

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

Monday, April 5, 1943.

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

Prayer by the Rev. A. G. Davis of Mechanic Falls.

Journal of the previous session read and approved.

Papers from the Senate
Senate Reports of Committees
Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Provide for Four Year Term for Governor (S. P. 358) (L. D. 645)

Report of the Committee on Legal Affairs reporting same on Bill "An Act Forbidding the Use of Revolving Doors" (S. P. 422) (L. D. 718)

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 Salaries and Fees reporting "Ought to pass" on Bill "An Act relating to the Expenses of the Judge of Western Somerset Municipal Court" (S. P. 181) (L. D. 240)

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

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

Divided Report

Majority Report of the Committee on Salaries and Fees reporting "Ought not to pass" on Bill "An Act relating to the Salary of the Governor" (S. P. 404) (L. D. 672)

Report was signed by the following members:

Messrs. BRAGDON of Aroostook
 HALL of Franklin
 —of the Senate.

DOWNS of Rome
 JONES of China
 GOLDSMITH of Orono
 SMITH of Thomaston
 SANBORN of Baldwin
 —of the House.

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

Report was signed by the following members:

Messrs. BUCK of Lincoln
 —of the Senate.

JORDAN of Saco
 WILLIAMS of Clifton
 —of the House.

Came from the Senate with the Majority Report accepted.

In the House, on motion by Mr. Goldsmith of Orono, the Majority Report "Ought not to pass" was accepted in concurrence.

Conference Asked

Bill "An Act relating to Compensation of Department Heads" (H. P. 598) (L. D. 356) on which the House voted to adhere to its former action on April 1st whereby Report "B" reporting "Ought not to pass" was accepted on March 26th.

Came from the Senate that body voting to insist on its former action whereby Report "A" reporting "Ought to pass" was accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" and with the following Conferrees appointed on its part:

Messrs. BRAGDON of Aroostook
 BUCK of Lincoln
 VARNEY of York

In the House, on motion by Mr. Williams of Clifton, the House voted to insist on its former action and join in a Committee of Conference.

The Chair appointed as Conferrees on the part of the House:

Messrs. WILLIAMS of Clifton
 DCWNS of Rome
 JACOBS of Auburn

Tabled and Specially Assigned

Bill "An Act relating to the Aroostook County State Park" (H. P. 153) (L. D. 112) on which the Bill was substituted for the "Ought not to pass" Report of the Committee on State Lands and Forest Preservation and passed to be engrossed on April 1st.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Miss CLOUGH: Mr. Speaker, in view of the absence of Mr. Brewer, whose bill this is, I move that the matter lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The gentlewoman from Bangor, Miss Clough, moves that Legislative Document 112 lie on the table pending consideration 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.

Non-Concurrent Matter

From the Senate: Bill "An Act relative to Licensing Dealers in Livestock" (H. P. 1067) (L. D. 554) on which the House accepted the Majority Report of the Committee reporting a new draft (H. P. 1347) (L. D. 882) and passed the Bill to be engrossed as amended by House Amendment "A", "B" and "C".

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

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

Non-Concurrent Matter

From the Senate: Bill "An Act relating to Revolving Fund for the Payment of Taxes in Certain Cases by the Department of Health and Welfare" (H. P. 1171) (L. D. 626) which was passed to be engrossed in the House on March 17th.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mr. Hawes.

Mr. HAWES: Mr. Speaker and Members of the House: This bill was designed to aid in the administration and extension of Old Age Assistance. It was approved by the Commissioner of Health and Welfare, and was unanimously agreed to by the Committee. We believe it would be of material assistance in extending aid to the recipients of Old Age Assistance, and, when I tell you that more than 80 per cent of the Old Age recipients are now trying to live on budgets based on 1940 food prices, I think that need will be recognized. About 24 per cent are receiving the maximum of \$30.00 a month, which means that in most cases they are wholly dependent upon the State. We have tried to remedy that to some extent by increasing the maximum amount from \$30.00 to \$40.00, but unless

there are more funds available than now seem possible, that will be little more than an indication of good intentions. However, infinite wisdom elsewhere has turned "thumbs down" on the proposition, and I realize the futility of further effort at this time, and, so that there may be a prompt and peaceful interment, I move that the House recede and concur with the Senate in indefinite postponement.

The SPEAKER: The gentleman from Vassalboro, Mr. Hawes, moves that the House recede from its former action whereby this bill was passed to be engrossed on March 18th, and concur with the Senate in the indefinite postponement of this bill. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: On the Committee of Conference on Bill "An Act relative to Licensing Dealers in Livestock" (H. P. 1067) (L. D. 554), New Draft (H. P. 1347) (L. D. 882) the Chair will appoint the following members:

Messrs:

BUZZELL of Fryeburg
DAY of Durham
DENNY of Damariscotta

Orders

On motion by Mr. Doughty of Gray, it was

ORDERED, that Mr. Keller of Hallowell, be excused from attendance because of illness.

