monday, March 8th. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Ways and Bridges on Bill "An Act Relating to Third Class Highways, Designated for Improvement, Being Reclassified as State Aid Highways and Providing for Their Construction and Maintenance." (H. P. 1246) (L. D. 745) which was tabled on March 31st by the gentleman from Augusta, Mr. Cross, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CROSS: Mr. Speaker and Members of the House: This bill which is before you now I talked on yesterday at some length—or was it the day before? I guess it was yesterday. Time goes so fast now. I also talked upon another bill regarding highways. I think you will all agree with me, and I hope you will realize that I stood upon a principle yesterday and a theory; and that principle I think was good, and I think the theory was good; but, in common with most everybody who does stand upon a principle, I didn't get very far. Theory is a beautiful thing, and so is prin-

ciple; but the man who stands on a principle is in a pretty unusual position.

Now, this bill here I feel very strongly is a fundamentally sound bill, but because of the fact it is not very well understood in this House—or at least I do not think it has had much consideration by the members—and because it has an adverse committee report, it has been suggested to me that I refer this to the next Legislature.

Now, personally, I am perfectly willing to take my liking on this bill just as I was yesterday; and I hope I took it well, because I intended to.

I would like to apologize now to the members of my section for having put them in the embarrassing position, which I did not think of at that time, of having to monitor them on the question. I had fully intended to ask the Speaker to appoint a pro tem monitor.

I am not going to take up any more of the time of this House on this question. I believe it is a good bill, but I believe it is a long-range proposition; one which will be of benefit to the State when it is enacted, and I know that eventually this change will be made. I do not intend to have this House suffer through another argument such as I presented yesterday; so I shall surprise the fellow members of my committee, Mr. Speaker, by moving the acceptance of the "Ought not to pass" report.

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

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

The SPEAKER: The Chair lays before the House the sixth tabled and today assigned matter, Majority Report, "Ought not to pass as Legislation Inexpedient" and Minority Report "Ought to Pass as Amended by Committee Amendment "A" of the Committee on Judiciary on Bill "An Act Penalizing Certain Activities Relating to Rationed Commodities in Time of War." (H. P. 1178) (L. D. 656) which was tabled on March 31st by

the gentleman from Boothbay Harbor, Mr. Perkins, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker and Members of the House: I move the acceptance of the Majority Report "Ought not to pass". Of course every matter discussed in this House is of importance; but I believe that the matter to which I am about to address myself is as a matter of law, the most important matter, at least to me, that has been taken up during this session of the Legislature. During your progress thus far in legislative matters, you have heard frequent allusions to the legal profession, and I wish, as a preface to my remarks, to state what I believe to be the duty of the legal profession in this crisis. I speak without warrant from the Bar Association, but I will say to you I am the executive officer of the Maine Bar Association, to wit: First vice president; and as such, while I hold no warrant from the Association, I believe I shall voice the feelings of that Association when I address you in my preface to my remarks on what I consider to be the duty of the legal profession in this hour. May I say to you that in our country from the beginning until the present time there is no profession which has done so much for liberty as the members of the bar of our country.

If you will recall the early constitutional history of the country, you will recall it was the members of the bar who took the lead. It is also a fact, Mr. Speaker and Members of the House, that the members in that constitutional convention, and those who helped to write the Declaration of Independence, were men of less than thirty years of age. I wish at this time to call your attention to this fact. I think it is the duty of the members of the bar to take the lead in the preservation of our institutions and the American way of life, because there is grave danger that they may be weakened or undermined in the excitement attendant upon the war effort. Freedom of thought, freedom of speech, freedom of conscience—the right to be secure in one's person and in one's home from unreasonable exercise of governmental powers—the right to public trial, to be confronted by accusing witnesses and to have any imprisonment judic-

ially inquired into—the right not to be deprived of life, liberty or property but by the law of the land. These are the rights of free men in war as well as in peace, and one of the first duties of the Bar of the country is to see to it that they are preserved inviolate.

At the beginning of this term, Mr. Speaker and Members of this House, we all took upon ourselves, together with you, a solemn oath that we would uphold the Constitution of the United States and the Constitution of the State of Maine so long as we should remain members thereof; and I am unable, in view of having taken that oath, and in my understanding of our Constitution and the common law, to violate it by voting for any bill that purports to delegate or surrender to any body, no matter how much confidence we may have in it, any of the rights, privileges or duties of this Legislature.

And with these remarks, I wish to address my attention in the first instance to the bill now before us, Legislative Document 656. I speak for the Majority Report, "Ought not to pass." That report is "Ought not to pass as Legislation Inexpedient." I go perhaps even farther than some members of the Committee, because I am opposed to the bill whether it is inexpedient or not, because it strikes at the very heart of our form of government.

Now this bill, Mr. Speaker, in Section 2—and I want to read that section—provides as follows: "**Powers of the governor.** Whenever the governor shall determine that the federal government or any agency thereof shall have rationed any commodity and that there exists a shortage or a threatened shortage of any such rationed commodity and that the public interest of the state requires such rationing in order to fulfill the requirements for the defense of the United States and of the state and equitably to distribute such rationed commodity in the state, he shall by executive order designate such rationed commodity to be subject to the provisions of this act and promulgate and issue the rules and regulations which shall apply to such rationed commodity for the purposes of this act."

There are other provisions, but that is the important one. Under

that act, that section, they ask us to delegate the authority of this Legislature to the chief executive, that he may make criminal law. They want us to permit him by executive order to say that when the Federal government has passed an order they can pass the same thing here; and if a man violates that statute he might be placed in a penitentiary.

The point that I wish to make and to emphasize here is that this Legislature has no right or power or authority to delegate any such authority. It is the duty of this Legislature to make the law.

Let me say that I yield to no man in this House in my respect and in my admiration for the Governor and for the members of these various rationing boards who are giving up their time like patriotic citizens' hour after hour; but I am opposed, Mr. Speaker and Members of this House, to the surrender of my liberty. I will do anything to shorten this war. They can take my property; they can take it in taxes; they can take my boy, as they already have, but, Mr. Speaker, if I have to stand alone I will not yield one bit of the liberty guaranteed to me under the Constitution of this State to any man, no matter how much I respect him or trust him. I cannot do it.

