

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, March 10, 1949

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

Prayer by the Rev. Mr. Reagan of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act to Provide Driver Education in Secondary Schools" (S. P. 543) (L. D. 1290)

Came from the Senate referred to the Committee on Education.

In the House was referred to the Committee on Education in concurrence.

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 Providing Authority to the Legislature to Require Compulsory Voting (S. P. 261) (L. D. 392)

Report of same Committee reporting same on Bill "An Act Relating to Compulsory Voting" (S. P. 308) (L. D. 501)

Report of same Committee reporting same on Bill "An Act Relating to Neglect of Children" (S. P. 305) (L. D. 499)

Report of same Committee reporting same on Bill "An Act Relating to the Permission of Water Districts and Other Quasi-Municipal Corporations to Become Members of the State Employees' Retirement System" (S. P. 405) (L. D. 742) as it is covered by other Legislation.

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 Legal Affairs on Bill "An Act Relating to Maine Real Estate Commis-

sion and Brokers' Licenses and Fees" (S. P. 354) (L. D. 589) reporting same in new draft (S. P. 591) (L. D. 1248) under same title and that it "Ought to pass."

Came from the Senate with 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.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Appropriating Moneys for Child Welfare Services" (S. P. 286) (L. D. 487)

Came from the Senate with 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.

Ought to Pass in New Draft Amended

Report of the Committee on Judiciary, on Resolve Relating to Service Retirement Benefits for Airplane Pilots of Maine Forestry District (S. P. 170) (L. D. 229) reporting same in a new draft (S. P. 473) (L. D. 925) under title of "An Act Relating to Service Retirement Benefits for Airplane Pilots who are Employed as Such by the State of Maine" and that it "Ought to pass."

Came from the Senate with the Report read and accepted and the new draft passed to be engrossed as amended by Senate Amendment "A"

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

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

Senate Amendment "A" to S. P. 473, L. D. 925, Bill "An Act Relating to Service Retirement Benefits for Airplane Pilots Who are Employed as Such by the State of Maine."

Amend said bill by inserting before the headnote in the 1st line

thereof and after the enacting clause, the following:

'Sec. 1.'

Further amend said bill by striking out the last 2 words of the 1st sentence of that part designated as "V-A.", being the underlined words "**forest commissioner**", and inserting in place thereof the underlined words '**head of his department**'.

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

"Sec. 2. R. S., c. 60, § 6-A, sub-§ VI, amended. The 1st sentence of subsection VI of section 6-A of chapter 60 of the revised statutes, as revised by section 3 of chapter 384 of the public laws of 1947, is hereby amended to read as follows: 'In order to obtain the benefits of subsections III, IV and V of this section, the member must have attained the age of 55, must have served 25 years in one of these 2 services **the above capacities**, and anything to the contrary notwithstanding retirement is compulsory at attained age of 60.'"

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

Ought to Pass with Committee Amendment

Report of the Committee on Public Utilities on Bill "An Act Amending the Charter of Maine Public Service Company" (S. P. 175) (L. D. 235) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 175, L. D. 235, Bill "An Act Amending the Charter of Maine Public Service Company."

Amend Sec. 2 of said Bill in the 4th line thereof by drawing a line

through the words "The Gould Electric" and inserting after said deleted words, the underlined words '**Maine Public Service**'

Further amend Sec. 2 of said bill by striking out after the words "Aroostook river" in the 8th and 9th lines thereof the underlined words "**and developing water power**" and inserting in place thereof the underlined words '**and to develop water power on the Aroostook river and its tributaries**.'

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

Non-Concurrent Matter

Bill "An Act Relating to Motor Vehicle Excise Tax for Amputee Veterans" (H. P. 862) (L. D. 338) which was passed to be engrossed in the House on March 4th as amended by House Amendment "B".

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

In the House: The House voted to reconsider its action taken on March 4th whereby it passed the bill to be engrossed as amended by House Amendment "B".

The House then voted to reconsider its action whereby it adopted House Amendment "B".

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

SENATE AMENDMENT "A" to House Amendment "B" to H. P. 862, L. D. 338, Bill "An Act Relating to Motor Vehicle Excise Tax for Amputee Veterans."

Amend said Amendment by striking out the underlined word "**not**" in the 7th line of the underlined paragraph thereof.

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

House Amendment "B" as amended by Senate Amendment "A" thereto was then adopted and the Bill as amended was passed to be engrossed in concurrence.

Senate Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Creating a Merit Award Board to Encourage and Reward Efficiency and Economy in State Government" (S. P. 83) (L. D. 71) reporting same in a new draft (S. P. 537) (L. D. 1069) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BARNES of Aroostook
WARD of Penobscot
—of the Senate.

WILLIAMS of Auburn
SILSBY of Aurora
BURGESS of Rockland
PAYSON of Union
MUSKIE of Waterville
—of the House.

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

Report was signed by the following members:

Messrs. ELA of Somerset
—of the Senate.

WOODWORTH of Fairfield
McGLAUFLIN of Portland
—of the House.

Came from the Senate with the Majority Report read and accepted, and the new draft passed to be engrossed.

(In the House, on motion by Mr. Williams of Auburn, the two reports were tabled pending acceptance of either report; and, on further motion by the same gentleman, the matter was specially assigned for Wednesday, March 16th.)

The SPEAKER: The Chair at this time notes the presence in the balcony of the Hall of the House of the Senior History Class of Gardiner High School; the Junior and Senior Classes on Problems of Democracy from Richmond High School, this group being under the supervision of Mr. Gordon True; the Seventh and Eighth Grades of

Cushing and Friendship Schools under the supervision of Mr. William F. West, Principal of the Village School of Friendship, and the Senior Class of Lawrence High School of Fairfield, Maine, under the direction of Faculty Members: Miss Thomas, Miss Moore, Mr. Puiia and Mr. Stevens. On behalf of the House, we bid you welcome. (Applause)

Mr. BUBAR of Blaine: Mr. Speaker, I rise for information.

The SPEAKER: The gentleman may proceed.

