

# 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**

Friday, April 2, 1943

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

Prayer by the Rev. Donald A. Scanlin of Kennebunk.

Journal of the previous session read and approved.

**Papers from the Senate****Senate Reports of Committees****Inexpedient**

Report of the Committee on Agriculture on Bill "An Act for the Further Prevention of Bang's Disease" (S. P. 280) (L. D. 456) reporting that legislation is inexpedient as it is covered by other legislation.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

**Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to the Jointly Contributory Retirement System" (S. P. 428) (L. D. 766)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to the Appointment of Heads of all Police Departments" (S. P. 343) (L. D. 516)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Increase of the State Valuation" (S. P. 378) (L. D. 627)

**Final Reports**

Final Report of the Committee on Agriculture.

Final Report of the Committee on Federal Relations.

Final Report of the Committee on Indian Affairs.

Final Report of the Committee on Military Affairs.

Final Report of the Committee on Public Utilities.

Final Report of the Committee on State Lands and Forest Preservation.

Final Report of the Committee on Taxation.

Final Report of the Committee on Temperance.

Final Report of the Committee on Welfare.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

**Ought to Pass**

Report of the Committee on Pensions reporting "Ought to pass" on Resolve in relation to Status of Paul J. Brown in re Teachers' Retirement Association (S. P. 82) (L. D. 880)

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

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

**Divided Report****Tabled and Specially Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Relating to Appointment of Police Commission for city of Lewiston" (S. P. 54) (L. D. 777)

Report was signed by the following members:

Messrs. SANBORN of Cumberland  
DUNBAR of Washington  
PETERS of Androscoggin  
—of the Senate.

ANDERSON of New Sweden  
BARTLETT of Portland  
HASKELL of Portland  
PAYSON of Portland  
WARD of Millinocket  
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 466) (L. D. 836) under same title and that it "Ought to pass"

Report was signed by the following members.

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

Came from the Senate with the Majority Report read and accepted.

(In the House, on motion by Mr. Roy of Lewiston, tabled pending acceptance of either report, and specially assigned for next Monday, April 5th.)

**Divided Reports**

Majority Report of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Lewiston" (S. P. 177) (L. D. 238) reporting same in a new draft "A" (S. P. 467) (L. D. 835) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. SANBORN of Cumberland  
DUNBAR of Washington  
PETERS of Androscoggin  
— of the Senate.

PAYSON of Portland  
ANDERSON of New Sweden  
WARD of Millinocket  
BARTLETT of Portland  
HASKELL of Portland  
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft "B" (S. P. 468) (L. D. 837) under same title and that it "Ought to pass".

Report was signed by the following members:

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

Came from the Senate, recommended to the Committee on Legal Affairs.

In the House, on motion by Mr. Anderson of New Sweden, recommended to the Committee on Legal Affairs in concurrence.

#### Recommended

Report of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the city of Lewiston" (S. P. 117) (L. D. 43) reporting same in a new draft (S. P. 465) (L. D. 838) under same title and that it "Ought to pass"

Came from the Senate, recommended to the Committee on Legal Affairs.

In the House, on motion by Mr. Payson of Portland, recommended to the Committee on Legal Affairs in concurrence.

#### Non-Concurrent Matter House Insisted

From the Senate: Bill "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns" (H. P. 1134) (L. D. 598) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 26th.

Came from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Goldsmith of Orono, the House voted to insist and ask for a Committee of Conference.

The Chair appointed as a Committee of Conference, on the part of the House: Messrs. Goldsmith of Orono, Brewer of Presque Isle, Hutchins of Bangor.

#### Non-Concurrent Matter House Insisted

From the Senate: Bill "An Act Providing for Badges Designating the Members of the Legislature" (H. P. 105) (L. D. 86) on which the House accepted the Report of the Committee on Maine Publicity reporting a new draft (H. P. 1267) (L. D. 774) under title of "An Act Providing for Emblems Designating the Members of the Legislature" and passed the Bill to be engrossed on March 31st.

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

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

The Chair appointed as a committee of Conference, on the part of the House:

Messrs. SAYWARD of Kennebunk  
LEAVITT of Portland  
BYERS of Newcastle

#### Ought to Pass with Committee Amendment

Report of the Committee on Salaries and Fees on Bill "An Act Increasing the Compensation of the County Attorney and Assistant County Attorney for Androscoggin County" (S. P. 369) (L. D. 635) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith

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

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

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

Committee Amendment "A" to S. P. 369, L. D. 635, Bill "An Act Increasing the Compensation of the County Attorney and Assistant County Attorney for Androscoggin County."

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

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

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

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next Legislative day.

#### Non-Concurrent Matter

From the Senate: Bill "An Act relating to Conduct of Persons who have Communicable Diseases" (H. P. 1317) (L. D. 844) which was passed to be engrossed in the House on March 29th.

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

In the House, on motion by Miss Clough of Bangor, the House voted to reconsider its action whereby it passed the Bill to be engrossed on March 29th.

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

Senate Amendment "A" to H. P. 1317, L. D. 844, Bill "An Act Relating to Conduct of Persons Who Have Communicable Diseases."

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

**'Nothing herein shall be construed to effect the provisions of Sec. 16.'**

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

#### Non-Concurrent Matter

From the Senate: Bill "An Act relating to the Hunting and Trapping of Foxes" (H. P. 1240) (L. D. 739) which was passed to be engrossed in the House on March 3rd.

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

In the House:

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

Mr. SLEEPER: Mr. Speaker, I have had word from the sponsor of this bill that he wishes the House to reconsider its action whereby this bill was passed to be engrossed.

Thereupon, on motion by Mr. Sleeper, the House voted to reconsider its action of March 3rd whereby it passed this bill to be engrossed.

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

Senate Amendment "B" to H. P. 1240, L. D. 739, Bill "An Act Relating to the Hunting and Trapping of Foxes."

Amend said Bill by striking out all of section 1 thereof after the headnote thereof, and substituting the following in place thereof:

'For a period of 2 years from the effective date of this act, it shall be lawful to dig out foxes at any time, and to hunt foxes at any time, except Sunday, in organized territory in this state. It shall also be lawful for a period of 2 years from the effective date of this act to trap foxes or to cause to have foxes trapped, at any time, on one's own land, within a distance of 100 yards from a range or shelter where poultry is raised or kept.'

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

#### Non-Concurrent Matter Tabled

From the Senate: Bill "An Act relating to the Board of Trustees of the Jointly-Contributory Retirement System" (H. P. 552) (L. D. 287) which was passed to be enacted in the House on March 10th and passed to be engrossed on February 25th.

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

In the House, on motion by Mr. Payson of Portland, tabled pending further consideration.

From the Senate: Bill "An Act relating to Membership in the Jointly-Contributory Retirement System for State Employees, Except Teachers" (H. P. 1286) (L. D. 809) which was passed to be enacted in the House on March 30th and passed to be engrossed on March 23rd.

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

In the House, on motion by Mr. Payson of Portland, under suspension of the rules, the House voted to reconsider its action whereby the bill was passed to be enacted.

The House then voted under suspension of the rules, to reconsider its action whereby this bill was passed to be engrossed.

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

Senate Amendment "A" to H. P. 1286, L. D. 809, Bill "An Act Relating to Membership in the Jointly-Contributory Retirement System for State Employees, Except Teachers."

Amend said Bill by adding at the end of the 2nd paragraph of that part designated (3) of section 1 thereof the following:

**'Any employee may, if he so elects, pay into the retirement system any or all back contributions covering any or all of the period from July 1, 1942, to July 1, 1943, and receive therefor the proper membership credit for the period for which such back contributions are made.'**

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

House Rule 25 was suspended for the remainder of today's session in order to permit smoking. (Applause)

### Orders

On motion by Mr. Osgood of Bradford, a viva voce vote being taken, it was

**ORDERED**, that there be printed for the use of the House 1000 copies of the remarks of Representative Perkins in the debate April 1st on Bill "An Act Penalizing Certain Activities relating to Rationed Commodities in Time of War."