Now, Mr. Speaker and Members of the House, under the Constitution of this State, —and I am going to read one or two things from the Constitution of Maine, Article III —Distribution of Powers. "Section 1. The powers of this government shall be divided into three distinct departments, the Legislative, Executive and Judicial.

"Section 2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted."

The one which I am talking about now is not expressed or permitted.

I say to you, Mr. Speaker and Members of the House, that there are three departments. We are the Legislature, and the powers of this Legislature have been delegated to us from the earliest days. There are certain procedures here which we do every day, the historical background of which dates back to the

early history of the English common law. The fact that all bills carrying appropriations of money must originate in this House dates back to Magna Charta and old King John.

I want to discuss with you from the point of view of the legal student, if I may, certain fundamental things which lead up to this particular situation. I think perhaps it might be helpful to some of you who have not had the opportunity to study the history of the English common law. I shall be brief, but I do want to call it to your attention.

The true starting point in the history of the common law in England was the establishment by Henry II in the third quarter of the twelfth century of a system of circuit courts with a central appeal court.

But at that time Henry II established a universal system of courts, and from that time the English law was known as the common law.

Let me say to you now that the history of our common law is the struggle of the English-speaking people for our liberty. It marks their triumph step by step as they marched from the middle ages up to the present times, and our entire Constitution is based upon that conception.

The common law was regarded from the first as based upon custom. In truth it was custom gradually rendered national,—that is to say common—through the judicial system about which I have spoken. Let me tell you briefly here how the common law arises. It arises in a great measure from the economic system under which we live. Our common law of this country up to 1776 is the common law of England. From 1776 to 1820 it is the common law of Massachusetts, and from that time it is our own common law.

Our common law varies somewhat from one section of the country to the other. Here in the east we have to fence the cattle in, and you go out to Wyoming and they have to fence their cattle out. We find that the common law differs, because out there they keep their cattle out and you have got to build your own fences, because they roam wild.

This common law I am speaking of is what is known as right reason, or judicial common law. It is the common law or the common decisions of the judges, and they were

made uniform in England by these courts of appeal. It is what is known as "stare decisis" or decided cases.

Bracton, Henry of Bracton, was a judge of the Kings Bench in the reign of Henry III. His great work, in preparation for which, in addition to his studies of the Roman law—he compiled some two thousand cases and put them in a book,—is one of the first compilations of the English law.

Following that we enter into what is known as the political phase and we come down to what is known as "Magna Charta."

Now, Sir Edward Coke was eventually to bring the two together in his presentation of "Magna Charta" as a restoration and declaration of the ancient common law. The eventual role of "Magna Charta" in the history of American constitutional theory is due immediately to its revival at the opening of the seventeenth century by Coke. The tradition which Coke revived was, however, by no means his own invention; it referred back to and was to a great extent substantiated by an earlier period in the history of this famous document—famous especially because it was a document, and so gave definite, tangible embodiment to the notion of higher law. It was a compact between King John and the Barons. It was not an enactment; it was declaratory of the Common Law.

Probably the most important part of "Magna Charta" so far as American constitutional law and theory is concerned, is Chapter 29, which may be translated as follows. That document was written in Latin. Let me quote that provision.

"No free man shall be taken or imprisoned or deprived of his freehold or of his liberties or free customs, or outlawed, or exiled, or in any manner destroyed, nor shall we go upon him, nor shall we send upon him, except by a legal judgment of his peers or by the law of the land."

That embodiment of "Magna Charta" you can read in our Constitution today, although many of these provisions were enacted in 1215, more than 700 years ago.

Now I want to say just a word about this man Coke. As Attorney General of England he was a failure, but he was appointed Chief Justice, and the King proposed this

question to the Chief Justice and those associated with him: The question put to the judges was whether in a case pending before them which the King thought "to concern him in either power or profit," they could be required to stay proceedings till the King could consult with them. All but Coke answered, "Yes." Coke's answer was "that when that case should be, he would do that which should be fit for a judge to do." What a splendid thing! Shortly after that he was removed from his chief justiceship. If he had done nothing more outside of his writings than to make that stand to the King of England, that he would do his duty when the time arrived and set that precedent, he would have done a marvelous thing.

Now there are certain maxims, Members of the House, which are founded upon right and reason which, according to some writers, do not admit of proof by reason and argument—they are self-evident—but bear within them their own evidence, and which according to the same authority, constituted the very substance of the peculiar science of the judges. Coke yields very little to his predecessor in the reverence he paid to such fundamental points of the common law. It was just such a maxim that Coke found to be involved in Bonham's case to the effect that "No man may be judge in his own case."

"Common right and reason" is, in short, something fundamental, something permanent; it is higher law.

It is important here to note the ratifications which Coke's doctrine received in American constitutional law and theory. With such axioms, traceable in many instances to the Digest and Code of the Roman Justin, Coke's pages abound; and from his work many of these early found their way into American judicial decisions, sometimes interpretive of the written constitution, sometimes as supplementary to it.

Such is the doctrine that "a statute shall have prospective, not retrospective operation."

Another is the principle that "no man should be twice punished for the same offence." That was decided in 1533.

Still another is the maxim that "every man's house is his own castle."

It took me, Mr. Speaker and Members of the House, two days to find what I am now going to read to you—these four lines.

The gentleman from Bridgton, Mr. Rankin, a few days ago, used the phrase "every man's house is his castle." That is so but when I have read this I want every member of this House to understand that this Legislature has no right to pass a law that will permit any man's house to be searched without a warrant issued under oath by somebody having knowledge of the facts.

Let me read this to you. If I did not read anything else this afternoon, it would be well worth while: William Pitt, Earl of Chatham, in the English Parliament, in his speech on the tax proposition,—listen to what he said—and he had such a thorough understanding of the English common law—Chatham said: "The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail, its roof may shake; the wind may blow through it; the storms may enter,—but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement."