Mr. BUBAR: Mr. Speaker, I realize that you are not very often mistaken but are you not mistaken as to where this delegation comes from? I was under the impression when I observed them closely that they were from Hollywood. (Applause and Laughter)

The SPEAKER: The Chair will state that the gentleman from Blaine, Mr. Bubar, has stated a possible fact but apparently he has not asked for information.

Bills and Resolves Requiring Reference

The following Bills and Resolves, transmitted by the Director of Legislative Research pursuant to Joint Order (S. P. 452), were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriation and Financial Affairs

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the Department of the Adjutant General Due to Insufficient Appropriations" (H. P. 1947) (Presented by Mr. Spear of South Portland)

Joint Resolution Relating to Consolidation of State Departments (H. P. 1948) (Presented by Mr. Brown of Baileyville)

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: In pre-

senting this resolution to this House, I want it definitely understood that the purpose is not to antagonize any department or agency of the State. It is just in answer to a growing demand of the citizens of this State for a policy of our Legislature in regard to the mounting expense of our State government. All over the country at this time there is a demand for a policy that is going to stop the continual rise of expenditures and taxation. We have already noted in our Federal government a policy calling for consolidation, elimination of duplication and anything that will have a tendency to make our government more efficient and a government at less cost. Already some of our other states have passed legislation setting up committees or giving their governors authority to set up committees to make our state governments more efficient.

We have seen the costs of our states continually rising. There is a demand for further services every day in our state governments. We have noted in this legislative body a lot of these demands are just and we must meet them, but I believe there are lots of occasions whereby good business practices could be put into effect and thus save in those departments and agencies. We, as a Republican party, have stood for good government; we have stood for economy. For the past number of years, we have taken the stand that we believe economy must be practiced in government. I believe here in this State, right at this time, that we must begin to look around for ways and means of saving money and thus, maybe, in some way save the taxpayers of this State from any further tax burdens.

So I trust that this resolution will be accepted by this House, and that it will be accepted by the entire Legislature, that it will be put into practice as far as possible in cases where it will not in any way cut the efficiency of the services of that department or agency. I be-

lieve that it will be an answer to the cry of our people here in the State that we should at least in this Legislature do everything possible to make our departments efficient and to make them operate with economy and thus save the people of this State any further tax burden.

I trust, Mr. Speaker, that this resolution will be accepted by this House.

THE SPEAKER: Is it the pleasure of the House that the bill and resolution be referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence?

The motion prevailed.

Education

Bill "An Act to Equalize the Educational Load of Municipalities" (H. P. 1949) (Presented by Mr. Fuller of Buckfield)

(Ordered Printed.)

Bill "An Act Relating to Reimbursement to Towns for Special Teaching Positions" (H. P. 1950) (Presented by Miss Longstaff of Crystal)

(Ordered Printed.)

Bill "An Act Relating to Secondary School Tuition" (H. P. 1951) (Presented by Mr. Palmer of Nobleboro)

(Ordered Printed.)

Bill "An Act Relating to School Unions" (H. P. 1952) (Presented by Mr. Winchenpaw of Friendship)

(Ordered Printed.)

Resolve to Create an Educational Surplus Property Pool (H. P. 1953) (Presented by Mr. Ricker of Turner)

(Ordered Printed.)

Sent up for concurrence.

Public Health

Bill "An Act Relating to Hairdressers and Beauty Culture" (H. P. 1954) (Presented by Miss Longstaff of Crystal)

(Ordered Printed.)

Sent up for concurrence.

State Lands and Forest Preservation

Resolve Authorizing the State Normal School and Teachers' Col-

lege Board to Convey Certain Land in Fort Kent (H. P. 1955) (Presented by Mr. Cobb of Lee) (Ordered Printed.)
Sent up for concurrence.

Taxation

Bill "An Act Amending the Gasoline Tax Law" (H. P. 1956) (Presented by Mr. Payson of Union by request) (Ordered Printed.)
Sent up for concurrence.

Orders

On motion by Mr. Gauvin of Lewiston, it was

ORDERED, that Rev. Antonin Fortier, Assistant Pastor of St. Louis Church of Auburn, be invited to officiate as Chaplain of the House on Tuesday, April 5, 1949.

House Reports of Committees Divided Report

Tabled

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought to pass" on Bill "An Act relating to Lobster Licenses" (H. P. 720) (L. D. 262)

Report was signed by the following members:
Messrs.

SLEEPER of Knox
BROWN of Washington
LARRABEE of Sagadahoc
—of the Senate.

PHILLIPS of Southwest Harbor
PRINCE of Harpswell
BUCKNAM of Whiting
LITTLEFIELD of Kennebunk
AMES of Vinalhaven
HANSON of Machiasport
—of the House.

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

Report was signed by the following member:
Mr. STEVENS of Boothbay
—of the House.

(On motion by Mr. Stevens of Boothbay, the two reports with accompanying papers were tabled pending acceptance of either report.)

Ought Not to Pass Tabled

Mr. Burgess from the Committee on Judiciary reported "Ought not to Pass" on Joint Resolution Proposing a Constitutional Convention of the United States or Amendments to the Constitution of the United States relating to Strengthening the United Nations and Limited World Federal Government (H. P. 994) (L. D. 425)

(On motion by Mr. Paine of Portland, tabled pending acceptance of the "Ought not to Pass" Report of the Committee.)

Ought to Pass in New Draft

Mr. Jamieson from the Committee on Banks and Banking on Bill "An Act relating to Powers of Industrial or Morris Plan Banks" (H. P. 1364) (L. D. 717) reported same in a new draft (H. P. 1958) under same title and that it "Ought to pass"

Mr. Chapman from the Committee on Legal Affairs on Bill "An Act Enlarging the Powers of the West Paris Village Corporation" (H. P. 300) (L. D. 88) reported same in a new draft (H. P. 1957) under same title and that it "Ought to pass"

Mr. Williams from the Committee on State Lands and Forest Preservation on Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Lands in the Unorganized Territory (H. P. 858) (L. D. 327) reported same in a new draft (H. P. 1959) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Benn from the Committee on State Lands and Forest Preservation reported "Ought to pass" on Bill "An Act relating to the Appointment of Municipal Town Forest Fire Wardens" (H. P. 1538) (L. D. 867)

Mr. Brown from same Committee reported same on Bill "An Act Authorizing the Forest Commission-

er to Take Necessary Means to Control Forest Insects and Diseases" (H. P. 1741) (L. D. 1095)

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

Ought to Pass

With Committee Amendment

Mr. Stevens from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Taking of Clams in Ogunquit Village Corporation" (H. P. 317) (L. D. 97) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 317, L. D. 97, Bill "An Act Relating to Taking of Clams in Ogunquit Village Corporation."