The **SPEAKER**: At this time the Chair recognizes the gentleman from Millinocket, Mr. Ward, and designates him as Speaker pro tem, and will ask the Assistant Sergeant-at-Arms to conduct the gentleman to the rostrum.

Thereupon, the Assistant Sergeant-at-Arms conducted Mr. Ward to the rostrum where he assumed the

Chair amid the applause of the House, the members rising, and Speaker Richardson retired.

### House Reports of Committees Leave to Withdraw

Mr. Usher from the Committee on Claims on Resolve in favor of E. F. Lange of Parlin Pond Township (H. P. 1086) reported leave to withdraw as it is taken care of by law.

Report was read and accepted and sent up for concurrence.

### Ought Not to Pass

Mr. Cobb from the Committee on Claims reported "Ought not to pass" on Resolve to reimburse the town of Dover-Foxcroft for Medical Attention and Hospitalization Furnished Austin and Alberta Kennedy (H. P. 69)

Same gentleman from same Committee reported same on Resolve in favor of Presque Isle General Hospital of Presque Isle (H. P. 622)

Mr. Hamilton from same Committee reported same on Resolve to reimburse the town of Bar Harbor for Support of Florence Burke (H. P. 404)

Mr. Knight from same Committee reported same on Resolve in favor of the city of Calais (H. P. 896)

Mr. Littlefield from same Committee reported same on Resolve in favor of Hector Cyr Company, Inc. Waterville, Maine (H. P. 170)

Same gentleman from same Committee reported same on Resolve to Reimburse the town of Greenville for Support of Doris Magee and Children (H. P. 26)

Same gentleman from same Committee reported same on Resolve to Reimburse the town of Millinocket for Support of Charles Roy and family (H. P. 84)

Same gentleman from same Committee reported same on Resolve to Reimburse the town of Newport for Support of Fannie M. Norton (H. P. 334)

Same gentleman from same Committee reported same on Resolve in favor of the town of Bridgewater (H. P. 904)

Same gentleman from same Committee reported same on Resolve to Reimburse the town of Bar Harbor for Support of Joseph D. Gagnon (H. P. 282)

Mr. Tuttle from same Committee reported same on Resolve in favor of the town of Fort Fairfield (H. P. 66)

Same gentleman from same Committee reported same on Resolve in favor of the city of Calais (H. P. 897)

Mr. Usher from same Committee reported same on Resolve in favor of Carroll Plantation (H. P. 274)

Same gentleman from same Committee reported same on Resolve to Reimburse the town of Newport for Support of Percy E. Brown and Family (H. P. 333)

Same gentleman from same Committee reported same on Resolve in favor of Caswell Plantation (H. P. 903)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass

Mr. Knight from the Committee on Claims reported "Ought to pass" on Resolve Reimbursing the town of Trescott for Bounty Paid to Vincent Foley (H. P. 531)

Mr. Usher from same Committee reported same on Resolve in favor of the town of Newry for Bounty Paid (H. P. 1084)

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

#### Ought to Pass in New Draft

Mr. Knight from the Committee on Claims on Resolve in favor of Leland Andrews of Hartford (H. P. 1087) reported same in a new draft (H. P. 1359) under same title and that it "Ought to pass"

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

Mr. Littlefield from the Committee on Claims on the following Resolves:

S. P. 41. Resolve in Favor of Preston Chadbourne.

S. P. 74. Resolve in Favor of Mrs. Henry B. Baker of Bar Harbor.

S. P. 94. Resolve in Favor of Alonzo Kinney of Morrill.

S. P. 237. Resolve in Favor of C. W. Harnden of Phillips.

H. P. 6. Resolve in Favor of W. W. Hamlin of Otisfield.

H. P. 7. Resolve in Favor of Forrest Edwards of Otisfield.

H. P. 25. Resolve in Favor of Eugene Sherburne of Winthrop.

H. P. 31. Resolve in Favor of W. D. Archer of Amherst.

H. P. 63. Resolve in Favor of Pearl Dickey of Morrill.

H. P. 67. Resolve in Favor of John L. Taylor of Bingham.

H. P. 75. Resolve in Favor of Arthur J. Barnes of Topsham.

H. P. 76. Resolve in Favor of William T. Stevens of Topsham.

H. P. 83. Resolve in Favor of James H. Bartlett of Greenville.

H. P. 130. Resolve in Favor of Lewis White of Winterport.

H. P. 166. Resolve in Favor of Abner B. Kimball of Bethel.

H. P. 214. Resolve in Favor of H. W. Prescott of Medford.

H. P. 237. Resolve in Favor of W. A. Burgess of New Sharon.

H. P. 446. Resolve in Favor of John H. McKeen of West Paris.

H. P. 524. Resolve in Favor of T. E. McSherry of Fryeburg.

H. P. 775. Resolve in Favor of Bion Rhoades of Topsham.

H. P. 1076. Resolve in Favor of Harvey Granville of Kezar Falls.

reported same in a Consolidated Resolve (H. P. 1360) under title of "Resolve Providing for the Payment of Crop Damages Caused by Protected Wild Animals" and that it "Ought to pass".

Same gentleman from same Committee on the following Resolves:

S. P. 35. Resolve in Favor of Charles E. Bartlett, of Lisbon Falls.

S. P. 36. Resolve in Favor of Arlington W. Booker, of Bradford.

S. P. 37. Resolve in Favor of Dr. Charles Sumner, of Sullivan.

S. P. 39. Resolve in Favor of Dr. A. W. Plummer, of Lisbon Falls.

S. P. 69. Resolve in Favor of Lloyd E. Trask.

S. P. 75. Resolve in Favor of Herbert L. Young, of Lamoine.

S. P. 79. Resolve in Favor of Leslie B. Johnson of North Orland.

S. P. 93. Resolve in Favor of Jacob Diamond of Mattapan, Mass.

S. P. 112. Resolve in Favor of George A. Cline, of Lubec.

- S. P. 113. Resolve in Favor of Thomas Robinson of Norridgewock.
- S. P. 124. Resolve in Favor of Loudon C. Minor of Portland.
- S. P. 125. Resolve in Favor of Leonard Stevens of Standish.
- S. P. 126. Resolve in Favor of Jack T. Pledger of Portland.
- S. P. 127. Resolve in Favor of Louis C. Lesieur of Saco.
- S. P. 128. Resolve in Favor of John W. Spofford of Lewiston.
- S. P. 129. Resolve in Favor of Donald A. McLaughlin, of Houlton.
- S. P. 130. Resolve in Favor of Ralph M. Lovell of Sanford.
- S. P. 131. Resolve in Favor of Merle Gray of Orland.
- S. P. 138. Resolve in Favor of Alfred Peterson of South Paris.
- S. P. 140. Resolve in Favor of Paul Luke of Boothbay.
- S. P. 207. Resolve in Favor of Carleton Johnson of Saco.
- S. P. 238. Resolve in Favor of Ilda Bates of Phillips.
- S. P. 252. Resolve in Favor of Fortunant Bouffard of Lewiston.
- S. P. 255. Resolve in Favor of Peter LeClair of Rumford.
- S. P. 256. Resolve in Favor of Lester Grant of Norway.
- S. P. 257. Resolve in Favor of Donald A. Newton of Minot.
- S. P. 314. Resolve in Favor of Arthur Bigelow of Bangor.
- S. P. 315. Resolve in Favor of Darling Motor Co. Inc., of Bangor.
- S. P. 316. Resolve in Favor of Albert H. Young, of Hartford, Connecticut.
- S. P. 351. Resolve in Favor of Joseph Cote of Sanford.
- S. P. 387. Resolve in Favor of Dr. R. E. Libby of Richmond.
- H. P. 4. Resolve in Favor of Robert B. Bradford of Orono.
- H. P. 5. Resolve in Favor of Archie Ridley of Beverley, Massachusetts.
- H. P. 13. Resolve in Favor of Dean Dill of Springfield, Maine.
- H. P. 27. Resolve in Favor of Richard D. Keep of Rangeley.
- H. P. 28. Resolve in Favor of Edward L. Gould of Phillips.
- H. P. 29. Resolve in Favor of Claude Myshrall of Rangeley.
- H. P. 30. Resolve in Favor of Fred Colson of Eddington.
- H. P. 42. Resolve in Favor of Charles T. Glover of Pine Point.
- H. P. 46. Resolve in Favor of Helen E. Chapman of Harrison.
- H. P. 56. Resolve in Favor of Merle Snowman of Ashland.
- H. P. 57. Resolve in Favor of Merle S. Snowman of Ashland.
- H. P. 58. Resolve in Favor of Sterlon Allen of Ashland.
- H. P. 59. Resolve in Favor of Bernard A. Kidder of Gardiner.
- H. P. 60. Resolve in Favor of Lela K. Wilson of Gardiner.
- H. P. 61. Resolve in Favor of Nancy A. Flint of Old Town.
- H. P. 62. Resolve in Favor of Sam F. Parlin of Old Town.
- H. P. 65. Resolve in Favor of Ralph Savage of Woodland.
- H. P. 68. Resolve in Favor of Clarence Hilton of Canaan.
- H. P. 70. Resolve in Favor of George Hinkley of Hallowell.
- H. P. 73. Resolve in Favor of Franklin T. Homstead of Carmel.
- H. P. 74. Resolve in Favor of Paul Rivers of Hampden.
- H. P. 78. Resolve in Favor of Fred Goss of Bar Harbor.
- H. P. 80. Resolve in Favor of Mrs. Beverley Kinney of Bradford.
- H. P. 81. Resolve in Favor of Leslie E. McGray of Charleston, Maine.
- H. P. 82. Resolve in Favor of Ruth E. Briggs of Portland.
- H. P. 129. Resolve in Favor of Adams Brothers of Fort Fairfield.
- H. P. 132. Resolve in Favor of John Costigan, Jr., of Costigan.
- H. P. 158. Resolve in Favor of Nellie D. Packard of Readfield.
- H. P. 167. Resolve in Favor of The American Agricultural Chemical Company of North Weymouth, Mass.
- H. P. 168. Resolve in Favor of Howard J. Michaud of Biddeford.
- H. P. 169. Resolve in Favor of Joseph T. Small of Biddeford.
- H. P. 171. Resolve in Favor of F. Elizabeth Libby of Waterville.
- H. P. 172. Resolve in Favor of Lionel Marquis of Fort Kent.
- H. P. 173. Resolve in Favor of Roy Cousins of Salisbury Cove.



H. P. 174. Resolve in Favor of Mrs. David Flint of York Beach.

H. P. 215. Resolve in Favor of Moses Spencer of Carmel.

H. P. 219. Resolve in Favor of Edna C. Wilson of Orr's Island, Maine.

H. P. 220. Resolve in Favor of L. W. Jordan and Sons, Inc., of Ellsworth.

H. P. 221. Resolve in Favor of Wilbur Ricker of Ellsworth.

H. P. 222. Resolve in Favor of Everett W. Moore of Ellsworth Falls.

H. P. 223. Resolve in Favor of Alton B. Wilber of Mariaville.

H. P. 278. Resolve in Favor of Arthur C. Lewis of Clarks Island.

H. P. 279. Resolve in Favor of Harold N. Burrill of Canaan.

H. P. 284. Resolve in Favor of George C. Webber of Auburn.

H. P. 390. Resolve in Favor of Gerald L. Wilson of Augusta.

H. P. 391. Resolve in Favor of John W. Poole of Gardiner.

H. P. 392. Resolve in Favor of G. Raymond Clark of Gardiner.

H. P. 395. Resolve in Favor of George Drake of Old Town.

H. P. 399. Resolve in Favor of Leon L. Pinette of Long Pond.

H. P. 445. Resolve in Favor of Louis Wright of North Chesterville.

H. P. 528. Resolve in Favor of Gene Duffy of Benedicta.

H. P. 533. Resolve in Favor of John Hodgdon, Jr., of Tremont.

H. P. 587. Resolve in Favor of Frederick A. Heanssler of Deer Isle.

H. P. 588. Resolve in Favor of J. Walter Anderson of Newport.

H. P. 623. Resolve in Favor of Dwight E. Webber of Houlton.

H. P. 626. Resolve in Favor of Dwight Radley of Bucksport.

H. P. 742. Resolve in Favor of Avon W. Buzzell of South Paris.

H. P. 776. Resolve in Favor of Frank D. Throop of Princeton.

H. P. 779. Resolve in Favor of Henry Fillietaz of Bar Harbor.

H. P. 780. Resolve in Favor of Virgil Davenport of Rumford.

H. P. 782. Resolve in Favor of Edward Maher of Lisbon Falls.

H. P. 892. Resolve in Favor of Linton Brown of Hartland.

H. P. 893. Resolve in Favor of Charles H. Hendrickson of Wiscasset.

H. P. 894. Resolve in Favor of Nate B. Russell of Freedom.

H. P. 898. Resolve in Favor of Cyprien L. Martel of Lewiston.

H. P. 899. Resolve in Favor of G. Gerald Ross of Kennebunk.

H. P. 900. Resolve in Favor of Russell B. Moore of Machias.

H. P. 901. Resolve in Favor of Olive Guptill of Wesley.

H. P. 1077. Resolve in Favor of G. F. Russell of Houlton.

H. P. 1085. Resolve in Favor of Joel P. Wood of Northport.

H. P. 1088. Resolve in Favor of Orman Fox of Lowell.

H. P. 1089. Resolve in Favor of Claude L. Martin of Eagle Lake.

H. P. 1092. Resolve in Favor of Thomas E. Boyd of Millinocket.

reported a Consolidated Resolve (H. P. 1361) under title of "Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals" and that it "Ought to pass"

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

#### Passed to Be Engrossed

Bill "An Act Authorizing a Bond Issue for the Purpose of Retiring Highway and Bridge Bonds" (S. P. 330) (L. D. 522)

The SPEAKER pro tem: The Chair recognizes the gentleman from North Anson, Mr. Ela.

Mr. ELA: Mr. Speaker, I offer House Amendment "A" and move its adoption, and in explanation of my reason for offering this amendment I will say that we have had numerous bond issues lately and it might be very desirable to call or issue bonds at a very low rate of interest, to save money for the State. It has been impossible to do this in many cases because the call feature has not expired or else there was no call feature in them at all. This amendment will simply suggest to those who have issues of future bonds the desirability of having a call feature of a not too distant nature in those bonds. Now, I realize there may be

some issues where it is not desirable to put this in. I will not go into that in particular. This amendment is merely permissive, but it has the approval of all those departments in the State which would have the duty of issuing these bonds.

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

House Amendment "A" to S. P. 330, L. D. 522, Bill "An Act Authorizing a Bond Issue for the Purpose of Retiring Highway and Bridge Bonds."

Amend said bill by inserting after the figures "1950" and before the period in the 13th line of section 2 the following:

'and may contain such callable features as the governor and council shall approve'.

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

#### Passed to Be Engrossed (Continued)

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)

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

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

#### Emergency Enactor Tabled

An Act to Authorize the State Highway Commission to Cooperate with the Public Roads Administration of the United States in the Construction and Maintenance of Flight Strips and of Certain Classes

of Highways, in order to Facilitate the War Effort (S. P. 346) (L. D. 520)

The SPEAKER: The Chair recognizes the gentleman from Phippsburg, Mr. McIntire.

Mr. McINTIRE: Mr. Speaker, I do not believe there are enough members present for us to vote on this measure today. I would like to have it tabled until next Tuesday.