That is the common law in this State today. Mr. Speaker and Members of the House,—that you cannot search a house, you cannot enforce these laws or enter a man's house unless you are armed with a legal warrant issued under our Constitution under oath by someone having knowledge of the facts. Do not let anybody hereafter mislead you that they can do these things. It just cannot be done.

Now following this time, between 1600 and 1700 great progress was being made in this country and the rest of the world. Coke was doing his writing, and another man by the name of Locke was writing and he wrote a treatise on government; and Locke in his "Second Treatise on Civil Government" brought together all the best philosophy and thought on the theory of government, and it had tremendous effect and weight upon English government and upon the form of our government.

Sixteenth Century liberalism rested its case largely on the notion of an original compact between governors and governed; between rulers and the people. The equation inevitably emerged: Who are "the

people" and how did they become an entity capable of contracting?

The primary source of the answer to this question was English legal tradition, the entire emphasis of which has always been on rights of the individual, rather than on rights of the people considered in the mass. The latter, indeed, was sufficiently provided for in Parliament. A second source was English Independency, which expressed itself in the famous Agreement of the People of 1647; which was an effort to give concrete realization to the principle of the Social Compact.

In America, the association of Independency with the Social Compact philosophy can be traced at a still earlier date in connection with the Pilgrim foundation at Plymouth. The procedure, which, under the sanction of God, was effective to produce a church, could also be availed of under the same sanction to produce a commonwealth, as was shown by the Mayflower Compact, as a result of which was established on this continent in 1620 the Pilgrim Republic, which existed as an independent republic for a period of 72 years until its absorption into the Massachusetts Bay Colony. Again in 1639, we find Thomas Hooker speaking of "ecclesiastical corporations"—the Fundamental Orders of Connecticut—whereby the inhabitants of the three towns did "associate and conioyne" themselves "to be as one Publike State or Commonwealth."

There was the beginning, if you please, of the United States of America.

The limitations which Locke specifies to legislative power are the following: First, it is not arbitrary power. Not even the majority which determines the form of government can vest its agent with arbitrary power, for the reason that the majority right originates in a delegation by free sovereign individuals who had "in the state of nature no arbitrary power over the life, liberty or possession of others, or even over their own." Here we have an anticipation of the modern concept of due process of law.

Secondly, the legislative cannot assume to itself a power to rule by extemporary, arbitrary decrees, but is bound to dispense justice and decide the rights of the subject by promulgated standing laws, and known authorized judges; nor may it vary the law in particular cases;

but there must be one rule for rich and poor, for the favorite and the ploughman. In this pregnant passage, Locke foreshadows some of the most fundamental propositions of American constitutional law. Law must be general; it must afford equal protection to all; it may not validly operate retroactively; it must be enforced through the courts—the legislative power does not include judicial power.

Again—legislative power is not the ultimate power of the commonwealth for "the community perpetually retains a supreme power of saving themselves from the attempts and designs of anybody, even their legislators, whenever they shall be so foolish or so wicked as to lay or carry on designs against the liberties and properties of the subject". So, while legislative supremacy is the normal sanction of the right of men, it is not the final sanction.

Finally, Locke says, it follows from its fiduciary character that the legislature "cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others."

I say to you, Mr. Speaker and Members of the House, that in brief is the history of this right of not delegating our powers. We simply have no right and power to do it; and every bit of power we confer upon the executive we are surrendering, if that is the proper term, or abrogating it. We are giving back to the chief executive the very things which the Barons at Runnymede wrung from Old King John. And I stand with Runnymede and say that this House should not delegate any of its authority to anybody; we have not the right to do it. I believe our Governor agrees with me in this, and I want to quote very briefly from his splendid Inaugural Address to this House early in January of this year. The Governor said:

"You and I are trustees at this time for a freedom and a kind of government which has been obtained at the cost of tremendous human sacrifice in the past and is now being maintained by further sacrifices of our own sons of this generation.

"To let deteriorate this right of free representative government would be to betray a trust; to build

and strengthen it so that it may remain a symbol worth fighting for and a living force to help those who have preserved it, is the solemn duty of us who now remain at home.

"May God guide us in this sacred trust."

Thus spake our Governor.

When I became a candidate for a member of this House, my own boy had been called into service and had been gone for some two years, and I wondered what I might do in this emergency. I was a member of this House some twenty-four years ago, and it occurred to me that I might be of some service. The only statement and declaration I made was that I thought I might be of some assistance and help in the preservation of those liberties and those institutions for which some of our boys are going to make the supreme sacrifice.

Now, Mr. Speaker and Members of this House, I wish to state I made with those boys a solemn covenant, and whatever action I may have taken in this House has been in an attempt to fulfill it.

Let me make a statement on this constitutional question. You may recall I objected to the housing bill which was presented by the gentleman from Portland. I called your attention to certain things. You did not agree with me. That is unimportant, because if a bill is unconstitutional you can remedy it somewhere else; but when you come to the question I am discussing now in this House, it is fundamental; you have got to take your position and not yield one bit of authority which you now have.

I want to say one thing to you in closing, Mr. Speaker and Members of the House: Our soldiers will have fought in vain for the preservation of democracy if they triumph over a foreign foe only to find that the principles for which they were fighting have been surrendered while they fought, by those of us who have had the guardianship of the home front. (Prolonged applause)

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

Mr. BARNES: Mr. Speaker, I think every member of this House is deeply indebted to the Vice-President of the Maine State Bar

Association and our brother member for the splendid address we have just listened to on the Constitution of this State and of our nation. I will briefly, at the close of my remarks, refer to the Constitution myself insofar as it affects this piece of legislation, but I want to state to the members of this House, first, the position of those members of the Judiciary Committee who signed the report that this legislative document "Ought to pass."

"We are at war now and there is not a member of this Legislature who in his family has not at one time or another seriously felt the effect of the scarcity of some one or other of our food products. First it was coffee, then it began to get more serious, and now most everything we have, except fresh vegetables and flour and a few things like that, are rationed by the Federal government.

Our Secretary of Agriculture at Washington tells us there is a scarcity of food. The United States of America has become the granary of the whole world, and so it is very vital to the people of the State of Maine to assure a just and equitable distribution of food products during this emergency.