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

Orders (Continued)

Mr. Jordan of Saco, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Research Committee be and hereby is instructed to study the Tax System of the State of Maine for the purpose of presenting to the 92nd Legislature for its consideration suggestions and measures aimed at broadening and improving the tax system, if in their opinion it is advisable.

If, however, they do not deem it advisable, they are instructed to bring in a Report to the 92nd Legislature explaining the reasons for their decision (H. P. 1363)

The Order received passage and was sent up for concurrence.

On motion by Miss Clough of Bangor, it was

ORDERED, that the Clerk of the House be directed to file with the Secretary of State the County Estimates that are on file in this office.

On motion by Mr. E. T. Jones of Waterville, it was

ORDERED, that Rev. Clifford Osborne of Waterville be invited to act as Chaplain of the House on Wednesday, April 7th.

House Reports of Committees Ought Not to Pass

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Fishing in Cochran Lake Tributaries (H. P. 544)

Same gentleman from same Committee reported same on Resolve relating to Fishing in Somerset County (H. P. 936)

Same gentleman from same Committee reported same on Resolve Regulating Fishing for Trout in Perry Pond in Sandy River Plantation (H. P. 35)

Mr. Davis from same Committee reported same on Resolve Regulating Fishing in Pierce Pond and Bowtown Townships, and Grass Pond and Kilgore Pond in Pierce Pond Township (H. P. 246)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in York County (H. P. 318)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in China Lake (H. P. 135)

Mr. MacKinnon from same Committee reported same on Resolve Regulating Fishing in Certain Brooks (H. P. 247)

Same gentleman from same Committee reported same on Resolve relating to Fishing for Salmon in Dennys River (H. P. 937)

Same gentleman from same Committee reported same on Resolve relating to Taking of White Perch in the State (H. P. 1215) (L. D. 696) as subject matter is covered by other legislation.

Same gentleman from same Committee reported same on Resolve relating to Fishing in Mosquito Brook in Aroostook County (H. P. 1100)

Mr. Smith from same Committee reported same on Resolve relating to the State Wide Bag Limit on Trout, Salmon and Togue (H. P. 242)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in Macdougall Pond in Caratunk Plantation (H. P. 244)

Same gentleman from same Committee reported same on Resolve relating to the Bag Limit for Fish in the Rangeley Chain of Lakes (H. P. 452)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in Beane, Clear and Lost Ponds in Pleasant Ridge Plantation (H. P. 245)

Same gentleman from same Committee reported same on Resolve relating to Fishing in Cupsuptic River (H. P. 248)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Usher from the Committee on Claims on Resolve in favor of William F. Tracy of Passadumkeag (H. P. 442) reported same in a new draft (H. P. 1362) under same title and that it "Ought to pass"

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

Ought to Pass

Mr. Tuttle from the Committee on Claims reported "Ought to pass" on Resolve in favor of George Crimmins of Brunswick (H. P. 1218)

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

First Reading of Printed Resolves

Resolve reimbursing the town of Trescott for Bounty Paid to Vincent Foley (H. P. 531) (L. D. 899)

Resolve in favor of the town of Newry for Bounty Paid (H. P. 1084) (L. D. 900)

Resolve in favor of Leland Andrews of Hartford (H. P. 1359) (L. D. 901)

Resolve Providing for the Payment of Crop Damages Caused by Protected Wild Animals (H. P. 1360) (L. D. 902)

Resolve Providing for the Payment of Certain Damage Caused by Protected Wild Animals (H. P. 1361) (L. D. 903)

Resolves were read once and tomorrow assigned.

Passed to be Engrossed

Resolve in relation to Status of Paul J. Brown in re Teachers' Retirement Association (S. P. 82) (L. D. 880)

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

Amended

Bill "An Act Increasing the Compensation of the County Attorney and Assistant County Attorney for Androscoggin County" (S. P. 369) (L. D. 635)

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

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Joint Order Relative to Increasing the Salaries of State Employees (H. P. 1341), tabled March 31, by Mr. Sleeper of Rockland, pending passage.

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

Mr. WILLIAMS: Mr. Speaker, noting the absence of Mr. Keller, who originated this Order, in the House. I move that it be laid on the table.

The SPEAKER: The gentleman from Clifton, Mr. Williams, moves that H. P. 1341 be laid on the table. Is this the pleasure of the House?

Thereupon the motion prevailed and the Order was tabled pending passage.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House Report "Ought to Pass in a 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), tabled April 1, by Mr. Brewer of Presque Isle, pending acceptance of Report.