Thereupon, the bill was tabled pending passage to be enacted and specially assigned for next Tuesday, April 6th.

#### Passed to Be Enacted

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

An Act relating to Transfer of Insane Persons having Settlements in this State from out of the State Institutions (S. P. 213) (L. D. 325)

An Act relating to Fingerprinting of Pupils in Public Schools (S. P. 356) (L. D. 646)

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

An Act relating to Certain Carriers under the Financial Responsibility Act (S. P. 366) (L. D. 638)

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

Mr. GRUA: Mr. Speaker and Members of the House: This bill comes to my notice as it passes through. The bill is evidently designed to take care of the drivers of Public Utilities trucks who are involved in an accident while driving the truck. As you all know, trucks, in order to be licensed by the Public Utilities Commission, must maintain financial responsibility proof with the Commission. The difficulty that I see with this bill, as it has been presented to us here, is that instead of exempting them from the provisions of the financial responsibility act that applies to them when they have an accident, it applies to all the sections 91 to 98, in other words, the entire original act, leaving them as operators out of that act.

I have talked with some of the members of the committee and others, and I am sure that is not the

intent. The only intent is to fix it so that if the driver of one of these trucks should have an accident while driving that truck, he is fully insured so that the public will be entirely protected. He should not be penalized to the extent that he would be obliged to file with the Secretary of State what we call a chauffeur's insurance policy, protecting the public against any truck that he drives. They are expensive, and they cost as much as seventy dollars, and serve no useful purpose insofar as they apply to the truck that he is driving, and it would only be double insurance.

The proposition is to permit the Secretary of State to issue a restricted license to such operator, limiting the operation to those specified trucks which have filed proof of financial responsibility, and thus eliminating this irritating factor of double insurance, and with that I heartily agree. If we were to pass this bill as it is, and make it apply only to those operating Public Utilities trucks, it seems to me we can well be accused of passing class legislation, because, after all, the operator of a Public Utilities truck is in no different position than the operator of any other truck, the owner of which maintains a proof of financial responsibility with the Secretary of State. I have, therefore, prepared an amendment which I think will meet with your approval. I have taken this amendment up with the Insurance Commissioner of the State of Maine, with the Secretary of State, and with the heads of some of the casualty companies that are represented here, and with some of the members of the committee that put in this bill. They all favor it as good legislation.

The purpose is to take any driver of an insured vehicle, after the time he has an accident, out of the operation of this law for so long as he continues to maintain proof with the Secretary of State that the motor vehicle that he drives is covered by financial responsibility insurance.

The Secretary of State thinks this is an improvement, because it will remove a certain class of inequality that has crept into this particular law. The Secretary of State has in the past, in some instances, issued a restricted license, limiting the driver to a certain truck. He has

been doing that, apparently, without any real legal law back of him. I propose in this amendment to legalize what the Secretary of State prints right on the back of the license of the operator, the fact that he is limited to one or two certain trucks that are specified in his operation after he has had an accident, and only so long as those trucks continue to maintain proof of financial responsibility with the Secretary of State. This, in no manner whatever, threatens our financial responsibility law, but it does remove a source of irritation and complaint against the law.

You heard the gentleman from Boothbay Harbor (Mr. Perkins) speak on his amendment, which most of us thought too broad. He had good grounds for complaint. The matter was presented before the Judiciary Committee, and we felt it had good grounds for complaint, but the bills, as drawn, were such that we did not think we could pass them.

I have taken this matter up with the Judiciary Committee, or several of the members, those who were opposed to Mr. Perkins' amendment, and they agree with me that this takes care of their objection. Therefore, Mr. Speaker, I move suspension of the rules that I may make a motion that we reconsider our action whereby we passed this bill to be engrossed.

**THE SPEAKER:** The gentleman from Livermore Falls, Mr. Grua, moves that the rules be suspended in order that he may make a motion for reconsideration. Is this the pleasure of the House?

The motion prevailed, and the House reconsidered its action whereby Legislative Document 638 was passed to be engrossed as amended by Committee Amendment "A".

Mr. Grua then offered House Amendment "B" and moved its adoption. House Amendment "B" read by the Clerk as follows:

House Amendment "B" to S. P. 366, L. D. 638, Bill "An Act Relating to Certain Carriers under the Financial Responsibility Act."

Amend said Bill by striking out of the 2nd line of the 1st paragraph thereof the words "a new section 98-A" and substituting the words "a new paragraph to subdivision 'e' of section 93 to be numbered V."

Further amend said Bill by striking out the 2nd paragraph thereof and substituting the following in place thereof: "V. To any person involved in an accident while operating a motor vehicle licensed by the Public Utilities Commission of this State, or while operating a motor vehicle, trailer or semi-trailer covered by a Motor Vehicle Liability Policy, so long as the owner of the motor vehicle so operated by such operator shall maintain proof of financial responsibility in the future as provided in section 97 thereof. The Secretary of State may issue a restricted license to operate a motor vehicle to such operator."

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

#### Passed to be Enacted

An Act relating to Trial Justices and Judges of Municipal Courts (S. P. 458) (L. D. 806)

An Act relating to the Salary of the Register of Probate of Sagadahoc County (H. P. 118) (L. D. 72)

An Act relating to Clerk Hire for Clerk of Courts in Androscoggin County (H. P. 600) (L. D. 369)

An Act Granting Increase in Salary for Clerks in the Office of Register of Probate in Androscoggin County (H. P. 832) (L. D. 399)

An Act relating to Dairy, Breeding, and Show Cattle (H. P. 924) (L. D. 478)

An Act relating to Clerk Hire in Probation Office in Androscoggin County (H. P. 1160) (L. D. 615)

An Act to Create the Office of Clerk in the Office of the Treasurer of Androscoggin County (H. P. 1232) (L. D. 730)

An Act relating to Tuition for State Wards (H. P. 1310) (L. D. 839)

An Act relating to Employment of Females and Minors (H. P. 1311) (L. D. 840)

An Act relating to Malt Beverage Taxes on Government Reservations (H. P. 1313) (L. D. 842)

An Act Prohibiting Throwing of Bottles, Etc. on Highways (H. P. 1314) (L. D. 843)

An Act relating to Appropriations for Private and Public Hospitals for Medical Treatment (H. P. 1315) (L. D. 845)

An Act relating to Jurisdiction of Trial Justices in Certain Parts of Aroostook County (H. P. 1316) (L. D. 846)

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

#### Resolve On Its Final Passage Tabled

Resolve proposing an Amendment to the Constitution relating to Adoption of Amendments to the Constitution (S. P. 357) (L. D. 644)

(On motion by Miss Clough of Bangor, tabled pending passage to be enacted)

#### Finally Passed

Resolve to reimburse H. W. Brooks of Portland (S. P. 462) (L. D. 829)

Resolve in favor of Northeast Airlines Inc. (S. P. 463) (L. D. 827)

Resolve granting his Soldier's Bonus to Frank W. Hughes of East Machias. (H. P. 1197) (L. D. 848)

Resolve in favor of Central Maine Sanatorium at Fairfield (H. P. 1309) (L. D. 847)

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn at the close of this week's session, they adjourn to meet on Monday, April 5th, 1943, at 11:30 o'clock in the forenoon. (S. P. 486)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

#### Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Authorizing a Reissuance of Bonds for the Purpose of Refunding Kennebec Bridge Bonds" (H. P. 1072)

(L. D. 561) tabled on March 30th by the gentleman from Phippsburg, Mr. McIntire, pending acceptance; and the Chair recognizes that gentleman.

Mr. McINTIRE: Mr. Speaker, there is another bill pending in the Legislature identical to this one excepting the name of the bridge. I was in the Attorney General's office this morning, and, at the proper time, I will have an opinion from him as to whether the opinion from the Justices the other day applies to these bridge bonds. Therefore I would like to table this bill until next Wednesday morning.