Amend said Bill by striking out all of the first 2 sentences of Sec. 1 thereof and inserting in place thereof the following sentence:

'No person shall, within the territorial limits of Ogunquit Village Corporation in the county of York, dig or take clams unless license has been granted to him by the corporation, which is authorized to grant and issue such licenses and fix the fee therefor for residents of Ogunquit and Wells and non-resident taxpayers of Wells and Ogunquit; to limit the amount of clams that may be taken at any one tide; and to set the dates during which clams may be dug from all or any portion of the flats.'

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

Mr. Leavitt from the Committee on State Lands and Forest Preservation on Bill "An Act to Provide Forest Fire Prevention and Control in Unorganized Areas Not in the

Maine Forestry District" (H. P. 1887) (L. D. 1205) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

COMMITTEE AMENDMENT "A" to H. P. 1887, L. D. 1205, Bill "An Act to Provide Forest Fire Prevention and Control in Unorganized Areas Not in the Maine Forestry District."

Amend said bill by striking out in the 6th line the underlined words "a valuation determined by the state tax assessor" and inserting in place thereof the underlined words 'the valuation as determined by the board of equalization, and set forth in the statement filed by it as provided by Section 65 of Chapter 14, shall be the basis for the computation and apportionment of the tax assessed'

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

First Reading of Printed Resolve

Resolve Closing East Pond Stream to All Fishing (H. P. 654) (L. D. 1305)

Was read once and tomorrow assigned.

Passed to be Engrossed

Bill "An Act Relating to Advisory Committee on Budget" (S. P. 52) (L. D. 32)

Bill "An Act Relating to the Madison Water District and the Anson Water District" (S. P. 62) (L. D. 38)

Bill "An Act Relating to County and Local Agricultural Societies" (S. P. 63) (L. D. 46)

Bill "An Act Amending the Charter of the Skowhegan Water Company" (S. P. 213) (L. D. 275)

Bill "An Act Relating to Railroad Crossing Signs" (S. P. 214) (L. D. 276)

Bill "An Act Relating to Election of Presidential Electors" (S. P. 386) (L. D. 650)

Bill "An Act Relating to Agricultural Societies" (S. P. 416) (L. D. 774)

Bill "An Act Relating to Credit for Returns of Malt Liquor Bottles" (S. P. 448) (L. D. 800)

Bill "An Act Relating to Qualification for Liquor Licenses" (S. P. 450) (L. D. 798)

Bill "An Act Relating to Taking of Clams, Sand-worms and Blood-worms in Hancock" (H. P. 67) (L. D. 26)

Bill "An Act Relating to Commercial Fishing Licenses" (H. P. 193) (L. D. 65)

Bill "An Act Relating to the Inspection of Fish" (H. P. 370) (L. D. 130)

Bill "An Act Regulating the Shucking of Shellfish" (H. P. 371) (L. D. 131)

Bill "An Act Relating to the Taking of Clams in Cobscook River in the Town of Edmunds" (H. P. 602) (L. D. 185)

Bill "An Act Relating to the Digging of Clams in the Town of Vin-alhaven" (H. P. 760) (L. D. 296)

Bill "An Act Relating to the Digging of Clams in the Town of St. George" (H. P. 761) (L. D. 297)

Bill "An Act Relating to the Digging of Clams in the Town of North Haven" (H. P. 762) (L. D. 298)

Bill "An Act Relating to Canning of Quahogs" (H. P. 765) (L. D. 301)

Bill "An Act Relating to Lobster and Crab Fishing Licenses" (H. P. 766) (L. D. 302)

Bill "An Act Relating to the Digging of Clams in the Town of Owl's Head" (H. P. 857) (L. D. 326)

Bill "An Act Relative to the Possession of Partridge and Pheasants" (H. P. 987) (L. D. 418)

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

Mr. PALMER of Nobleboro: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. PALMER: I would like to make a motion, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. PALMER: Mr. Speaker, in view of the fact that I do not notice in the House this morning the presence of any of the lady members of the House, I would like to move that House Rule 25 be suspended for the remainder of today's session.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that House Rule 25 be suspended for the remainder of today's session. Is there objection?

Calls of "Yes".

The SPEAKER: The motion does not prevail.

Passed to be Engrossed (Cont'd)

Bill "An Act Relative to Possession of Moose and Caribou" (H. P. 1034) (L. D. 519)

Bill "An Act Relative to Fishing Licenses" (H. P. 1288) (L. D. 672)

Bill "An Act Relating to Damage to Rabbits by Dogs or Wild Animals" (H. P. 1297) (L. D. 680)

Bill "An Act Relating to Other Purposes for Which Cities and Towns May Raise Money" (H. P. 1508) (L. D. 815)

Resolve in Favor of the University of Maine for General Operations (S. P. 98) (L. D. 104)

Resolve Authorizing the Treasurer of State to Convey Certain Land to the Town of Houlton (S. P. 377) (L. D. 643)

Resolve in Favor of the Central Maine Sanatorium at Fairfield (S. P. 417) (L. D. 777)

Resolve Providing for Purchase and Installation of Heating Equipment at the State School For Boys (S. P. 419) (L. D. 776)

Resolve Regulating Fishing in McGrath and Ellis Ponds, in the County of Kennebec (H. P. 1047) (L. D. 529)

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.