When you come to vote upon this measure, one of the first things you want to make up your mind on is whether or not there is a scarcity and whether rationing is necessary; whether it is a good thing that everyone should have an equal chance to get their share of the supply of food which is available.

Now, there have been rationing boards set up all over the State of Maine to try to take care of the situation, and we have been issued coupon books, ration books and ration cards, and, before we buy a great many of the things we need to preserve our lives and health, we have to use these ration books.

It seems to me there can be no question as to the wisdom of rationing if there is a scarcity, and it seems to me there is no question but what there is a scarcity.

Now, what provision exists under present regulations, and what provisions would exist if this bill did not receive favorable consideration, for enforcing rationing?

The rationing boards have two methods of punishing offenses. By the first method, offenders can be

taken into the Federal courts—that is, the courts of the United States of America. There are two of them in this State. One of them is in Bangor and the other is in Portland. If I am informed correctly, they meet three times a year in Portland and twice in Bangor. The penalty set up by the Federal Court provides for a maximum punishment for violation of rationing laws; a maximum of ten thousand dollars for violation. In order to properly enforce this matter in the Federal courts—and I am thinking now in the direction of people in my own county—the United States government might find it necessary to enter the cottage of some person up in Fort Kent and bring him about 240 miles to Bangor for trial.

Now, the other method that is provided for punishment of people who indulge in black market practices and unfair practices, and try to grab more than their share of the available supply of food, would be for the rationing board to cancel their ration book.

Now, you can well imagine what effect this would have, for instance, on a doctor who violated the gasoline provisions and his gasoline coupon book was taken from him. You can imagine what a severe penalty that would be if some head of a large family of children violated the law and they cancelled his food coupons. I believe you can see from this that neither method that can at present be used is adequate to take care of the situation, and so this act has been proposed. It provides—and you probably all read it—it has an emergency preamble reciting that “Whereas, a state of war exists * * * * and it provides in the first place that the Governor may determine what commodities are rationed, and when he has so determined they are rationed commodities he shall issue a rule or regulation so declaring it.” Right there, I would call your attention to the amendment which has been offered to this act and accepted, I believe, by this House, requiring that rule or regulation to be published for three weeks successively in the state paper. There does not seem to be any other way to do that.

This is not a theoretical matter, Members of this House. We are facing a practical proposition, and

there seems to be no other way to do that. If we knew now what products were going to be rationed during the remainder of this war and we could write them into this law, the objection of the gentleman from Boothbay Harbor (Mr. Perkins) would be terminated, because this Legislature could determine what products were to be rationed, and if they could determine them they could write them into law. But they can not do so, so that seemed to be the only method.

The third section of this act provides: “Whoever steals, or attempts to steal, embezzles, or obtains by false pretences, or conspires with 1 or more other persons to steal, any ration check, coupon, book, stamp, certificate, or other ration document * * * shall be punished * * *.” And there again another amendment has been offered and accepted reducing the fine and imprisonment materially, because in ordinary cases the only thing that can be done if this act is passed is to bring a man in and remind him by a small fine that he cannot do that type of thing, so we reduced the fine.

Section 4 provides for destruction, alteration, or transfer of ration document. I am not going to read the section, because the heading will describe it.

Section 5 deals with the transfer of rationed commodities, and simply says they must be transferred, bought and sold under the regulations.

Section 6 deals with receiving rationed commodities, and likewise says it must be done according to this law.

Section 7 deals with false statements made in procuring a ration book or coupon book.

Under this law, if it is passed by this Legislature, the municipal courts, and, as a matter of fact, the trial justices all over this State, would have jurisdiction to punish for violation of this act. The punishment would not be excessive; it would not be any ten thousand dollar maximum; but the punishment would be commensurate with the act itself.

At the time of the hearing we had before the Judiciary Committee the chairman of the rationing boards of Portland, Bangor, Lewiston, I be-

lieve, and other places; and they pleaded with us to make some sort of a provision so that they could enforce this act. They told us frankly: "We are not going to cancel coupon books; we cannot do it." And they told us also that they did not think the method of taking people into Federal courts charged with these small offenses was commensurate with the crime; and they practically told us if we did not pass something like this they would almost have to resign, because, if the law could not be enforced they were of very little use in the community.

Now, so far as the constitutional-ity of this act is concerned, the last Legislature gave emergency powers to the Governor of our State under which possibly he could promulgate rules and regulations exactly the same as those in this act. Personally, as a lawyer, I would prefer to see this act in the next issue of the public laws that come out, so I can read it. We get kind of tired of having to send to bureaus, both in the Federal government and the State, for rules and regulations; and, to my mind, it is much better that this be on the laws of this State where we can see it and read it and know what it is about, than it would be if the Governor did exercise the powers which were granted to him at the special session.

Section 1 of the emergency powers act, which was passed at the Special Session, states: "The Governor is hereby empowered and directed to provide for the security, health and welfare of the people of this State"—and then it goes on to give him certain powers. There is a provision of the Constitution, about which my Brother the gentleman from Boothbay Harbor, Mr. Perkins, knows very well, which, where there is any matter that directly affects the security, health and welfare of the people of the State, permits the Legislature to enact legislation. It is my belief that this act, if passed, would be constitutional, because it would be within the police powers of the State. I hope that this act receives passage. I hope that I have been able to explain it to you as I see it. I know that none of us want to take any action here derogatory to the Constitution which we held up our hands to support and defend; but this particular matter, in my opinion, and in the opinion of a great

many other lawyers I have talked with, comes within the police power of the state. We are at war; we are facing facts, not theories, this afternoon. If the act is within the police power—and I think it is—I hope that it will receive our favorable consideration.

Mr. Speaker, may I inquire: Is there a motion before the House?

The SPEAKER: The Chair understands that the gentleman from Boothbay Harbor, Mr. Perkins, moves acceptance of the "Ought not to pass" report.

Mr. BARNES: I can only say then, Mr. Speaker, that I hope his motion will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, for acceptance of the "Ought not to pass" report.