The SPEAKER: The gentleman from Phippsburg, Mr. McIntire, moves that the report, with accompanying papers, be tabled and specially assigned for next Wednesday. Is this the pleasure of the House?

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

Mr. GRUA: Mr. Speaker, I wonder if the gentleman could not assign it for an earlier date, Monday or Tuesday.

The SPEAKER: The question of time is debatable.

Mr. McINTIRE: Mr. Speaker, it is agreeable to me to have it assigned for Tuesday morning.

The SPEAKER: The gentleman from Phippsburg, Mr. McIntire, moves that this matter be laid on the table and be specially assigned for next Tuesday. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the second matter tabled and today assigned, Bill "An Act Relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 342) (L. D. 202) tabled on March 30th by the gentlewoman from Bath, Miss Deering, pending first reading; and the Chair recognizes that gentlewoman.

On motion by Miss Deering, the bill had its two several readings.

Miss DEERING: Mr. Speaker, I now offer House Amendment "A" and move its adoption. In support of that I will say that there was some opposition to a certain part of this amendment at one time. I have

talked with the present Recorder, and he does not know exactly how long he will be able to keep the position. He did not want it in the first place, because he has other positions in mind. At the present time the ruling is that the party holding this position must be a member of the Bar of Sagadahoc County. There are no other members of the Bar who will be able to accept the position; they are all tied up in other work, so that it is impossible for them to do it.

This amendment is not something you need for the city of Bath. There are many places throughout the State where this has become necessary. This will be limited to two years. At that time I hope that we will have someone who will be able to take it, perhaps a new lawyer in town. If this should not go through, the only alternative method will be to still have a layman acting as Recorder, but, instead of calling the layman "Recorder" we will call him a "Trial Justice." This simply provides for the same thing.

I will say, secondly, that it was decided that where the present Recorder accepted the position unwillingly, he should be given some added compensation, but the first offer seemed a little too generous, therefore we have compromised. I offer House Amendment "A" and move its adoption.

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

House Amendment "A" to H. P. 342, L. D. 202, Bill "An Act Relating to the Salary of the Recorder of the Bath Municipal Court."

Amend said bill by drawing a line through the 1st sentence of that part of section 1 thereof designated "Sec. 2." and inserting in place thereof the following 2 sentences: **'Said judge shall be a member of the bar of Sagadahoc county, and shall reside during his continuance in office in said county. Said recorder shall be a resident of Sagadahoc county.'**

Further amend said bill by striking out in the 8th line of that part of section 1 thereof designated "Sec. 2." the underlined figures "\$1,000" and inserting in place thereof the underlined figures '\$800'.

Miss DEERING: Mr. Speaker, it will be necessary to get a ruling from the Attorney General, so I ask

that this amendment lie upon the table until Monday.

Thereupon, the Bill and Amendment were tabled and specially assigned for Monday, April 5th.

The SPEAKER: The Chair now lays before the House the third matter tabled and today assigned, House Report "Ought to pass in New Draft" (H. P. 1353) (L. D. 894) of the Committee on Public Health on Bill "An Act Relating to Slaughterhouses" (H. P. 1221) (L. D. 708) tabled on April 1st by the gentleman from Clifton, Mr. Williams, pending acceptance; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I suppose that the average citizen of Maine, of which I think I may be one, has a strong dislike for all regulations. Maybe it is the outlaw instinct within us. Maybe that was the reason why I tabled this bill yesterday.

Now, I have been assured by the people who are interested in passing this legislation that it is needed at this time. I can only say that I hope it is. So maybe this bill should be passed. They have assured me that it will not put any hardship upon any of the good citizens of the State of Maine, and, as in this session it seems to be the custom to put more and more regulations upon the citizens of our State, I will now move that we accept the report of the committee, hoping that in the next two years it will prove to be as good an act and as necessary as the sponsors of the bill tell us it is.

The SPEAKER: The gentleman from Clifton, Mr. Williams, moves the acceptance of the report "Ought to pass in New Draft". Is this the pleasure of the House?

The report was accepted, and the bill, having already been printed, was given its two several readings under suspension of the rules.

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

Mr. KENT: Mr. Speaker, I would like to have this bill laid on the table until next Tuesday, when there will be more members here.

The SPEAKER: Would the gentleman be willing to assign it for its third reading on Tuesday? It will still be open for debate.

Mr. KENT: Yes, Mr. Speaker.

Thereupon, the bill was tabled and assigned for third reading next Tuesday.

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

Mr. MAXWELL: Mr. Speaker, on that same bill, if it is in order, I would like to offer an amendment and move its adoption.

The SPEAKER: The bill is not now before the House. The gentleman will have an opportunity to offer his amendment when it comes up for third reading.

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

Mr. DUTTON: Mr. Speaker, I would like to inquire if, when the amendments are all in, it may be printed, so that we will have an opportunity to decide just what we are voting on.

The SPEAKER: The amendment will be placed on the desks of the members before action is taken on it.

The Chair now lays before the House the fourth tabled and today assigned matter, House Report "Ought to pass in a New Draft" (H. P. 1354) (L. D. 895) of the Committee on Temperance under title of "An Act Relating to the Manufacture and Sale of Apple Wine" on Bill "An Act relating to the Manufacture and Sale of Cider" (H. P. 1169) (L. D. 624) tabled on April 1st by the gentleman from Bucksport, Mr. Pierce, pending acceptance.

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

Mr. WEBBER: Mr. Speaker, I do not think that this is a good bill for the State of Maine. I am sorry that there are those who wish to have the State expand its activity in the liquor business. There are those who are interested in the new draft. I had a friendly conference last night with the gentleman from Bucksport (Mr. Pierce) and I wonder if the sponsors of the bill would not be willing to have this tabled until the next legislative day so that those interested may make a further study of the bill.

The SPEAKER: The gentleman from Mapleton, Mr. Webber, moves that the matter be retabled and specially assigned for next Monday.

Is this the pleasure of the House? All in favor will say aye; those opposed no.

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

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

Mr. DOWNS: Mr. Speaker, I have absolutely no choice and no thought in the matter, but I notice the absence of the gentleman who previously tabled the measure. Out of fairness to him, it seems to me that perhaps the matter should lie on the table. I do not know what interest he has in the bill, but I note his absence.

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

Mr. SLEEPER: Mr. Speaker, I was contacted by the gentleman from Bucksport (Mr. Pierce) who will handle this matter on the floor for the Temperance Committee, and he asked me, if he were not here, if it might not be tabled and specially assigned for next Monday. He is around the building somewhere.

The SPEAKER: The Chair will observe that if members have matters on the table, they know they are on the table, and it is up to them to be here as representatives and take off these matters themselves.

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

Mr. WEBBER: Mr. Speaker, may I make an explanation? I did not make a motion to table in the absence of the gentleman from Bucksport, Mr. Pierce.

The SPEAKER: The motion is before the House.

Mr. WEBBER: Mr. Speaker, I did not make the motion. I simply asked if the sponsors would not be willing, inasmuch as the gentleman from Bucksport (Mr. Pierce) had made arrangements with the Floor Leader, to have this matter tabled until the next legislative day. I simply wish to express myself on the proposition, and the House can take any action it may see fit, and I will accept the decision.

The SPEAKER: The gentleman is within his rights.

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

Mr. GRUA: Mrs. Speaker, inasmuch as this draft has just come onto our desks, I would like an opportunity to study that section. It seems nonsensical to me now. I feel we would be doing a favor to the bill, the general provision of which I favor, if we left it on the table until next Monday. I would like, Mr. Speaker, at this time, to renew the motion to retable until next Monday.

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, moves to accept the "Ought to pass in a New Draft" report of the committee, and that the report, with accompanying papers, be tabled pending first reading and be assigned for next Monday. 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, Bill "An Act to Provide Relief During the Emergency for Businesses in Financial Distress Because of Wartime Conditions." (H. P. 1322) (L. D. 863) which was tabled by the gentleman from Bridgton, Mr. Rankin on April 1st, pending third reading.