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

Mr. ROLLINS: Mr. Speaker, in the absence of the gentleman from Presque Isle, Mr. Brewer, I move that this item lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the second tabled and today assigned matter, H. P. 1343, be laid on the table and specially assigned for tomorrow. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Majority Report "Ought not to pass," and Minority Report "Ought to Pass in a New Draft" (S. P. 466) (L. D. 836) of the Committee on Legal Affairs on Bill "An Act Relating to Appointment of Police Commission for City of Lewiston" (S. P. 54) (L. D. 777) which came from the Senate, Majority Report "Ought not to pass" accepted.

In the House, tabled April 2nd by Mr. Roy of Lewiston, pending acceptance of either report.

The Chair recognizes the gentleman from Lewiston Mr. Roy.

Mr. ROY: Mr. Speakers and Members of the House: "Home Rule"! Words as dear to the heart of free, peaceful, liberty-loving American people as "Home Sweet Home."

The little bill before us is not as simple as it looks. Its introduction in the legislature created a furore. It brought the entire Lewiston Police Force of nearly fifty men to their feet. Telegraph, telephone, tell-a-woman and mails were kept busy, night and day, for weeks. The result was stupendous. Letters and remonstrances came in from Baltimore, St. Louis, Kansas City, Boston, Berlin, and other important cities and towns where certain tax payers and chain-store heads doing business in Lewiston are located.

The Lewiston territory was thoroughly covered. Among thousands of the most important letters we find St. Patrick's Rectory, Trinity Church, Greek Orthodox Church, Lutheran Church, The Jewish Synagogue Congregation Beth Jacob and many other church organizations.

Six remonstrances came from Bates College, and scores of letters from other institutions of learning. And nearly all industries, such as the Bates Manufacturing Co., the Continental Mills, the Hill Mills, the Androscoggin Mills and other less important industries had their word to say.

Then we find doctors, lawyers, chiropractors, inn keepers, chamber maids, dish-washers, scrub women, bootblacks, etc., all voiced their protest against the passage of that **TERRIBLE HOME RULE BILL**.

The worst of it all, Ladies and Gentlemen, is the fact that what I have just related to you is not a joke: it is positively true, as you can prove by calling at the Legal Affairs Committee Rooms, where the letters and remonstrances are on file.

The success of our policemen in this campaign is significant and very interesting. It clearly illustrates the invisible power with which these men are vested. We asked several business men and women the reason why they had written or signed letters to stop the passage of the Home Rule Bill. The answer was invariably the same: They could not refuse a police officer.

To fully comprehend the meaning of this Home Rule Bill, we must go back to the time when that disgraceful Governor-appointed Police Commission Bill was passed. I shall try to be as brief as possible in this matter, for I know that many of you are anxious to adjourn this Legislature to return to the dearest place on earth "Home Sweet Home", especially where "home rule" reigns supreme.

The 78th Legislature that convened in 1917 passed, in a shameful cowardly manner, a bill—a forerunner to other legislation—that would eventually put Lewiston under guardianship. This measure, called "The Lewiston Police Commission Bill" was put through as an emergency measure in record time; it carried no referendum, thus giving

our citizens no opportunity to express themselves on the subject.

Editorials that appeared in The Lewiston Daily Sun, at the time, will give an idea how some respectable citizens felt about this matter.

The Editor:—

"Is today the date of the commitment of Lewiston to the home of feeble minded? . . . The House of Representatives of Maine voted home rule away from Lewiston, and did not give Lewiston a chance to say whether she desired that humiliation or not . . . Lewiston is in disgrace every day she is in the hands of a Governor-appointed Police Commission".

Yes, Lewiston is in disgrace with a blot on her reputation, a thorn in her side, stuck there by shrewd, job-seeking politicians; skilled in the art of making trifling evils look like mountains of wrong. To attain their aim, these politicians did not hesitate to besmirch the fair name of their city. Now, a shadow of doubt hangs over the reputation of her citizens and, in the mind of many, she is The "Gomorrhah"; the "Sodom" of modern times.

Lewiston at that time, as she is today, had a large number of democrats and a few vanishing republicans, while in the Legislature there was an overwhelming number of Republicans and but a small number of Democrats. A very favorable situation to the success of political schemers.

In the 78th Legislature these schemers succeeded in putting our police department in the hands of the Governor. This, as we have said, was a forerunner to the legislation that would, in a cowardly manner take all rights of the majority party away and open the door to city jobs. This, undoubtedly, was the object of their scheme.