Amended Bills

Resolve Providing Funds to Augment Institutional Appropriations (S. P. 418) (L. D. 7)

Bill "An Act Relating to Process Against Unauthorized Insurers" (S. P. 432) (L. D. 926)

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

On motion by Mr. Cyr of Fort Kent, the House voted to reconsider its action taken earlier in today's session whereby it assigned Bill "An Act Amending the Charter of Maine Public Service Company" (S. P. 175) (L. D. 235) for third reading tomorrow morning.

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

Mr. CYR: Mr. Speaker, I am planning to be absent tomorrow morning, and I would rather have the matter assigned for Tuesday if it can be done.

The SPEAKER: Does the Chair understand that the gentleman from Fort Kent, Mr. Cyr, now wishes that the House reconsider the action whereby the House adopted Committee Amendment "A" to the bill?

Mr. CYR: Mr. Speaker, the reason that I want this bill tabled is that I understand that the Gould Electric, under which this concern is working, is not covered by an act which was passed by this Legislature whereas in the case of flooding land the company would be required to clear the land before they flood it.

I have been trying to contact the Attorney General to get his opinion, but he is very busy and it is important to be sure that this bill does not go through without the required amendment.

The SPEAKER: The House, having reconsidered its action in assigning the matter for third reading tomorrow, would it now satisfy

the gentleman if a motion was put to table the matter pending assignment for third reading?

Mr. CYR: It would, Mr. Speaker. I thank you.

Thereupon, on motion by Mr. Cyr, the bill was tabled pending assignment for third reading.

Orders of The Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Senate Reports of the Committee on Judiciary on Bill, "An Act to Establish and Define the Civil Liability of Radio Broadcasters Relative to Libel (S. P. 205) (L. D. 268) Majority Report "Ought to pass" in New Draft, same title, and Minority Report "Ought not to pass" tabled on March 9th by the gentleman from Fairfield, Mr. Woodworth, pending his motion to accept the minority report; and the Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker and Members of the House: So far as legal principles are concerned, I consider this bill as important as any that may come before the House at this session.

The bill is entitled "An Act to Establish and Define the Civil Liability of Radio Broadcasters Relative to Libel." Although the act is concerned with civil responsibility, the text of the bill purports to be an amendment to Chapter 117 of the Revised Statutes. That chapter deals exclusively with criminal matters, in other words, crimes against the person. The first paragraph of the amended bill is very substantially a reproduction of Section 31 of that chapter which deals with libel published in newspapers. I am going to assume, for the purpose of my remarks, that both paragraphs in this bill are intended to deal with civil liability.

I will say that regarding criminal liability the Constitution of the State provides that the jury shall be the judge of both the law and facts and a statement such as this relative to criminal liability will

change nothing. The Constitution is considered to be the controlling factor.

The position of the proponents of this bill was stated to your Judiciary Committee in substantially this language which is contained in a letter to me from a broadcaster who did appear at the hearing. I will state to the House that this bill was heard by the committee on statements by broadcasters and their representatives; there was no opposition to the bill, as often happens when a bill ostensibly concerns only a small group. As stated, the position of the broadcasters is this:

"It is a principle of justice to hold a man responsible, criminally or civilly, for actions which he controls. It is equally sound to hold a partnership, association or corporation responsible for the actions of its agents, over whom it is presumed to have control.

"But it is repugnant to every idea of justice to hold an individual or corporation responsible for an action which he (or it) is powerless to control.

"Under common law (and there are no Maine decisions to modify it), a radio station is liable for two kinds of defamation which the station is powerless to prevent. 1. Defamations by other than its own employees, as in network programs, wire news services, and ad lib, or script remarks by speakers. 2. Defamations, deliberate or otherwise, by political speakers whose words the station is forbidden to censor by the Communications Act of 1934 and the F.C.C."

That is what the radio broadcasters wish to prevent, and this bill is introduced for that purpose. The provisions of the bill are plain enough. The net result of the provisions is that unless the plaintiff in a libel action can prove that the operator of the broadcasting system knew or reasonably suspected that there was to be a libel, the radio broadcasting company is not liable. In other words, in certain cases of libel under this bill, a radio broad-

casting station would be granted an immunity to actions of libel which it does not now have, and, conversely, every other citizen and resident of the State would be deprived of the right to sue and collect damages which every other person or legal entity now has.

I am opposed to the bill because I consider that the State Legislature has no power to grant these broadcasting companies this immunity, and at the same time the State Legislature is not empowered to deprive the people of the State of Maine of this right.

I think we may agree that the broadcasting station is engaged in the business of disseminating and communicating information, news and intelligence of every description by wireless electrical transmission. Since it is difficult, and we might say impossible, to define the distance which may be covered by any such transmission, radio transmission extends thousands of miles and across the waters of many states.

You have observed that radio stations must be licensed. Since the radio corporations or broadcasting companies are transmitting the news through many states, they are engaged in interstate commerce. Under the Constitution of the United States, the sole power to regulate interstate commerce is given to the federal government.

My first objection to this bill is that the bill would impose an unreasonable restraint upon the power of the federal government to regulate interstate commerce. Although these matters are concerned within the Constitution, the Constitution does not change the common law of our State. To illustrate, suppose a Maine Legislature should enact a law which would provide that the proprietor of a shooting gallery would not be responsible for any damages done at his shooting gallery unless he had reason to believe that somebody might get hurt unexpectedly. Supposing this proprietor establishes his shooting gallery near the New

Hampshire line, and suppose that in the course of operation of this gallery a shot was fired which struck and injured a man in the State of New Hampshire, I think there is no doubt but what the liability of the fellow who fired the shot which injures the man in New Hampshire would be determined by New Hampshire law. The Maine statute, in other words, would have no effect beyond the boundaries of this State.

And that also illustrates another well-established principle of the common law. That principle is this: That when a man sets in motion a force which may be dangerous to persons or property, the man who sets in force that motion is responsible for the direct and proximate causes of his act. Of course the proprietor of a shooting gallery is not engaged in interstate commerce, but consider the case in which the operator of a Maine broadcasting station should transmit or shoot into a neighboring state a poisonous libel which would injure there a man in his name, his reputation and his business. I think it is apparent that the rights of that man injured in that state would be governed by the law of that state. In other words, at the present time such a man would have a right of action for libel against the Maine broadcasting company. At the present time a citizen of Maine would have a right of action in such a case, but, if this bill is enacted, what happens? It will not change the law of a neighboring state, that being that the citizen of that state will still have a cause of action while the citizen of Maine will have no cause of action. The broadcasting companies will not be relieved of all actions in the cases of libel; it will only be relieved of those brought by the citizens of Maine. Are we protecting the citizens of other states, or are we here to provide for the security of the people of Maine? You can readily see that there will be a great deal of trouble.