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

Mr. RANKIN: Mr. Speaker, I tabled this measure by request, and I ask that the gentleman from Bangor, Mr. Hutchins, now be heard.

Mr. HUTCHINS: Mr. Speaker, I offer House Amendment "B" to Legislative Document 863, which is entirely agreeable to the sponsors of the bill and, I believe, to the members of the Judiciary Committee—at least I understand this amendment is substantially agreeable to them. House Amendment "A" will not be offered by me, because the substance of it is included in House Amendment "B".

The SPEAKER: The gentleman from Bangor, Mr. Hutchins, offers House Amendment "B" and moves its adoption. The Clerk will read House Amendment "B".

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

House Amendment "B" to H. P. 1322, L. D. 863, Bill "An Act to Provide Relief During the Emergency for Businesses in Financial Distress Because of Wartime Conditions."

Amend said bill by inserting in the second line of section one after the word "to" and before the word "properties" the words 'seasonal resort'.

Further amend said bill by inserting in the 34th line of section 2 thereof after the word "cause" the words 'the court may order and decree'.

Further amend said bill by striking out in the 36th line of section 2 thereof after the word "relief" the words "except as the court shall otherwise decree".

Thereupon House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentleman from North Anson, Mr. Ela.

Mr. ELA: Mr. Speaker, I now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from North Anson, Mr. Ela, moves indefinite postponement.

The Chair recognizes the gentleman from North Anson, Mr. Ela.

Mr. ELA: Mr. Speaker, this bill by its title is "An Act to Provide Relief During the Emergency for Businesses in Financial Distress because of Wartime Conditions," and it applies, under Section 1, to properties which are subject to mortgage and which have lost their earning power by reason of the war effort, and so forth. In other words, it applies to mortgages and contracts. Now, I will read only small sections, but that is what it applies to.

Now, as to what it does: It gives the court the authority and the power to stay "any foreclosure proceedings or forced sale or power of sale agreement of said property or payment of the principal indebtedness or interest thereon, except as the court shall otherwise decree"—I guess that is out in the amendment—"also as to any municipality defendant in said cause, a stay and suspension of the collection of any tax assessed by such municipality on the person or property in relief".

Now, I believe that constitutes an impairment of contracts. This puts a moratorium on any mortgage, on the payment of interest, on the payment of taxes, on the payment of principal, for the duration of this act, if the courts shall so decide.

I think the sponsors of the bill must have been a little skeptical

about the validity of many parts of the act if not the whole act, because it provides in Section 4: "Severability. If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect any other provisions or application of this act which can be given effect without the valid provisions or application; and to this end the provisions of this act are declared to be severable."

Now, as I understand the matter, the only way that the sponsors suggested that this act could come within the Constitution was based upon the fact that some similar law had been passed in Minnesota under the Minnesota Constitution and had been carried to the Supreme Court and been declared valid. Now, I have not the Constitution of Minnesota here and I do not understand that it was offered in committee, but I do have the Constitution of Maine, and I will read a very short sentence from Section 11 of Article I: "The Legislature shall pass no bill of attainder or ex post facto law nor law impairing the obligation of contracts."

Now, we are not concerned with the bill of attainder or the ex post facto law, but we are concerned with the rest of it. I will read it again: "The Legislature shall pass no bill of attainder or ex post facto law nor law impairing the obligation of contracts."

This bill definitely stays the payment of principle, of interest, of taxes which may accrue. It says so in the bill. There is no other reason for the bill.

Now, I think what has happened is this: There is a deplorable situation in many businesses and particularly in the seasonal resorts, and I sympathize with them. An answer has been asked for. They started over in the back of the book with the answer and they have backed up through the laws and tried to find the solution. It didn't add up. It says so in the Constitution. In bookkeeping, I think you would call it a forced balance.

Let me read that sentence once more: "The Legislature shall pass no bill of attainder or ex post facto law nor law impairing the obligation of contracts."



If you can read this bill and say it obeys that part of the Constitution, I cannot believe it.

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

Mr. SLEEPER: Mr. Speaker and Members of the House: I was the one who introduced this bill, and I suppose that I introduced it at the behest of the Maine Hotel Association. The bill applies almost wholly to summer hotels and summer eating places. As you know, the war has put a definite crimp in all their activities. Down through York County, and in my section, even prior to our entrance into the war, all the hotels and summer businesses were suffering because of the fact the Canadian business which they used to get they were not then getting.

This bill merely helps the banks to create moratoriums.

In ninety-nine cases out of a hundred banks are now giving to the proprietors of these hotels and resorts a moratorium on interest and also paying taxes.

This bill is merely to help the hundredth person who might have a mortgage in the hands of a grasping individual and who might want to take advantage of the fact that this man has not had any income for two years, and probably will not have any for a year more, and take over his property at a fraction of its real value.

I know of hotels worth \$150,000 that are now selling for \$45,000 or \$50,000, and upon which the proprietors or the owners are unable to make any payments, even pay the interest. For the past two years I know of some resort hotels that have not taken in enough money to pay their help and pay for the lights, and that would not leave them anything for interest and mortgage payment.

Now, you can imagine if some person or a group of persons spend all of their lives building up a business such as a summer resort or hotel, and then, through no fault of their own, the war came on and they could not even pay the interest on their mortgage, you can imagine how they will have their life's work blasted away through no fault of their own, because the banks can ask for their interest and

take the property over under the mortgage. But, as I have pointed out, we do not yet have any instance where any bank or individual has taken that action. In most cases a moratorium might not be needed, but there is always one case where it might. That is the reason for this law.

Furthermore, at the hearing there was no opposition to the proposition. The Bank Commissioner, who is a keen business man, sat there and listened to most of the discussion. He felt it might be a good idea, because this gives the banks an opportunity to say they are abiding by the law, and they can grant that moratorium.

There was absolutely no opposition at the hearing. If you people have any sympathy in your souls at all for some unfortunate persons, I think this bill should have a passage. The bill is very careful to state that this moratorium is only granted in the event that the person is unable to pay. I do not think that you could apply the bill to a person who operates a filling station, because that man has closed his filling station and gone into the shipyard and is working for \$75 a week. He should not be granted a moratorium, because he is able to keep up his payments. But this bill provides that the person who is unable to pay may be granted a moratorium. It simply helps businesses affected by wartime conditions, and certainly our \$30,000,000 summer business is now affected vitally by this law.

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

Mr. GRUA: Mr. Speaker and Members of the House: We had this measure before us, we had it up two or three different times, and considered it rather carefully. It is unusual legislation, and I do not wonder that some of the members are a little disturbed by it, but we felt we were living in unusual circumstances. The gentleman from Rockland (Mr. Sleeper) has outlined to you the distress that we are seeking to alleviate. This measure does a little more than can be done now under our present matter of receivership. A receivership also stops all claims against a property. The difficulty with the receivership is that that takes the owner out of

the picture and puts the creditors in, and the owner is then rather likely to be definitely out of it; and nobody is quite so interested in maintaining the value of the property as the owner thereof who has his life's savings interested in it.

Now this is similar to the law passed by the Congress of the United States which had to do with moratoriums on farm loans. You remember that was up before the courts on two different occasions. The Lemke Bill was held to be unconstitutional because there was no limitation on the length of time that the moratorium could be in effect. When that was remedied, the United States Supreme Court held it was constitutional.

I have noted the quotations that have been given in regard to the obligations of contract in our Constitution. We are not seeking in this bill to void any of the obligations of contract as obligations. We are merely postponing the remedy, and that we have an absolute right to do. The remedy is afforded by our courts, and that is a matter of procedure entirely in the hands of the Legislature. In the past we have repeatedly passed laws limiting the time in which actions can be brought.