The Chair recognizes the gentleman from Bangor, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, as a member of the Judiciary Committee who signed the Minority Report "Ought to Pass". I would like to make a few remarks on the bill and against the motion of the gentleman from Boothbay Harbor.

Now it seems that his argument in favor of the motion was directed entirely upon the point that it violated our Constitution and our general rights. Now this sort of a law, or bill, more properly speaking, is no innovation in that it delegates certain powers to some body or to some individual to make rules and regulations, because we have ample precedent in that our Inland Fish and Game laws provide that the Commissioner may make rules and regulations; the Sea and Shore Fisheries Commission may make rules and regulations, also the Health & Welfare Department and many other departments. And our court has declared time and again that these rules, if they are reasonable and do not violate some subsequent law, have the force of law.

Now, I refer to that part of Section 2 which provides that the Governor and Council by executive order may designate a rationed commodity to be subject to the provisions of this act and promulgate and issue rules and regulations to carry that into effect.

As I understand it, those rules and regulations merely had to do with the defining of what a ra-

tioned product is and how it shall be handled. It does not in any way designate what the substance of the law shall be if that rule is violated. It does not make any provision anywhere in that bill—and I have read it over many times—relative to inspection; that is sending a flock of inspectors into the state to spy on people. I have heard that discussion, and that seems to be in the minds of some of my fellow members. I feel that I am certain when I say that there is nowhere in this bill or nowhere in any rule that will be authorized by the Governor, or any regulation—anything that would permit any such procedure.

Now, it has been pointed out to you by my Brother from Houlton (Mr. Barnes) that under the present system if any of the rules of the Federal government are violated, or those promulgated under the special act giving the Governor extraordinary powers, the only remedy that the enforcing officials have is the United States District Court of Maine; which consists of one judge. The gentleman from Houlton (Mr. Barnes) has pointed out to you what that means. Somebody in Fort Kent can be taken not only to Bangor, where the court sits twice a year, but, on some special occasion, to Portland. I have known in cases of violation of the customs law, the immigration law, where that has taken place many times.

Now, you can see the injustice of that—if someone violates the provisions of the ration law, to take that man for a slight violation way down to Portland to have his case disposed of in one way or another.

And another militant fact that is against handling that matter in the Federal courts is that the court is a very busy court—and when I say that I speak from experience and observation—because they have one judge to handle the numerous matters they have to take care of.

I recall back in the old prohibition days and later when the alcohol unit was in force, hearing the judge of that court instruct the grand jury, not only once but many times, that in minor cases — he could not use that term which we use: in "spotter cases"—or slight violations of the law, to not indict, but to have those cases brought before the local courts. The reason

for that was that they did not want to clutter up the docket of the District Court of the United States with small cases.

Now, the advantage of this law which appeals to me is that the bill sets forth definitely what shall be done if the regulation or rules are violated as to the handling of the commodity. Whoever drew that bill knew what he was doing, because he used language which lawyers in courts understand. It says: "Whoever steals * * * any ration check, coupon, book, stamp" shall be dealt with by certain punishment, and that "whoever without the consent of the federal government * * * attempts to transfer or possesses any ration check, coupon, book * * *" in violation of law, shall be punished by certain punishment.

The only effect of the regulations of the Governor, if he made any, the only section to which it would apply would be Section 5, where it specifically mentions that "Whoever * * * transfers, or attempts to transfer any commodity designated by the governor under section 2 hereof" as rationed or who violates the rules which surround the rationing of that commodity, shall be punished by the punishments set forth.

Now, it has been mentioned here—and I have heard it elsewhere—by some of the members making this statement, that the State of Maine courts should be in a better business than handling federal matters.

I recall when the Federal prohibition act was in force there was a provision in the Federal law which provided that complaints and cases could be brought before the municipal court, or the "State courts," as they phrased it; and I know of many, many instances where that was done. I, as prosecuting attorney, had occasion to prosecute federal cases that were brought into the municipal court.

Speaking of appeal, there is no provision expressly provided for appeal. Now, I believe that I am safe in saying that the general law, the general statute, would take care of that phase of the case. That is to say, if any individual was brought into a municipal court or before a trial justice, and he was found guilty and he believed the judgment was wrong or the sentence was

wrong—under the general statute he could appeal as he could in any ordinary criminal case.

Mr. Speaker, I hope that the motion of the gentleman from Boothbay Harbor (Mr. Perkins) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, for acceptance of the Majority Report, "Ought not to pass."

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

Mr. WILLIAMS: Mr. Speaker and Members of the 91st Legislature: As a signer of the minority report "Ought to pass" as Amended by Committee Amendment "A", I want to state very briefly my reasons for doing so.

Whether we like it or not, we have rationing of goods, and we are very likely to have it for two or more years to come. Now, we all want to see this work done equitably with the least hardship possible. I think most of our people will accept it and cooperate. There will be some instances where they may do not do so. I note here in the Kennebec Journal this morning—and I am not going to read anything to you—that a contractor has lost his coupons.

Now, our rationing boards under federal rules have the right to take away food coupons or any coupons. You do not want them to do that. I do not want them to do that. I do not think they would do it. But it is necessary that these rules be given some force and effect for the protection of the rest of the public who are trying to abide by the rules.

Now, this Legislature is doing nothing more than has been done in some other fields. We are now operating under a thirty-five mile speed law set up in exactly the same manner by the Governor; the same kind of a rule. The federal court docket is crowded. I talked with the United States District Attorney last week. There are 1400 cases involving the taking of land for airports against individual owners in the Federal courts; numerous black market cases, in addition to their usual cases. Now, if anyone up in Oxford County or the northern part of Franklin or Aroostook County is guilty of stealing a ration book or violating these rules, it

seemed to us who signed this minority "Ought to pass" report, that it would be better to follow the orderly process of issuing a warrant and bringing him into the local court and administering justice there. I think we can trust our own judges to do this fairly, rather than force these people to go to Portland, and perhaps give bond, and come back again, wasting valuable time in doing so.