In 1925 a bill was introduced and, had it passed, would have put our entire city government under guardianship. Three commissioners, named by the Governor, were to have full control of the city administration with a salary of \$15,000 a year. As in the other case, the State was to fix the price and we were to foot the bill. So unreasonable was this measure that the chairman of the committee before which it was heard, called it the most drastic piece of legislation ever brought to the attention of a committee; that it had no precedent in

the annals of the State of Maine. Since this proposed commission was to have full control of the city administration, it is evident that these politicians would have reached their goal—the city jobs.

The measure before us calls for no change whatsoever in the police force nor in the commission. The only difference would be that the Mayor instead of the Governor would see to the commission when an appointment became necessary. This slight change would relieve that feeling of subordination that touches the dignity of our citizens, and would dispel the humiliating sensation so disagreeable to proud, peaceful, liberty-loving people.

Some of you may ask: "If your proposition is good, why do priests, ministers, college professors, in fact your most respectable citizens, oppose it?"

To this I will say that these gentlemen seldom, or never mingle with people who meddle in politics. They even rarely go to the polls. They are generally among the ones who know the least about what is going on in the city administration. They undoubtedly get their information from what politicians say in election campaigns, and you all know how unreliable the statements of political job-seekers are.

I have all the respect a man should have for clergymen. I never question their word in matters of faith, but when they leave the sacred domain to enter the sphere of politics they are human, like you and me, and their word should have no more weight than yours or mine.

At a hearing on this police commission bill there appeared as opponents a lawyer, who probably was paid to oppose the measure; a priest; a minister and a college professor. The priest did not appear in person; he sent a remonstrance.

To show you how unreliable some of these remonstrances must be, I shall take for example, the priest's letter. First, I will say that this reverend gentleman had been in Lewiston less than a year. His name did not appear on the voting list and I doubt if he was a voter. He certainly knew nothing about what our city government had been in the past. I can imagine how the politicians who solicited that letter, made things appear so terrible that the good old soul listened, with eyes

bulging with excitement, and in his mind could see the devil, trident in hand, his wiry tail tipped with a spearhead, clicking and clacking and flipping and flapping and switching and swirling and twisting and twirling, and in a policeman's uniform, beating the streets of Lewiston. It is probably while in such a state of mind that the good pastor signed the letter.

At the hearing, the leader of the opponents, letter in hand, high in the air with a gesture of triumph, said: "Here's a remonstrance from a priest!" We could plainly see from the expression on his face that he felt sure he held a bomb that would shatter his opponents' cause to smithereens. It is evident that honest unsuspecting citizens are sometimes misled by politicians into things they ought not to do.

To strengthen their arguments, our opponents say that our police force is better, and should remain under the control of the Governor. If that is so, then, put all police forces of every municipality under that authority. Pending the day that such a measure is enacted, give Lewiston the same freedom that other cities enjoy.

We also hear that people do not want the considered change. Now, the entire Lewiston delegation is solid for it. Who sent us here? Is it the minority?

To be fair to all we attached a referendum to the bill. To this our opponents say: "No! We don't want a referendum! It is useless to refer this to the people. They do not understand."

What an insult! Does the Lewiston delegation appear different from other people? The citizens we represent are no different from what we are. Do they think we do not understand when they insinuate that we are not enlightened enough to know how to vote? Let me tell them that we can vote as intelligently as they; furthermore, we perform our duty of loyal American citizens by going to the polls on election day; this is one thing many of our opponents seldom do.

Among other things they say is that our bill would put our police force back into politics. Has it ever been out of politics? Is not a governor as much a politician as a mayor? It's a slur on the character and dignity of our city magistrate

to insinuate that he is more apt to corruption than State authorities. Do you believe that our state police would be better under a commission appointed by the President of the United States than under the authority of our Governor?

What would you say if a small group of politicians should pass a bill in Washington, providing for a commission of two Democrats and one Republican, appointed by the President, to run our State highway department? Worse still, what would you say if this act had been passed on the grounds that our highway commission was corrupt and that the citizens of Maine were different from other people? Is there a man with two cents' worth of honor who would not protest with all the power at his command against such an act of injustice? Exactly the same shameful act has been cowardly forced on the citizens of Lewiston. Is not this a disgrace?

There are no reasons whatsoever for keeping Lewiston in a different class from other cities. No one can say in all sincerity that the principle is not wrong. It seems to me that this legislature cannot adjourn and feel it has done its duty if it supports a wrong principle; and its action certainly cannot be considered just if it treats one of its communities differently from the rest.

"Home Rule!" Words as dear to the heart of free people as "Home Sweet Home". Several times have we heard this expression ring through the House, and every time "Home Rule" has been respected. Are we going to deny Lewiston the same fair treatment that we gave everyone else?

I feel confident that all who consider this question from a point of justice will support my motion to accept the minority report of "Ought to pass in new draft."