Now, this particular law has the features that the court may order whatever income there is to be applied first to the payment of taxes, then to the payment of interest on the obligations in equitable ratio, and the balance to be applied to the principal as it may be necessary. It is entirely in the control of the courts, and I believe we can trust our courts to do the proper thing.

It would be quite easy for somebody who wanted to acquire a valuable summer hotel to get hold of some mortgage and insist upon foreclosure, and force the matter to such an issue that he could buy it for a song.

Now it is, as a matter of fact, outside interests that are seeking to obtain these hotels away from our Maine people. I believe I am giving away no secrets when I say that certain members of the Legislature have already been approached by outside interests; or representatives from such interests against the passage of this very act, apparently for no other purpose what-

ever than to make it possible for somebody to gobble up our summer property; which has been done in New Hampshire.

I think that this is a step that we ought to take to protect our people. If there is any doubt of the constitutionality, that part will be thrown out by the court if it is unconstitutional. But the people want it; the bankers who have the mortgages seem to want it, and I believe we can give it to them, and I believe we will be doing a good thing if we do so. It is not the kind of legislation that we lawyers like to favor, but in this particular instance I do favor this measure and I hope it has a passage.

**THE SPEAKER:** The question before the House is on the motion of the gentleman from North Anson, Mr. Ela, for indefinite postponement.

The Chair recognizes the gentleman from Brunswick, Miss Bangs.

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

**THE SPEAKER:** The gentlewoman has permission.

**MISS BANGS:** Mr. Speaker and fellow Members of the House: As a member of the committee that passed on this legislation, I would like to heartily endorse the remarks of the gentleman from Rockland, Mr. Sleeper and the gentleman from Livermore Falls, Mr. Grua.

Similar legislation has been passed or is before most of the other legislatures in the United States and has been passed already by several of them. Your Judiciary Committee gave this very, very careful consideration. They redrafted the bill. It has been approved and sanctioned by the banking interests in the State. It is a protection to the banking interests in that they will be allowed the privilege of carrying over these obligations and allowing them to lay over. There is no attempt to avoid any obligations, no desire to have any obligations voided. It is simply a case of allowing these obligations to be held over for a period until July 1, 1945 or until another Legislature approves similar legislation. There are plenty of safeguards in it in that the courts are the ones to decree whether or not the conditions of the mortgage do constitute distress. I certainly feel this legislation is important at this time. I think there are all the safeguards in it that are needed.

In answer to the remarks of the gentleman from North Anson, Mr. Ela, relating to the clause of severability, you will find that clause in many, many types of legislation. In fact, it is in our Civilian Defense Act. That does not weaken the bill at all; in fact it strengthens it. I certainly hope that this Legislature will see fit to pass this bill and that the motion of the gentleman from North Anson, Mr. Ela, will fail.

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

Mr. DAVIS: Mr. Speaker and Members of the House: If I remember correctly, the gentleman from Rockland, Mr. Sleeper, had another bill which would eliminate the necessity for this one, because the distress will be shifted from the proprietor to the patron.

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

Mr. DOWNS: Mr. Speaker and Members of the House: I have got to admit that I did not attend the hearing on this bill and I know very little about it, but, in going over it rather hastily, I wonder about the situation in regard to taxes. If anyone can give me the desired information it might be unnecessary for me to make a motion to table it.

I wondered if this situation presented itself: Assuming that a town finds itself holding taxes on a property which may be covered by a mortgage where they are owing one or two years taxes, and the party holding the mortgage was granted a moratorium and the party never found himself in financial condition so he could continue doing business, and the mortgagee had to take over the property, what would the position of the town be to whom the mortgagor owed quite a large amount of taxes? Would the town be left holding the bag, or would there be some claim which could be enforced against the mortgagee? That is a question in my mind, and if it can be cleared up from the floor it will not be necessary for me to move to table it.

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

Mr. GRUA: Mr. Speaker and Members of the House: I think everybody will agree that taxes are a first lien on property, therefore

taxes necessarily come first. They come ahead of the mortgage. Under this very bill it says income shall first be applied to taxes. The bill is limited to two years, and thereafter the town can take any step it wishes to have those taxes paid if the mortgagee has not already paid them. I think there is no danger to the town. The only thing the town would suffer would be a delay of two years in collecting its taxes. That is the most that the town could suffer; but, on the other hand, the town might be damaged if this property were allowed to go to destruction because they would not have it to tax later.

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

Mr. SLEEPER: Mr. Speaker, I just want to add this: that it might be of interest to members who are on town government and who take part in worrying about their town's financial affairs, to know that in most cases of these summer hotels and summer resorts where the mortgage is large and where the mortgage approximates the real value of the property, the banks holding this property have been paying the taxes when due, so that when things are normal at the end of two years there won't be any tax liens for the man who owes the money to pay off. That is the real reason for the bill, to assure the towns they will get their taxes, and it protects the town just as much as the owner of the property, because, as we all know, taxes come first in every case, and if this bill is passed the banks are likely to be more inclined to pay taxes and further guarantee the value of their mortgage.

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

Mr. DOWNS: Mr. Speaker, I am perfectly willing to plead density of mind, but I do not get the answer to the point I had in mind. I will try to make it a little clearer.

If a moratorium is granted to a party who owes a large amount of tax, that is for a period of two years. I wish to make this clear: that during that moratorium no tax lien is taken out in favor of the town. Now, at the end of two years if the party does not find himself in financially good condition and able to get back on his feet and the bank has taken over the property—

I wonder if under those conditions the town would be deprived of its taxes due to the fact the moratorium was granted to taxpayers for taxes?

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, asks unanimous consent to address the House for a third time. Is there objection? The Chair hears no objection, and the gentleman may proceed.

Mr. GRUA: Mr. Speaker, if I may be permitted to answer the gentleman, I will say this does not prevent the town from filing a lien for taxes. The only thing this does is to prevent the town from enforcing it by the sale of the property. This merely takes away the enforcement, but the town has all the right in the world to file a lien. In any event, whether they file a lien or not, taxes come in ahead of the mortgage and the mortgagee must pay them.

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

Mr. MAXWELL: Mr. Speaker, as a member of the Judiciary Committee, I will say that this bill for a long time was given very careful consideration. I believe it was taken from the table as many as five times and put back again on the table for further consideration. We considered it from a constitutional standpoint, from a practical standpoint, and from a theoretical standpoint.

Now, one member of the House has raised the question of the constitutionality, and I believe that was the only objection he raised. He mentioned a Minnesota case. If it is the same case which I have in mind and which I have read, the Court construed a similar law under the Minnesota Constitution which he read to you regarding obligations of contract, and they held that sort of law is not unconstitutional.

The gentleman from Livermore Falls, Mr. Grua, has touched upon another phase of constitutionality, and that is the remedy. As I understand it—and I believe the courts have upheld this many times in this state—that clause in the Constitution has to do with the substance of the law of the impairment of obligations of contract, but it does not apply to the remedy.

The Legislature may from time to time change the remedy so long as there is one left.

Now, this law simply postpones the payment; in other words, it postpones the remedy, the enforcement of it. I do not believe we need to fear about this law being unconstitutional.

The same gentleman also seemed to have some doubt as to whether or not the framers of this bill believed it to be constitutional because a clause would be put in there regarding severability. I believe you will find that in many, many laws that have been passed in the Legislature of Maine. I do not know just why it was put in there, but this is no innovation and should not militate against the bill.

Now, I have in mind something that is quite close to my heart, of what happened to a certain hotel at Moosehead Lake, a landmark, the Kineo House. Personally, I was very closely connected with that hotel, as I worked several years in the office in the summer. A few years ago that hotel was sold for junk, you might say, and finally torn down. It was not on account of war conditions but on account of other conditions, it being on the end of a dead end road, and the automobile business had simply put it out of commission.

Now we have additional hazards, I might say, in regard to summer resort property along the shore, and I do not want to see that sort of thing happen to that property—to see a fine hotel like the Kineo House go out of existence and be sold for junk—and that is just what would happen, I believe, if the hotel owners and shore property owners who cater to the summer people do not receive this bill.