We are not doing anything very radical here. You notice it speaks of stealing. Now, so far as stealing of rationed commodities is concerned; that is covered by our present statutes; but this merely goes on to cover rationing coupons and those other items. Do not get the idea you are losing any of your fundamental rights. We are not changing any of the rules of the courts. There is nothing in this bill that gives anyone the right to make unlawful entry into your premises or house or do any searching. I feel it is a practical matter and that it is expedient that we follow along and enforce these rules and regulations to the best of our ability.

I hope that the motion to accept the majority report will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, for acceptance of the Majority Report "Ought not to Pass."

The Chair recognizes the gentleman from Brunswick, Miss Bangs.

Miss BANGS: Mr. Speaker, may I face the House?

The SPEAKER: The gentleman may face the House.

Miss BANGS: Fellow Members of the House: I realize that this becomes a difficult problem for us to decide, and particularly for those who are not in the legal profession; because it is a legal problem and the lawyers themselves do not agree. So my sympathy is with you in your problem in trying to decide which group represents the better picture.

I will try to briefly explain to you what my decision in the matter has been.

I signed the "Ought not to pass" Report. I am unable to discuss the constitutionality of this matter, which the gentleman from Boothbay Harbor, Mr. Perkins, so ably

did; in fact it was not because of the unconstitutionality that I signed the report.

I am in sympathy with the proposition of the gentleman from Houlton, Mr. Barnes, that it relates to the policing powers of the State.

My reason for signing the "Ought not to pass" Report is because I have felt that the Civilian Defense Act, which was passed a year ago, and which has had the test of the courts, has plenty of power; all the power that is needed in the Governor and Council to make these rules and regulations pertaining to the O.P.A. I feel that we should go very slowly and very carefully in this problem of interference with O.P.A. rules and regulations. I do not feel that we need another law on our books. I believe that it will only clutter up the books.

I feel that under the Civilian Defense Act, as we have known it for this year, we have had ample notification of all the rules and regulations promulgated by the Governor and Council, and that they have been sufficiently publicized; that they are easily obtainable; that every one knows what is what as far as this Civilian Defense Law is concerned.

I believe that it is inexpedient and that it is covered by other legislation. I am in sympathy with the problems of the O. P. A. and of the Rationing Boards. My reason, therefore, is not because of them, but it is in sympathy with them, and in the belief that they are as well protected under our Civilian Defense Law as they are now, or as they will be if this law is passed.

I believe that the Governor will be ready and is ready to promulgate those rules and regulations pertaining to O. P. A. that will be necessary in the future; and particularly as long as there has been an expression by the introduction of a bill similar to this—I mean the introduction of this bill—which shows him how the O. P. A. Boards are in need of some State intervention.

I do believe sincerely in, and am in sympathy with, the O. P. A. and its many problems, but this legislation is not necessary. We have plenty of law covering it, and I do hope that the motion of the gen-

tleman from Boothbay Harbor, Mr. Perkins, that the bill "Ought not to pass" will prevail.

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

Mr. JACOBS: Mr. Speaker, I do not want this discussion to be entirely left with the legal fraternity of this House. It has been quite interesting but confusing. I do not believe many members of this House fully understand the situation. I believe that this report of the Judiciary Committee, a majority report of six to four, should be accepted. We have the work all set up in the Federal government in regard to rationing. That is a big circle, and now we are trying to inject a smaller circle within this bigger one. I do not believe it is necessary, and I for one am glad to go along with the majority report of the Committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, for acceptance of the Majority Report "Ought not to pass."

The Chair recognizes the gentleman from Brunswick, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I am not a lawyer and have not a legal mind, but it seems to me that this bill actually defeats its own purpose. It says: "It is hereby declared to be in the interest of the defense and security of the United States and of the state that certain scarce commodities rationed by the federal government be equitably distributed in the state." Then it goes on and says: "Whenever the governor shall determine that the federal government or any agency thereof shall have rationed any commodity and that there exists a shortage or a threatened shortage of any such rationed commodity and that the public interest of the state requires such rationing in order to fulfill the requirements of the defense of the United States and of the state and equitably to distribute such rationed commodity in the state, he shall by executive order designate such rationed commodity" and so forth.

In other words, as I understand this bill it will be of no benefit to the State in general unless some commodity has been rationed.

Now, the first thing we had rationed to amount to anything was sugar. We were short of sugar until it was rationed, and after it was rationed there was no shortage. We were short of coffee and that was rationed. At the present time we are short of meat, but in a matter of a few weeks we will not be short. This law will not take effect until anything is rationed, so, therefore, the shortage will come on before it is rationed, and, after we have got it rationed, in a week or two it will automatically take care of itself. I do not see that we need anything of that sort at all, and I think the whole proposition is all wrong.

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

Mr. GRUA: Mr. Speaker and Members of the House: I signed the minority report "Ought to pass." My reasons for signing that are very simple. We are all interested in getting our just proportion of whatever is rationed. The only purpose of this act is to enable us to share and share alike in these things that are rationed to us. It is to prevent the fellow who tries to get more than is coming to him from getting that extra.

Now, some of you may be serving on rationing boards and you know how very difficult that job is. You know how thankless it is. You know how the people talk about the members of the rationing boards. You know those fellows are serving without pay and with very little consideration.

Now all the people who come before us wanted this particular act to help them in their business; help them in running their property. They said, "Without this act we have to act both as prosecutor and as judge and jury. We do not like to do that toward our fellow men; we would prefer to have the ordinary officials of our towns and cities take care of the prosecution if there are any violations. We think it would be conducive to the welfare and benefit of our communities if the man could be brought speedily and inexpensively before our trial justices and municipal courts, and let the Court say if he has committed a violation and what the penalty will be."

That is what the fellows on the rationing boards want. I tell you

they are doing a splendid job. I believe we ought to support them. If there was nothing else in this bill except to give them that backing, I would be for it. But there are other features in this bill that make me want to support it.