Suppose a man in Maine goes into partnership with a man in New Hampshire and they do business in New Hampshire; if this law goes into effect, where will the broadcasting company stand? Will the New Hampshire man have half an action in law or half damages? What will be the situation?

I merely want to call your attention to the fact that under this proposed bill a radio broadcasting company will not be relieved of all the libel suits, but a citizen of Maine would be severely penalized and he would lose a right which citizens in other states enjoy.

I am not able to cite you any cases on this point. Fortunately, libel suits are few, and it so happens that states which have such a statute as this are still few. But, following my analogy, a southern state once enacted a statute which provided that all common-law rights of action were abolished when a man was wrongfully excluded from a train or from a car on a train. That meant that the railroad could throw a man off the train if they picked the right state, and, conversely, a man did not know whether he had a right of action for being kicked off the train unless he knew what state he was in. Anyway, the case went to the Federal court and the court held that was a restraint upon the federal right to regulate interstate commerce and was therefore void.

Under Federal regulations, all persons have like and equal rights to enjoy transportation facilities. The common carrier transfers goods and persons; a radio carrier transfers messages. If a patron of a railroad has a right to safe and secure transportation, does not a patron of radio have a right to security of his home and not to be there molested by poisonous libel? If he is molested, does he not have a right of action? In the case of a carrier, he does. I say that in the case of a radio message he likewise has that right of security common to all who must accept the fa-

cilities of an interstate commerce carrier.

My second objection to this bill is that it infringes and abuses the twin rights of freedom of speech and freedom of the press. These two rights are oftentimes described as the cornerstones of our democracy. The protection of free speech was not included in the original draft of the Constitution of the United States; it was in the first amendment which was proposed at the meeting of the first session of Congress. It is one of the most important things in our law, and I am going to read it.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

At the same time it was adopted, Congress also adopted Section 10, which limited that article to the acts of Congress: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

From the very beginnings of our State, Maine has protected the right of free speech. The Maine revision provides as follows: "Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter is published for public information, the truth thereof may be given in evidence, and in all indictments for libels the Jury, after having received the direction of the Court, shall have a right to determine, at their discretion, the law and the fact."

From the statement of the proponents of this bill, it appears that they are aggrieved by a ruling of the Federal Communications Commission that their broadcast statements may not be censored. Why did the Federal Communications Commission make that ruling? They made that ruling because the Constitution of the United States provides that the freedom of the press and the freedom of speech may not be abridged. Since Congress can not do it, no agency created by Congress can do it, and therefore when the Federal Communications Commission said to the broadcasting companies, "You shall not censor" it meant "you shall respect freedom of speech and freedom of the press which belong to every citizen."

You have noticed there is some difference in the wording of these amendments. The federal provision regarding freedom of speech and freedom of the press does not read the same as ours. But, regardless of the reading and the language used, there is one thing that I hope no member of this House will ever forget, and that is that there is only one freedom of speech, there is only one freedom of the press, and it is the same freedom all over this country, and when the Federal Communications Commission said "You shall not censor" it spoke the law of Maine and every other state in the union; and since this broadcasting bill is designed to avoid the consequences of a federal regulation, let us remember what I said about interstate commerce.

Freedom of speech—what is it? It is the right to express your opinion upon any subject so long as you can do so without causing a breach of the peace or a breach of something pertaining to public health and welfare or unreasonably interfering with the rights of others. Freedom of the press is the right to disseminate news in the same manner that freedom of speech is exercised. The press does not possess any immunities not

shared by every individual. Freedom of the press does not mean a press beyond the reach of the law; it consists in the right to publish with impunity truth, with good motives and for justifiable ends, whether it respects government integrity or individuals. It is also stated that freedom of the press consists in the right to print what it chooses, but subject to responsibility therefor to the same extent that anyone else would be responsible.

This bill, as I have said, cuts off the right of action which a person libelled would have. Freedom of speech, both by recent decisions and by the Maine Constitution, is just as broad as it is long. A man can go as far as he likes with his speech, but the remedy an injured party has will go just as far the other way. The usual action on freedom of speech comes when the government says: You shall not print this, or you shall not print that. When you say the party injured shall not have a remedy you abridge the right of free speech at the other end; in other words, speech is no longer free speech because the abuse is no longer punished. Free speech has become a license. As the Constitution of Maine says: "Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty."

It is admitted that under the common law the broadcasting companies are now liable; it is the plain purpose of the broadcasting companies to avoid liability. They would avoid liability by depriving the people of the right of action for its abuse.

I would like to have the House ask itself what they think the phrase "being responsible for the abuse" means. You will notice that neither constitution defines what an abuse shall be; that is left to the common law. The common law determines whether there is an abuse.

This bill repeals a part of the common law, a right of action which now exists, and as it does repeal that part of the common law which gives a person a right of action, it does violate the constitutional provisions relating to free speech and freedom of the press.

My third objection, and my final objection, is that a statute which works an injury without providing a remedy is contrary to the Constitution of Maine and is contrary to the principles of the common law.

The fourteenth amendment to the Constitution provides in part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws."

My third objection follows naturally from the first. I have already pointed out that a man in Maine would be deprived of the privilege of suit while a man in New Hampshire or some other state would not. I have pointed out that the radio broadcasting companies of Maine are granted the privilege of immunity which is not granted to others, even to newspapers. I have pointed out in regard to freedom of speech and freedom of the press, and that it deprives us of due process. I have said it is a violation of the principles of common law.