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Roy, for acceptance of the Minority Report "Ought to pass in new draft."

The Chair recognizes the gentleman from Lewiston, Mr. Bernier.

Mr. BERNIER: Mr. Speaker, this bill that we have in the House has been a measure that has been coming through the Legislature for the last ten years. It really is a mea-

sure that concerns the City of Lewiston, where the situation by now is well handled by its office holders.

In the last two years the City of Lewiston has shown great improvement. Last week, as we know, we closed our books, with a surplus of \$175,000, and we believe that we now can run our affairs in Lewiston. All that we ask on this measure is a referendum, so that the people can say whether they want their Police Commissioners to be named by the Mayor or the Governor. I sincerely believe that in the future Lewiston will really be a city where people will be proud to live. We would really like people to let us have a referendum on that question.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Roy, for acceptance of the Minority Report "Ought to pass in new draft."

The Chair recognizes the gentleman from Lewiston, Mr. Boutin.

Mr. BOUTIN: Mr. Speaker, I will try to explain this bill in just a few words. The only thing that we want down in my home city—we do not want a change in the Police Department at all—all that we want to do is this: At the present time our Police Commission is named by the Governor. He names a Commissioner from year to year. All that we want to do is to let our own Mayor in the City of Lewiston name the Police Commission. As a matter of fact, I am sure that Lewiston is the only city in the State where the Governor names the Police Commission.

I have got right here 1582 names on a petition signed by the citizens of Lewiston, which is on file with the Secretary of State, asking for that.

Now, I have been told about, and I have seen personally, some of the letters that some of our business men in the City of Lewiston wrote to the Legal Affairs Committee. I can name them to you, if you wish me to. Quite a few of them are voters in the City of Auburn; and I do not see what that has to do with the City of Lewiston. I will give you one name of a concern in Waterville. That is the New England Waste, which used to be in Waterville six months ago, and came to Lewiston, and opened up a place of business, in the last six

months. I would like to know what they know about the Police Department of Lewiston or the officers of Lewiston.

I will not name the others, but if there is anyone who wants to know the other names, I would be glad to name them. What has anybody who votes in the City of Auburn to do with the City of Lewiston?

The only thing that we want to change is to have the Police Commission, instead of being named by the Governor, named by the Mayor.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Forgue.

Mr. FORGUE: Mr. Speaker and Ladies and Gentlemen of the House: It seems to be my duty as a member representing the City of Lewiston, to say a few words with regard to this particular bill.

I am quite positive there is no chance in the world that this bill will go through, but, nevertheless, it seems to be my duty to say a few words.

Now, why should the City of Lewiston be punished more than any other city in the State of Maine? Can we not have our own Honorable Mayor appoint our Police Commissioner, the same as the rest of our very fine cities in the State of Maine? I would like to have this question answered, but I do not think that it will be answered this morning.

At the same time I feel that it is really too bad for our citizens of Lewiston not to have the privilege to vote on that question.

As you all know, ladies and gentlemen of the House, the City of Lewiston is paying one of the highest taxes in the State of Maine,—am I right, ladies and gentlemen?

Therefore, why not give them that privilege—why not at least give them the privilege to have a referendum on that question? I thank you.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Boutin.

Mr. BOUTIN: Mr. Speaker, when the vote is taken I ask for a division of the House.

The SPEAKER: The gentleman from Lewiston, Mr. Boutin, asks for a division

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

Mr. PAYSON: Mr. Speaker, this is the type of measure on which I have always hated to take a position and which the Legal Affairs Committee always hates to take a position on. I feel very certain that the gentleman from Biddeford, Mr. Donahue will back me up on this when I say that my attitude on matters of this sort has always been that if the situation is bad enough in a city or town so that the State should interfere with home rule, then the committee is justified in interfering with home rule. If it is not bad enough, then the Legislature should not interfere with home rule.

As the gentleman from Lewiston, Mr. Roy, has said, in 1917 the situation seemed bad enough in Lewiston so that the Legislature took the action which is asked to be reversed here today. I have not heard anyone except the gentleman from Lewiston, Mr. Roy, say the situation did not warrant action of the Legislature at that time. I have heard that Legislature called courageous rather than cowardly.

Let us go back to 1917 and take the situation which existed in Lewiston at that time. With the predominant vote that existed in the city at that time it would have been silly to leave the matter to referendum; and the situation was bad enough so that the representative citizens of Lewiston asked to have this change made. I think that the members of the House will note here this morning that no one has complained about the police department of the City of Lewiston as it exists today. The police department of the City of Lewiston as it exists today seems to have a very clean record. Representative citizens of Lewiston came in before the committee and said the police department was clean and to please leave it that way. The situation was such that it did not seem right to the Committee on Legal Affairs to make any change at this time.