We, as lawyers, when a client comes to us, would like to be able to tell him what the law is, and we like to have it where we can see it and point it out to him, and read it to him. If this is left as a matter of regulations only, those regulations are here in Augusta; nobody has them; nobody knows exactly what they are until promulgated and you have obtained a copy. What is promulgated today may be changed tomorrow. Now, we want this on the statute books where it will say just what will happen to the fellow who does a wrong; the fellow who violates the terms under which he receives his rationed products. That is the purpose of this act. The men working on these ration boards want the act so they can pin it up on the wall and say, "Here, take notice. This is what happens if you do not obey the rules and regulations of this rationing act."

This is not designed for oppression; it is just exactly the opposite. You will put it in black and white where everyone who wants can read, and we can see what it is. Everyone will know what the penalties are, and the rationing board will not have to take away books; will not have to cancel rationing cards of families who need rations. They can turn it over to the Court and the Court will take care of it. I tell you it is not sensible to require the enforcement officers to take these people clear down to Portland when all they need is a five-dollar fine or a warning from the Judge not to do it again. I think we ought to be fair enough to help these rationing boards give us a fair deal.

You know that all the pigs are not in pens, and there are always people who are trying to take advantage over their fellow men. If we do not pass this act, we are playing into the hands of those who wish to take advantage and get hold of a ration book, and otherwise disobey the regulations of the rationing board.

If we want to be really helpful in this war emergency, let us go along and give these men what they are asking from us.

It has been said here by the opponents of this bill that the Governor has all these powers now. Then why are we fighting over it? If he has got these powers, what is the trouble in putting it on the books so we can see it? The Governor is not adverse to having this; in fact, if my information is correct, he would like to have it on the books so there cannot be any question as to his authority to declare any of these things subject to rationing if he sees fit. He does not have to do it, but when he does he can do it under this act.

I do not want to tire you further. We have had reference here to the English common law. Do you think they have not got penalties in England for violators of rationing? It seems to me I have heard of prosecutions under those laws in England.

We have heard of the danger of search and seizure. There is nothing in this bill for search and seizure.

This, ladies and gentlemen, is a very necessary law. If you were on one of these rationing boards you would say so. If you do not believe so, ask your own board.

Do not make the mistake of refusing to put this into law so we can enforce these things in our own state courts by our own state judges; otherwise the federal government may find it necessary to flood our country with a whole series of federal commissioners to come up here and hear these cases. Which would you rather have? Would you rather have it in the hands of your own court or in the hands of these federal commissioners? These laws will have to be enforced if we are to get from rationing what we ought to get. I say it is cheaper for the people; it is better for the people; it is helpful to the ration boards. Why not give them what they are asking for.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I had not intended to speak further upon this matter now before us, but I wish to

say I think it is a pretty weak position to take to put a law on our statute books simply because rationing boards do not see fit to enforce regulations which they already have. I do not think it is any of the business of our State to assume the expense and trouble of enforcing a federal law. I asked the Attorney General when he appeared down before our committee in executive session where he got information on these things. He said he got it out of the newspaper. He told me the government did not give him any information. They had put in a regulation on seed beans, that they could not be sold without a coupon, and then they had to change it the next day.

Now, I have a great admiration for the gentleman from Livermore Falls, Mr. Grua. He made some reference to the English common law and what they do in England today. I will say that in England they do not have any Constitution as we know it. We have a written Constitution; they have no Constitution; and when Parliament passed the Defense of the Realm Act, that was the law of the land.

Now, we have here a written Constitution, and it is that written Constitution which we have embodied in writing. I think we should uphold this Constitution of ours. We have no power under that Constitution to delegate to anybody the job we have of making laws. The point I wish to make is that the Governor of this State, the Chief Executive, has no right by a directive to make criminal law; he has no authority to declare anything to be a crime; and when we pass a law which says a thing shall not be a crime until he says so, that is in violation of the power of the Constitution. It is the business of this Legislature to declare what is a crime.

I hope the motion I made to accept the majority report, "Ought not to Pass" will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Boothbay Harbor, Mr. Perkins, for acceptance of the Majority Report "Ought not to pass".

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

Mr. BARNES: Mr. Speaker, I ask for a division.

The **SPEAKER**: All those in favor of the motion of the gentleman from Boothbay Harbor, Mr. Perkins, for the acceptance of the Majority Report, "Ought not to pass" will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Eighty-seven having voted in the affirmative and 15 in the negative, the motion prevailed and the "Ought not to pass" report was accepted, and was sent up for concurrence.

The **SPEAKER**: The Chair lays before the House the seventh tabled and today assigned matter, Joint Order Relative to Committee on Ways and Bridges and Appropriations and Financial Affairs to submit to the Legislature certain Bills or Resolves 3 days before adjournment of the Legislature (H. P. 1350) tabled on March 31st by the gentleman from Bangor, Miss Clough, pending passage.

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

Mr. **BUBAR**: Mr. Speaker and Members of the House: I understand through mis-manipulation of the English language, this order says what it does not mean. I guess it maybe conveys the meaning, but it doesn't say just what it means; and in view of that fact, I will move the indefinite postponement of this Order, and when these two reports referred to come before the House, at that time we will present the proper Order to lay them on the table until we have had sufficient time to consider those reports, rather than let them be railroaded as has been done in previous sessions.

The **SPEAKER**: The gentleman from Weston, Mr. Bubar, moves the indefinite postponement of the Joint Order, H. P. 1350. Is this the pleasure of the House?

The motion prevailed and the Order was indefinitely postponed.

The **SPEAKER**: The Chair now lays before the House the eighth tabled and today assigned matter, Bill "An Act Revising the State Library Laws" (S. P. 242) (L. D. 362), which in the House, on March 29th, was passed to be engrossed as amended by Committee Amendment "A" and as amended by House

Amendment "A" in non-concurrence.

In the Senate passed to be engrossed as amended by Committee Amendment "A" and as amended by House Amendment "A" and by Senate Amendment "A" in non-concurrence, tabled on March 31st by the gentleman from Bangor, Miss Clough, pending consideration.

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

On motion by Mr. Flagg, the House voted to reconsider its action whereby it passed this bill to be engrossed as amended by Committee Amendment "A" and by House Amendment "A".

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

Senate Amendment "A" to S. P. 242, L. D. 362, Bill "An Act Revising the State Library Laws."