Some years ago, the Maine Legislature, by special act, created a corporation. They authorized that corporation to lay tracks for street cars between two towns, and they imposed upon the corporation the responsibility for keeping those tracks in repair. They provided that the corporation would not be responsible for any failure to do certain types of repair unless the corporation had been notified in the same manner that the town officials were required to be notified. The law then, and I believe now, provided that a corporation

must have twenty-four hours notice. A man going up the tracks got hurt and sued the railroad company. The Supreme Court of Maine held that provision requiring notice to be given to the officers of the corporation was void. I do not mean to bother you so much by reading, but in this particular case it is of interest to know why the court considered it to be unnecessary and why the operators of the street railroad were not required to have notice.

"If a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is, beyond all question, a plain, palpable invasion of rights secured by the fundamental law, it is the duty of the courts so to judge, and thereby give effect to the constitution." That is quoted from the well-known decision of the United States Supreme Court.

Further, "Whenever a franchise or right coupled with a corresponding duty is conferred by the legislature upon a person or corporation and is accepted, such person or corporation is answerable by the common law to a third person who sustains damage by the neglect of that duty. The people have not conferred upon the legislature the power to exempt any particular person or corporation from the operation of the general law, statutory or common." Sounds pretty good, does it not?

"On principle then, it can never be within the bounds of legitimate legislation to enact a special law, or pass a resolve dispensing with the general law in a particular case, or granting a privilege and indulgence to one man by way of exemption from the general law, leaving all other persons under its operation."

All that is the law of Maine and probably the law of every other state, but I was quoting it as Maine law. In its decision in this case the Court said, "It is not necessary to consider Section 19 of Article I

of the Constitution of Maine." It so happens that Section 19 of Article I of the Constitution of Maine is the counterpart of the 14th Amendment to the Constitution of the United States. I will read Section 19 of Article I of the Constitution of Maine: "Every person, for an injury done him in his person, reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay."

I have been very sorry to disagree with my associates on the Judiciary Committee, but I told you in the beginning that I considered this bill to be as important from a legal standpoint as any the House would be called upon to consider. If you can read the provisions of the Constitution which I have put in here and find any grounds for supporting this bill, I think you should do so, but I am personally convinced that this bill is hopelessly bad and no amendment could cure it, and that the only power that has any right to act upon any part of this bill is the Congress of the United States, and, in my opinion, there is very little that can be done then. I hope the House may sustain my motion, and, Mr. Speaker, when the vote is taken, I ask that there be a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought not to pass" report of the committee.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I too agree that this is an important matter. There are some basic principles of justice and equity in which I believe and I believe you do too. I shall try to state my reasons for believing that this is a good bill in terms that I hope can be understood.

The first section of this bill is almost exactly like the section in our law in regard to newspapers. It provides: "A person shall be responsible for any libel published or uttered in or as a part of a visual or sound radio broadcast,"—you will note those words "a person shall be responsible" — "unless he proves on trial that it was broadcast and published without his knowledge, consent or suspicion, and that by reasonable care and diligence he could not have prevented it."

If you will note this carefully, you will see it places the burden not upon the person bringing the action but upon the radio broadcasting station, or, in connection with the other section, the newspaper, to prove that they have exercised reasonable diligence and that they could not have prevented it. It seems to me that that should dispose of that part of it. We would only be doing for our radio broadcasting stations what we have already done for our newspapers.

In that connection, I would point out also this simple and obvious fact: The publisher of a newspaper sets the type; he has a paper before him; he may publish only what he sees fit. It may be a paper with Democratic leanings publishing statements favorable to the Democratic Party, or it may publish statements favorable to the Republican Party or publish editorial statements with a decided leaning. That leads us to the second provision of the bill. That second provision is not an attempt to interfere with federal regulations but rather an attempt to make it possible for our broadcasting stations to live under federal regulations. May I call your attention again to the bill?

In the second paragraph, we provide: "In no event, however, shall any person be held liable for any damages for any defamatory statement uttered by another over the facilities of a visual or sound radio station or network by or on behalf of any candidate for public

office, or in discussion of any matter referred to referendum, if such person shall have no power of censorship over the material broadcast."

In many matters the radio broadcasting company can ask for script in advance and they can censor that script. Even in that case there might be ad lib remarks which the radio could not prevent.

However, let me point out the Federal regulation. "If any licensee"—and this means a licensed radio station—"shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to other such candidates for their office in such broadcasting stations, providing that such licensee shall have no power of censorship over the material broadcast."

I submit to you that in view of that federal regulation we should not hold a local broadcasting station responsible for political broadcasts. If, in our most recent election, an address was broadcast by President Truman, any radio station carrying that would have to grant equal time to other candidates regardless of their party or what their views might be. It seems to me that this is as far as one ought to need to go to show you that this bill is a proper bill to protect the rights of the radio station or operator without in any way depriving an individual of his own rights. Rather than being an infringement on the right of free speech, it provides, because of the Federal Communication Commission regulations, that free speech is guaranteed, because the broadcasts are not censored. This does not in any way relieve the individual who utters those statements from responsibility.

If you will look at the railroad case, the injury referred to there was caused by a defect in the right of way, and the company operating that railroad had in its power the right to supervise and repair that railroad right of way. I think

we can safely say that it is very doubtful if any of our courts would hold one responsible for an act they had no control of and could not prevent. That has been a ruling of one of our states, the State of Pennsylvania. You might argue that because of that reason this law was unnecessary. However, the matter is in doubt until it has been judicially determined or regulated by statute.

There are other points that might be mentioned, and possibly some other members of the Judiciary Committee who are in favor of this bill will mention them. At this point I merely want to say that in the interest of fair play and treating radio broadcast companies as I feel they should be treated, I hope that the motion of the gentleman from Fairfield (Mr. Woodworth) does not prevail.

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

Mr. McGLAUFFLIN: Mr. Speaker, I have a very kind-hearted opinion of the gentleman who spoke in opposition to this bill, and I think as a rule he has pretty good judgment, because he generally agrees with me. (Laughter) When, however, it comes to a case where we differ, of course it is my opinion that he is wrong, and that is particularly so when I have the support, as I do in this case, of all of the rest of the Judiciary Committee, a committee made up of what I consider very able men.