I therefore hope that the motion of the gentleman from Lewiston, Mr. Roy, for the acceptance of the Minority Report "Ought to pass in new draft" will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Roy.

Mr. ROY: Mr. Speaker, the gentleman from Portland (Mr. Payson) seems to think that it is the same generation today that it was in 1917. It is not; it is a new generation. Then why not take that blot out of the representation of Lewiston? How could a new commission make any change? It is the Legislature that makes the change. You take it from that time when the change was made until today, and you will find that the Governor, when he comes to Lewiston, advertises he will meet the people at the DeWitt Hotel to choose a Commissioner who is an honest man. The first time he came down, like Diogenes with his lantern he came down to find three honest men. Well, he did find one honest Democrat, so he appointed two Republicans. Now there are two Republicans and one Democrat for a city with an overwhelmingly Democratic majority.

The difference that made the change in the police department was in the time they were hired for. Now it is exactly the same men who were on the old force, and many of them are there today; those who were red devils and other terrible things as those job-seeking politicians made out at that time.

Lewiston was no worse than Portland or any other place, but they made them out so terrible that they made this change, and since then those policemen who were on that Commission have become white, fluffy angels. Those police officers were exactly the same as those who were on there then, but they were working under different conditions.

We could not bring this committee to do that by an act of the Legislature because those officers are elected for life. Formerly they held their job for three years and were re-engaged for three years. Now they are appointed for life, and even the Legislature cannot put them out if they do their duty. That is their duty alone as long as they hold office there and no one can put them out. How could we? How could the new commission say so? No one could.

Now, at the hearing on that police bill, it was the very same men who in 1917 said that Lewiston at that time was the most disgraceful and corrupt city in New England if not in the United States—and there were irregularities as there are today in some of these cities—but one

thing they changed was the duration, or the time that the officers should serve; they changed it to life instead of three years. That made all the difference.

Now, the leader of the opponents of this bill at the hearing said that they were all the same men, but he said that it was remarkable that the Governor in the twenty-six years that he had appointed the Commission had made but two mistakes. Those two mistakes were made very recently, so now the City of Lewiston must be composed of just one honest man and two mistakes. (Laughter)

I say the City of Lewiston cannot go back; the policemen are there and they are elected for life. We cannot make that change without this Legislature. I say that it would make no difference whatsoever. The difference would be by having a commission appointed by the Mayor, which would wipe that blood off of the reputation of Lewiston. I hope that the Minority Report "Ought to pass in new draft" will prevail.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Boutin.

Mr. BOUTIN: Mr. Speaker, the gentleman from Portland, Mr. Payson, just mentioned that we would change our Police Department. We do not want to change it; we want to keep it just as it is. We have got the best and most efficient police department in the State. All we want to do is change the naming of our Police Commission. We want our future Mayor to name the Police Commissioner instead of having him named by the Governor. Even if we do change it, our present Mayor will not name the Police Commissioner unless he is re-elected next year. You only get one new Police Commissioner every other year named by the Governor. We want it in the future named by the Mayor. Even if it is changed, our present Mayor will not be naming one, because no Police Commissioner is going to be appointed this year. Next year, if our present Mayor is in office, he will name the Commissioner.

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

Mrs. LEIDY: Mr. Speaker and Members of the House: I would like to say a word on the side of the

gentlemen from Lewiston. I was not going to say anything until the gentleman from Portland stood up and had his say, and then I decided that some one ought to be on the other side.

I visited in Lewiston several weeks, and I talked with the people there. They are very much in favor of this bill—those that I spoke with.

Of course we all know that Lewiston is the only city in the State of Maine that has this arrangement, and we also know that Lewiston is at a disadvantage in that all its representatives right here in this House are of the minority party. It should not be a disadvantage, but it seems to me it is. I do not know how you members stand, but I feel this way about it. I feel that the people of Lewiston who have much confidence in their Mayor whom they have recently elected, should decide about this. I thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Roy, for acceptance of the Minority Report "Ought to pass in new draft."

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I am one of those people who do business in Lewiston but do not live there. A lot of people do have an interest in that they own property and are paying taxes there. I am not at the present time taxed there.

It seems to me that the question here does not, we might say, concern us throughout the State. However, the situation apparently that existed in 1917 caused the Legislature and the people of the City of Lewiston to ask for this change.

Now, at the present time everyone agrees—I think the proponents of this bill without an exception agree that they have a fine police force, that there have been no abuses during this long period that the Governor has appointed the Commission. They say that they do not want any change except in the method of appointment. Now, under the present method of appointment the Commission is made up of citizens of the City of Lewiston, the same as it would be if the Mayor appointed them. The Commission is merely appointed by the Governor, the same as he appoints our

municipal court judges and many others that function in the local communities. And, in view of the fact this system has worked out so well and everyone is satisfied, and because of the fact they have one of the finest police forces in the State of Maine or perhaps in New England it seems to me we should go along with the majority report of the Legal Affairs Committee. Therefore I hope that the motion of the gentleman from Lewiston, Mr. Roy, to accept the minority report does not prevail.