Amend said bill by striking out in the 11th line of section 19 thereof the figures "500" and inserting in place thereof the figures '250'.

On further motion by Mr. Flagg, Senate Amendment "A" was adopted, and the bill was passed to be engrossed, as amended by Committee Amendment "A" and by House Amendment "A" and by Senate Amendment "A" in concurrence.

The **SPEAKER**: The Chair now lays before the House the first matter tabled and specially assigned for this afternoon, Senate Report "Ought to pass" of the Committee on Ways and Bridges on Bill "An Act Authorizing a Bond Issue for the Purpose of Retiring Highway and Bridge Bonds" (S. P. 330) (L. D. 522) tabled in this morning's session by the gentleman from Augusta, Mr. Cross, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Cross, the "Ought to pass" Report was accepted in concurrence. Under suspension of the Rules, the Bill had its two several readings and tomorrow assigned.

First Reading of Printed Bills and Resolve (Out of order)

Bill "An Act relating to Infectious and Communicable Diseases" (H. P. 1352) (L. D. 891)

Resolve relating to Retirement Pension for Ralph M. Chesley of Thomaston (H. P. 630) (L. D. 893)

Resolve in favor of Miss Mary A. Hughes of Frenchville (H. P. 1150) (L. D. 892)

Resolve placing Sherman Graves of Mexico under Law relating to Superintendents' Retirement Plan (H. P. 1351) (L. D. 890)

Bill was read twice, Resolves read once, and tomorrow assigned.

Passed to Be Engrossed (Out of Order)

Bill "An Act relating to the Municipal Court of the town of Farmington" (S. P. 482) (L. D. 879)

Bill "An Act to Incorporate the Vanceboro Water Company" (H. P. 1345) (L. D. 884)

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

Bill "An Act to Incorporate the Bethel Water District" (H. P. 1346) (L. D. 885)

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

Mr. Boyker of Bethel, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1346, L. D. 885, Bill "An Act to Incorporate the Bethel Water District."

Amend said bill by striking out all of the 1st sentence of section 17 thereof after the figures "1943" and by striking out all of the 2nd sentence thereof.

Further amend said bill by adding before the last sentence of section 17 thereof, the following: "If and only if the total number of votes cast for and against the acceptance of this act in said special election equals or exceeds 20% of the total number of names on the check list of voters used at the previous gubernatorial election and a majority of the votes cast are in favor of its acceptance, this act shall become of full force and effect, but failure of approval by the necessary percentage of voters at such election shall not prevent a second election held at a regular town meeting within the time limitation of section 16 hereof."

House Amendment "A" was adopted, and the bill had its third

reading and was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed (Cont'd)

Bill "An Act relating to Institutional Farms" (H. P. 1348) (L. D. 886)

Bill "An Act for the Better Protection of Livestock and Poultry" (H. P. 1349) (L. D. 887)

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 to Provide for Re-issuance of State Highway Bonds" (S. P. 329) (L. D. 505)

Resolve Authorizing Conveyance of the Interest of the State in Certain Land in Township Big W, N. B. K. P. in Somerset County (S. P. 203) (L. D. 282)

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

Bill "An Act relative to Licensing Dealers in Livestock" (H. P. 1347) (L. D. 882)

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

Mr. Maxwell of Bangor, offered House Amendment "B" and moved its adoption.

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

House Amendment "B" to H. P. 1347, L. D. 882, Bill "An Act Relative to Licensing Dealers in Livestock."

Section 7 of said bill is hereby amended by striking out the last sentence of said section 7 and inserting in place thereof the following:

"Any licensee who is aggrieved by the decision of the commissioner may within 10 days thereafter appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall fix a time and place for hearing, which may be in term time or vacation, and cause notice thereof to be given to the said commissioner; and after hearing such justice may affirm or reverse the decision of said com-

missioner and the decision of such justice shall be final. Pending judgment of such justice, the decision of such commissioner shall remain in full force and effect. The commissioner shall, within 3 days after notice of such appeal, forward to such justice a certified copy of the proceedings."

House Amendment "B" was adopted.

Mr. Emerson of North Haven, offered House Amendment "C" and moved its adoption.

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

House Amendment "C" to H. P. 1347, L. D. 882, Bill "An Act Relative to Licensing Dealers in Livestock."

Amend said Bill by striking out in the second line of section two thereof the words "sheep, goats and swine"

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

On motion by Mr. Brown of Brunswick, the House voted to reconsider its action whereby it passed to be engrossed as amended Bill "An Act to Incorporate the Bethel Water District" (H. P. 1346) (L. D. 885); and on further motion by the same gentleman the bill with accompanying papers was tabled pending passage to be engrossed, and specially assigned for tomorrow morning.

On motion by Mr. Barnes of Houlton, the House voted to take from the table the second tabled and unassigned matter, "An Act to Provide for the Issuance of Refunding Bonds of the State" (H. P. 1069) (L. D. 558), tabled on March 31st by that gentleman pending passage to be enacted.

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

Mr. BARNES: I now move you, Mr. Speaker, for the indefinite postponement of this bill, in view of the opinion of the Justices received this morning

The SPEAKER: The gentleman from Houlton, Mr. Barnes, moves the indefinite postponement of Legislative Document 558. Is this the pleasure of the House?

The motion prevailed, and the bill was indefinitely postponed and sent up for concurrence.

On motion by Mr. Payson of Portland, the House voted to take from the table the third tabled and unassigned matter, "An Act Relative to Alternative Method of Enforcement of Tax Liens" (H. P. 1301) (L. D. 830) tabled on March 31st by that gentleman pending passage to be enacted.

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

Mr. PAYSON: Mr. Speaker, this is one bill on which there is no question of its unconstitutionality, because the Supreme Court has already said so. I therefore move indefinite postponement of the bill.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves the indefinite postponement of Legislative Document 830. Is this the pleasure of the House?

The motion prevailed, and the bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. If there are no further matters to come before the House at this time, the Clerk will read the notices.

On motion by Miss Clough of Bangor,

Adjourned until ten o'clock tomorrow morning.