The argument of the gentleman from Fairfield (Mr. Woodworth) about the shooting into another state reminded me of a story that I think is worth telling.

A man was accused of shooting another man's dog, and he was at his trial. The lawyer for the defense put up this argument: "Gentlemen of the Jury: You have heard how the witness said that he saw the defendant raise his rifle and fire at the dog; you have heard how the dog dropped dead; you have seen the bullet that was taken from the body of the dog; but where, gentlemen of the jury,

where have you seen the witness that saw the bullet hit the dog?" (Laughter)

In other words, it seemed to me that the argument so far as this bill was concerned was about as far-fetched as the story of the dog.

This measure, as I see it, does not affect the Constitution of the United States or the common law. What does it say? Let me read it to you and you judge it for yourselves:

"In no event, however, shall any person be held liable for any damages for any defamatory statement uttered by another over the facilities of a visual or sound radio station or network by or on behalf of any candidate for public office, or in discussion of any matter referred to referendum, if such person shall have no power of censorship over the material broadcast."

I cannot see where that in any way infringes upon the freedom of speech of the radio or of the press.

Let me read to you the statement of the President of WPOR in a letter he wrote to me. He says:

"It has always been the policy of my station, and most others, to allow full freedom of expression to political candidates and speakers on behalf of political candidates—BUT, we have always taken precautions to make sure that political campaigners on WPOR do not violate the laws of libel and slander. In general we have tried to prevent libelous and slanderous statements by screening political broadcasts in advance and taking legal counsel when we are doubtful about the legality of any statement the candidate proposes to make.

"This has always worked very well.

"However, last year a monkey-wrench was thrown into this machinery by a decision of the Federal Communications Commission. In the so-called Port Huron Decision, the Commission notified radio stations that they are forbidden to require political speakers to make changes in statements they want to make, even in cases where it is clear that the political speakers plan to libel or slander someone. In other

words, if you were scheduled to make a political talk on WPOR and the script you submitted in advance showed clearly that you were planning to slander someone, I would be powerless to make you eliminate the violation of law.

If you went right ahead and took advantage of me by including slander or libel in your broadcast on WPOR, it is entirely possible that the person you slandered would sue you for damages—and he would probably sue me, too....”

Now, in conclusion, I will state that I do not believe that the courts would hold this man for damages under these circumstances even if this law was not passed. But it takes away from them an apprehension that today is very serious. I cannot see where this law can possibly do any harm to anyone or deprive anyone of his rights. I therefore am opposed to the point of my friend and colleague, the gentleman from Fairfield, (Mr. Woodworth), and I hope his motion does not prevail.

The SPEAKER: The question before the House is upon the motion of the gentleman from Fairfield, Mr. Woodworth, for the acceptance of the minority “Ought not to pass” report.

The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: I am going to be very brief. I rise only to defend my position which is an unaccustomed one with me, my position with the majority of the Judiciary Committee.

I feel that this bill establishes simple justice, and in support of that conclusion I would like to take two principles which the gentleman from Fairfield, Mr. Woodworth, himself, has defended. He quoted to you the Maine Constitution with regard to freedom of speech, and after reading that part which sets up that freedom, he says that the persons exercising it shall be responsible for the abuse of that freedom.

I would like to point out that this bill does not, in any way, encourage

the abuse of that freedom, but protects people who have no control over the abuse of that freedom.

An illustration occurred to me, as the gentleman from Fairfield, Mr. Woodworth, was speaking. Suppose that I own a public hall in which a political rally is being held. The people present would be presumably exercising their freedom of public assembly which is also guaranteed them under our constitution and the federal constitution. Suppose that that meeting was held under circumstances in which public opinion was inflamed and tempers were at a fever heat. Our history gives us illustrations under such circumstances of violence, the outbreak of violence; assassinations have taken place under such circumstances in public assembly halls. Can it be legitimately argued that the owner of that hall is responsible for the results of any such violence? Here, you have the owner of a much larger hall, a radio station. A person over whom that owner has no control makes inflamed statements, libelous statements, slanderous statements. All this bill does is to protect the owner of that hall against the results of an action which he can in no way control.

The gentleman from Fairfield, Mr. Woodworth, gave you the common law principle that a man who sets in motion a force which can do harm to others shall be responsible for any results flowing from that motion. This bill covers a motion which the radio station does not set under way. It seems to me that this bill establishes such a simple justice without harming anyone else that there can't be any serious objection to it. I respect Mr. Woodworth's opinions and have gone along with him many times but here, for once, I feel that the law of averages is with me together with eight other members of the Judiciary Committee to prove that perhaps this time I am right and, for that reason, I oppose the motion of the gentleman from Fairfield, Mr. Woodworth.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, briefly in rebuttal I raise the point of interference with interstate commerce. My friend, the gentleman from Portland, Mr. McGlaulin, gets up and reads a letter from the president of the broadcasting company which says that the Federal Communications Commission threw a monkey-wrench into the machinery. This Legislature is being asked to take the monkey-wrench out of the machinery. Are we interfering with interstate commerce or are we not?

The gentleman from Waterville, Mr. Muskie, takes exceptions to my remarks on the subject of free speech and freedom of the press. The radio broadcasters are all nice fellows; they would not hurt anybody; they take due care. I do not deny the right of anybody to freedom of assembly, but being responsible for the abuse therefore means just that.

The broadcasting companies themselves come in here and tell you that they want the law changed. The gentleman from Waterville, Mr. Muskie, and the gentleman from Auburn, Mr. Williams, say we are really not changing it at all. I will admit that the radio broadcasting company may get hurt under the law as it now stands. However, let me remind you that the man who is libeled also gets hurt. We do not have the case of an innocent party on the one side and a wrong-doer on the other; we have the case of two innocent parties, and it is well-settled law that as between two innocent parties the party through whose agency the wrong has been done is responsible.