Mr. ROY: Mr. Speaker—

The SPEAKER: The gentleman from Lewiston, Mr. Roy, asks unanimous consent to speak a third time. The Chair hears no objection.

Mr. ROY: Mr. Speaker, the gentleman says they are all willing to leave it as it is. Now, we have a referendum, so why not let the people decide it instead of a few men here? Let the people of Lewiston decide it. Give them a chance to be heard on a referendum. Why refuse that to Lewiston? Are we inferior to the rest of the State? I say it is a shame.

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

Mr. HEMPHILL: Mr. Speaker and Members of the House: I very much dislike to go against my colleagues in Lewiston, but I feel that I must at this time. Why the change was made was because the conditions in Lewiston were so deplorable the people themselves could not stand them. They have got a wonderful Commission at the present time. I was personally acquainted with two former Police Commissioners, and know the conditions as they existed back then and up to the present time.

I do not think that it would be advisable for us at this time to make any change because things are going along so well, and I, for one, wish to line up with the Majority Report "Ought not to pass."

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Roy, for acceptance of the Minority Report "Ought to pass in new draft."

The gentleman from Lewiston, Mr. Boutin asks for a division.

All those in favor of the acceptance of the Minority Report "Ought to pass in new draft" will rise and

stand until counted and the monitors have made and returned their count.

A division of the House was had.

Fifteen having voted in the affirmative and twenty-seven in the negative, the motion failed of passage.

The SPEAKER: The gentleman from Portland, Mr. Payson, now moves the acceptance of the Majority Report "Ought not to pass". All those in favor will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-nine having voted in the affirmative and 13 in the negative, the Majority Report "Ought not to pass" was accepted in concurrence.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, House Amendment "A" to Bill "An Act Relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 342) (L. D. 202), tabled April 2, by Miss Deering of Bath, pending adoption; and the Chair recognizes that gentlewoman.

Miss DEERING: Mr. Speaker and Members of the House: This amendment is drawn in order to meet an emergency which threatens at any time.

As I stated on Friday, the last available person for this position, who is holding it at the present time, does not know how long he will be able to hold it. As it is now, if the present person is called into service or for any reason has to leave, the only recourse is a Trial Justice. A Trial Justice is a layman. This bill—or this amendment—asks that for the next two years, if the emergency arises, the Governor shall be able to appoint a resident of Sagadahoc County. If there is a lawyer available, of course he will be appointed, but, if not, it comes back to a Trial Justice. This way we will have a layman for two years. If it goes to a Trial Justice, his term runs for seven years. By the time this amendment, or this bill, runs out another session of the Legislature will have met. At that time, whatever steps need to be taken can be taken. At the suggestion of the Speaker, I went to the Attorney General for a ruling, and it is constitutional.

Therefore, I move the adoption of House Amendment "A".

The SPEAKER: The gentlewoman from Bath, Miss Deering, moves the adoption of House Amendment "A."

The Chair recognizes the gentlewoman from Brunswick, Miss Bangs.

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

The SPEAKER: The gentlewoman may face the House.

Miss BANGS: Fellow Members of the House: It is indeed with reluctance and embarrassment that I find myself opposing the gentlewoman from Bath, Miss Deering, on this measure. However, I do feel that an explanation is due the House.

In this amendment which we are asked to adopt, there are two provisions—one is a provision whereby the salary which has already been reported out by the Salaries and Fees Committee unanimously as "Ought to pass" for one thousand dollars has been decreased to eight hundred dollars. Now, I am not able to speak for the Salaries and Fees Committee, but I personally believe that if, in their discretion, they saw fit to report this out at one thousand dollars they must have been justified in their action.

The part with which I am concerned is the other provision which has been inserted in this amendment, which is, in fact, identical to the provision in a bill which was introduced in this Legislature which was heard by the Judiciary Committee, and which, in fact, was reported unanimously by the Judiciary Committee as "Ought not to pass."

The Judiciary Committee heard the evidence, and they felt that we were not justified in letting down the barriers whereby a recorder should be allowed to be a layman, and particularly in a defense area, such as Bath, where there are many important matters coming before that court, and the duties of a recorder are such that he very often has to sit as a Judge.