Now, the motion before the House is to indefinitely postpone this bill. I sincerely hope from the bottom of my heart that you will vote against that motion and vote no.

The SPEAKER: The question before the House is on the motion of the gentleman from North Anson, Mr. Ela, for indefinite postponement. The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I just belong to that group which considered the legal situation pertaining to the bill. My first thought

was that the gentleman from North Anson, Mr. Ela, was right, because it clutters up matters. What I would like to have done—if Mr. Grua is not permitted to speak a fourth time—I would like to have Mr. Sleeper answer in what way House Amendment "B" affects it or modifies it. My impression is that the committee must have had considerable hesitation in getting out a bill of this kind, and I would like to know in what way House Amendment "B" affects their thought.

The SPEAKER: The gentleman from Calais, Mr. Murchie, asks a question of the gentleman from Rockland, Mr. Sleeper. The gentleman may reply if he desires.

Mr. SLEEPER: Mr. Speaker, Amendment "B," the principal part of the amendment, the one most germane to the subject, are the words "seasonal resorts"; and the proponents of the bill and the committee felt it might be well to keep the bill down to seasonal resorts, because if we opened it up wide any person operating any sort of business could say that during the war-time his business was being hurt and ask for a moratorium on his taxes, or anything else, so we felt, to keep from cluttering the courts up with too many cases, it ought to simply apply to that industry which was suffering the most from wartime conditions, and that was the resort business. This amendment, House Amendment "B" applies wholly to summer resorts. If we do not put that amendment there, any person running a garage or any sort of a business can claim his business is being hurt by the war and can ask for a moratorium on taxes. But we all know that in ninety-nine out of a hundred cases the average person is able to find something else to do. Of course we know that the owners of these large luxury summer hotels could not go to work in the shipyard, because they could not even pay the interest in most cases.

I will say to the gentleman from Calais, Mr. Murchie, that I doubt if there will be more than one or two of these cases taken to court. It is just to protect the little man who might be squeezed out.

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

Mr. PAYSON: Mr. Speaker, I find myself in the delightful position of being able to disagree with the gentleman from Livermore Falls, Mr. Grua, and, since he has already spoken three times, he cannot answer me.

I disagree with his answer to the gentleman from Rome, Mr. Downs that this does not suspend the tax lien. It says that the court may enter an appropriate decree "as to any municipality defendant in said cause, a stay and suspension of the collection of any tax assessed by such municipality on the person or property in relief, except as the court shall otherwise decree." The court may decree suspension. I think that is clearly set forth in the bill, unless I have missed something which makes an exception.

My heart bled when the gentleman from Rockland (Mr. Sleeper) was speaking about these men who by their toil had grubbed up enough money to buy a business and had put their life's earnings into it — and also some other people's earnings into it by way of a mortgage on the business. I wonder why they didn't think of the man who saved up his own money and put it into his business and owned the place completely, all his own hard earned cash, and who may be in danger of losing his property through taxes and accrued bills. I did not see any solicitude for him, because this act will only apply to property under mortgage on the effective date of this act. So the man who has put his own money into a business has no protection at all; it is just the fellow who borrows money from somebody else and cannot repay it at this time.

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

Mr. MARSANS: Mr. Speaker, as a member who is interested in the summer business in this State, I would like to go on record as heartily in favor of this measure. Luckily, we who are in the boys' camp angle of the resort business are not feeling the pinch as much as the hotels; because people are still desirous of sending their youngsters out of the cities, feeling that they will be benefited by camp life, and possibly will get more to eat in camp than they will at home. It is true though that your recreational busi-

ness is now the leading business in Maine and has left hundreds of millions of dollars here in Maine. It exceeds your lumber industry and your potato industry, any industry in Maine; and these people have invested terrific sums in order to make Maine known throughout the length and breadth of this land as "Vacation Land." They now find themselves up against the wall, battling for their lives, and I think we in the Legislature here should at least fend off the wolves for a short time.

The SPEAKER: The question before the House is on the motion of the gentleman from North Anson, Mr. Ela, for indefinite postponement.

The Chair recognizes the gentleman from Rangeley, Mr. True.

Mr. TRUE: Mr. Speaker and Members of the House: The gentleman from Rockland, Mr. Sleeper, and the gentleman from Livermore Falls, Mr. Grua, said all the things I could ever think of much better than I could say them, so I just want to go on record as in favor of this bill.

When this Legislature adjourns and I am privileged to go home again, if I did not vote for this bill I would not dare go any farther than Belgrade.

I hope that the motion of the gentleman from North Anson, Mr. Ela will not prevail.

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

Mr. LEAVITT: Mr. Speaker, recognizing the pleasure that the gentleman from Portland, Mr. Payson, has in making a statement to a gentleman who feels he should not rise for the fourth time, I would like to bring out the fact that the law says "suspension of collection of any tax." It does not say anything about suspension of liens or suspension of actual payment of taxes; it simply suspends collection of taxes.

The SPEAKER: At this time the Chair recognizes the presence in the hall of the House the distinguished President of the Senate, and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon the Hon. Horace A. Hildreth, President of the Senate, was escorted to the rostrum by the Sergeant-at-Arms amid the applause of the House, the members rising.

The SPEAKER: The question before the House is on the motion of the gentleman from North Anson, Mr. Ela, for indefinite postponement.

The Chair recognizes the gentleman from North Anson, Mr. Ela.

Mr. ELA: Mr. Speaker, I have a great deal of sympathy for anybody who finds himself in distress—and that includes the members of the legal profession, whose bible is the Constitution, and who have had to stand up in this House this morning and defend this bill.

Somebody has suggested, or the inference might have been made, that the law which I quoted was the Minnesota law. It was the Maine Constitution.

Now, other people besides owners of resort property may suffer. This bill applies only to the owners of resort property. Furthermore, all people who need credit, wherever they may be and whatever their business may be, will find themselves jeopardized by such legislation. If banks and people who have credit to lend fear that our Legislature may pass this legislation, which prevents the collection or delays the collection of that credit, they will certainly either protect themselves with higher interest rates or refuse the credit.

We have heard allusion to the Kineo Hotel. It was a beautiful spot. But this law would not have made any difference to that hotel if it were in effect then. Conditions beyond the control of the owners necessitated the destruction.

Now, we got through the last war without any such bill; we got through 1933 without such a bill. This bill applies not to the public at large; it just picks out a very small section. They mention a very few cases, and the whole state and the whole public must bear the burden of supporting a questionable and, I believe, an unconstitutional law.

Let me just sum up: This bill stays the repayment of principal, of interest, of taxes; and that necessarily, to my mind, must impair the obligation of contracts. Our Constitution says the Legislature shall pass no law impairing the obligation of contracts. You cannot get around those two facts.

The SPEAKER: The question before the House is on the motion of the gentleman from North Anson, Mr. Ela, for indefinite postponement.

The Chair recognizes the gentleman from North Anson, Mr. Ela.

Mr. ELA: Mr. Speaker, I move for a division.

The SPEAKER: The gentleman from North Anson asks for a division.

All those in favor of indefinite postponement of Legislative Document 863 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.

Twenty-six having voted in the affirmative and 42 in the negative, the motion to indefinitely postpone did not prevail.

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

The SPEAKER: The Chair lays before the House the sixth tabled and today assigned matter, Bill "An Act to Incorporate the Bethel Water District. (H. P. 1346) (L. D. 885) which was tabled by the gentleman from Brunswick, Mr. Brown, on April 1st, pending passage to be engrossed.

On motion by Mr. Brown, the bill as amended was passed to be engrossed and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. If there is nothing further to come before the House, the Clerk will read the notices.

On motion by Mr. Marsans, of Monmouth

Adjourned until Monday, April 5th, at 11.30 o'clock in the forenoon.