I would remind the House also that these broadcasting companies have regarded this as a hazard to them in their business, a source of possible loss. A man who owns an automobile takes out insurance to protect himself against loss. A business man is afraid something may fall down in his store, and he

takes out an insurance policy to protect himself against loss. The physician may face a malpractice suit in his profession, and he takes out an insurance policy against loss. He spreads the loss at a small expense to himself. Why do these broadcasting companies come in here and say, "Pass a special law for us. We do not like to be libeled." Why argue that here now? The law is not changed much. It is changed some and it hurts. If it is a benefit to the broadcaster it is a corresponding detriment to the other side. There is no argument about it, there cannot be. A man never knows when he may be libeled. He has no occasion to protect himself until it happens; but the radio companies can protect themselves to the full extent of any possible law, and should they not protect themselves just as much as all the other people?

I do not believe there is a single sound argument expressed in favor of the majority opinion, and I still ask the House to support my motion.

Mr. Speaker, I would like to suggest that one of the gentlewomen move to suspend Rule 25.

The SPEAKER: The Chair would be glad to recognize the gentlewoman from Crystal, Miss Longstaff.

Miss LONGSTAFF: Mr. Speaker, even at this late hour I move to suspend Rule 25 for the remainder of the session.

The SPEAKER: The gentlewoman from Crystal, Miss Longstaff, moves to suspend House Rule 25 for the remainder of today's session. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought not to pass" report of the committee, and the gentleman has asked for a division.

As many as are in favor of the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought

not to pass" report of the committee will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven members voted in the affirmative and fifty-seven in the negative.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I rise to inquire whether or not we have a quorum present in the House at this time. There seems to be a doubt.

The SPEAKER: The Chair will ascertain in accordance with the inquiry. The monitors in the respective sections will kindly return the number of members in their respective seats.

One hundred and eight members being present, the Chair finds a quorum is present.

Mr. BURGESS: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. BURGESS: Mr. Speaker, I would like to suggest in fairness to both sides on this issue that the vote be retaken.

The SPEAKER: The Chair will restate the question. The question before the House is on the motion of the gentleman from Fairfield, Mr. Woodworth, that the House accept the minority "Ought not to pass" report of the committee. The same gentleman asks for a division. As many as are in favor of the motion of the gentleman from Fairfield, Mr. Woodworth, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Twelve having voted in the affirmative and eighty-five in the negative, the motion does not prevail. Is it now the pleasure of the House to accept the majority "Ought to pass" report of the committee?

Thereupon the majority "Ought to pass" report of the committee was accepted, and the bill, having already been printed, under suspension of the rules was given its two

several readings and tomorrow assigned for third reading.

The SPEAKER: The Chair will at this time read House Rule 22:

"Every member who shall be in the House when a question is put where he is not excluded by interest shall give his vote, unless the House for special reasons shall excuse him, and when yeas and nays are ordered, no member shall leave his seat until the vote is declared; in all elections by the House, or on joint ballot of the two houses, no member shall leave his seat after voting, before a return of the House is had."

On motion by the gentlewoman from Portland, Mrs. Fay, the House voted to take from the table the twenty-second tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Public Utilities on Bill "An Act relating to the State Police" (H. P. 1528) (L. D. 859) tabled on March 9th by that gentlewoman, pending acceptance; and on further motion by the same gentlewoman the "Ought not to pass" report was accepted and sent up for concurrence.

On motion by the gentleman from Topsham, Mr. Williams, the House voted to take from the table the sixteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Incorporate the Topsham School District" (H. P. 1309) (L. D. 686) tabled by that gentleman on March 3rd pending his motion to substitute the bill for the report; and on further motion by the same gentleman the bill was recommitted to the Committee on Legal Affairs and was sent up for concurrence.

On motion by the gentleman from Fairfield, Mr. Woodworth, the House voted to take from the table the seventh tabled and unassigned matter, Bill "An Act relating to Ballots in Elections" (S. P. 47) (L.

D. 29) tabled on February 24th by that gentleman pending assignment for third reading.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, I move that this item be recommitted to the Judiciary Committee. I will say that the committee is fully informed and agrees with this proposal.

The SPEAKER: The gentleman from Fairfield, Mr. Woodworth, moves that the seventh tabled and unassigned matter, Bill "An Act Relating to Ballots in Elections" (S. P. 47) (L. D. 29) be recommitted to the Committee on Judiciary. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the bill was recommitted to the Committee on Judiciary in non-concurrence and was sent up for concurrence.

On motion by the gentleman from Freeport, Mr. Patterson, the House voted to take from the table the twenty-fifth tabled and unassigned matter, Bill "An Act to Amend the Charter of the Freeport Sewer District" (H. P. 1069) (L. D. 475) tabled on March 9th by that gentleman, pending third reading.

On further motion by the same gentleman, the House voted to reconsider its action taken on March 8th whereby Committee Amendment "A" was adopted.

The same gentleman then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to Committee Amendment "A" to H. P. 1069, L. D. 475, Bill "An Act to Amend the Charter of the Freeport Sewer District."

Amend said amendment by inserting after the word "voter" in the 8th line thereof, the words 'of said Freeport Sewer District'.

Further amend said amendment by striking out the word "town" in next to the last line thereof and inserting in place the words 'Freeport Sewer District'.

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

Thereupon, Committee Amendment "A" as amended, was adopted.

Mr. Patterson then offered House Amendment "A" to the bill.

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

HOUSE AMENDMENT "A" to H. P. 1069, L. D. 475, Bill "An Act to Amend the Charter of the Freeport Sewer District."

Amend said bill by inserting at the end of Sec. 5 thereof a new underlined paragraph as follows:

'VI. All rates, tolls, rents and entrance charges, however determined, shall not become effective until approved by the Public Utilities Commission.'

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

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

On motion by the gentleman from Calais, Mr. Hall, the House voted to take from the table the eighth tabled and unassigned matter, Bill "An Act relating to Rental for the Calais Municipal Court" (H. P. 1693) tabled on February 24th by that gentleman, pending reference.

Mr. Hall was then granted leave to withdraw the bill.

The SPEAKER: If there are no further items of business to come before the House, the Clerk will read the notices.

On motion by Mr. Clapp of Brooklin,

Adjourned until 10:00 o'clock tomorrow morning.