I believe that the recorder should by all means be an attorney, and that one of the reasons why the committee felt that the recorder should be an attorney—and that there was not a particular necessity at this time—is due to the fact that the reason they have been distressed in finding a recorder is because of the salary of that record-

er. By the action of the Salaries and Fees Committee, they have increased the compensation of the recorder, so that now they will be able to get a lawyer to fill that position.

So, because, therefore, these two parts as engrossed in this amendment have both been reported by the unanimous reports of two respected committees, I sincerely hope that we uphold the unanimous reports of these committees.

I, therefore, move that this amendment be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Brunswick, Miss Bangs, for indefinite postponement of House Amendment "A", which had a filing number 231. This has been distributed and is, I think, on the desks.

The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker, and Members of the House: I believe I stated Friday that this amendment did include a feature of the bill which I had introduced. It came out unanimously "Ought not to pass" and I tabled it, and spoke to some of the members of the committee, at that time saying the feature was brought up that it should be a lawyer. Of course we think that it should be a lawyer. It came out a unanimous report. I have all the respect in the world for committees, and the people on the committees. I am on some committees myself. I think all of us know sometimes when bills come out unanimously reported one way or the other that you do not have ten minds believing the same way. This is another one of those cases. I spoke to some members of the Judiciary Committee, and it was not exactly unanimous, but at that time I was willing to let it go, because, as they said, a lawyer should have it. I agree with them.

Since then, conditions have become more serious. We do not know how long this lawyer is going to stay with us, and it is not a question of salary nor will the increase in this salary rectify it.

The thing sums up to this, — practically every lawyer in Bath is tied up in such a way that he could not carry on his business if he were a recorder. I think you will find out the reason, if you knew how many of them have to go to the

Iron Works for their clients. They go to the Iron Works in order to attach wages, and it is a very good business right now. They do not want this. It is not a question of salary at all. It is simply a case of choosing between a recorder's job and their own business at the present time.

I have spoken to some of the people who were definitely opposed to this feature of putting in a layman and it seems to come down to this—had you rather have a layman for two years or have a layman for seven years? This is nothing I jumped into hastily, nor is it my own idea, but it is simply in order to relieve some difficulty they may have in Bath.

I agree with the gentlewoman from Brunswick, Miss Bangs, that conditions are very, very serious, and if the war should stop within a year, our conditions there would not stop within a year. Instead of cases growing better, they are growing more serious. This is a temporary relief. It does not say that our Governor will or must appoint a layman. It simply gives him power to appoint a person, if he deems it necessary, if the emergency arises. I can tell you right now that I know of at least one lawyer who has been trying to find quarters in Bath for a long time, and cannot find a place to open an office. This is simply, as I said before, a loophole in case the Governor must have it. If not, you may find that your Judge will have to hold down two positions—the position of Judge and the position of recorder; and at the same time the man is trying to carry on his business.

I am not of the legal profession, but I can understand why in some cases there might be a little protection given to the legal profession; but in this case I am willing to back this matter to the limit. Whereas, inasmuch as the Salaries and Fees Committee has been brought up. I might state, in apology to them, when I apparently spoke of them in a light manner, saying that they must have made their decision on another salary adjustment in one of their lighter moods,—I will simply say that we were definitely promised by the Salaries and Fees Committee that if a majority of our delegation were against the salary increase, we would not have it. A majority of

the delegation were definitely and sincerely opposed to the salary adjustment.

In this case some adjustment should be made, and I explained to the Salaries and Fees Committee that day that I would not approve of the jump as high as it has gone now; but I still think that this amendment should pass, but it does not make any difference to me whichever way it goes; it is simply an emergency measure, and we are trying to handle it in an emergency.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Brunswick, Miss Bangs, for indefinite postponement of House Amendment "A."

The Chair recognizes the gentleman from Bath, Mr. Buker.

Mr. BUKER: Mr. Speaker and Members of the House: As I introduced the original bill, I feel it my place to make some explanation of the bill.

At the convening of the Legislature the Governor called me into his office and explained the difficult situation he had down there regarding the court recorder, and asked me to take such steps as I thought advisable. This I did, and prepared the original bill, and apparently my original bill takes care of the entire situation. I feel that the amend-

ment emasculates to some extent the features of the bill. I hope this House will see fit to support the indefinite postponement of the amendment.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Brunswick, Miss Bangs, for indefinite postponement of House Amendment "A."

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

A viva voce vote being taken, the motion prevailed and House Amendment "A" was indefinitely postponed.

The bill was thereupon assigned for third reading tomorrow morning.

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

Mr. SLEEPER: Mr. Speaker, the hour is late, and on the next assigned matter there is to be considerable debate, so I now move that the House adjourn until tomorrow morning at ten o'clock.

The SPEAKER: The Clerk will read the notices.

On motion by Mr. Sleeper,
Adjourned until ten o'clock tomorrow morning.