

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, April 1, 1927

Senate called to order by the President.

Prayer by the Rev. E. C. McAllister of Gardiner.

Journal of previous session read and approved.

On motion by Mr. Carter, of Androscoggin, out of order and under suspension of the rules, it was

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, April 4, at four-thirty o'clock in the afternoon.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

Papers from the House disposed of in concurrence.

From the House: The Committee on Education, on An Act relating to conveyance of pupils of high school grade (H. D. 459) reported that the same ought to pass.

The report was read and accepted in concurrence, and the bill read once, under suspension of the rules the bill was given its second reading and passed to be engrossed in concurrence.

From the House: The Committee on Legal Affairs, on An Act relating to the tenure of office of chief engineers and members of fire departments in cities (H. D. 324) reported the same in a new draft, under the title of An Act relating to the tenure of office of the chief engineer and members of the fire department in the city of Biddeford (H. D. 476) and that it ought to pass.

In the House, passed to be engrossed as amended by House Amendment A.

In the Senate:

The PRESIDENT: The question is on the adoption of House Amendment A in concurrence.

Mr. HOLMES of Androscoggin: Mr. President, I have a Senate Amendment which I would like to present.

The PRESIDENT: The Chair will state for the benefit of the Senator

that there is a House Amendment also. Does the Senator object to the question being put on that first?

Mr. HOLMES: Not at all, Mr. President.

The PRESIDENT: Does any member care to hear House Amendment A read? If not, is it the pleasure of the Senate that House Amendment A be adopted in concurrence?

Thereupon, House Amendment A was adopted in concurrence.

Mr. HOLMES: Mr. President, I offer Senate Amendment A and move its adoption:

"Senate Amendment A to House Document 476. Amend Section 1 by striking out the words 'confirming power' in the sixth and seventh lines and inserting the words 'majority of the board of aldermen' so that said section shall read as amended: 'Section 1. The Chief engineer and any member of the fire department in the city of Biddeford hereafter appointed or elected shall hold office continuously during good behavior unless incapacitated through physical or mental disability from performing the duties of his position; provided, however, that the Mayor of the city with the consent of the majority of the board of aldermen, may remove the chief engineer or any member of the fire department for just cause and for reasons specifically given by the officer or board ordering the removal.'"

Thereupon, Senate Amendment A was adopted and the bill as amended by House Amendment A and Senate Amendment A was passed to be engrossed in non-concurrence.

From the House: The same Committee, on bill An Act relating to the salaries of the Judge and Recorder of the Bangor Municipal Court (H. P. 34) reported the same in a new draft, under the same title (H. D. 525), and that it ought to pass.

The report was read and accepted in concurrence, the bill read once; the rules were suspended, the bill given its second reading, and passed to be engrossed in concurrence.

On motion by Mr. Harriman of Kennebec,

Ordered, that an invitation be ex-

tended to Rev. H. F. Aldrich, of Winthrop, to officiate as Chaplain of the Senate April 5.

On motion by Mr. Woods of Penobscot, it was

Ordered, that there be returned to the Senate, Senate Document 152, resolve in favor of the Bangor State Hospital, and Senate Document 153, resolve appropriating money for maintenance of the Augusta State Hospital, which resolves were presented to the Governor on March 29th.

On motion by Mr. Mitchell of Aroostook, it was

Ordered, that Resolve in favor of the Pownal State School, for additions and improvements, it being Senate Document 169, be recalled from the Governor for the purpose of adding an amendment thereto.

Bills in First Reading

An Act Providing for the upkeep and maintenance of the bridge across Sheepscot River, between Wiscasset and Edgecomb. (S. D. 313)

Resolve providing for a State Pension for Ivanilla Nute, of Lewiston. (S. D. 314)

An Act providing compensation for court stenographers upon retiring by reason of disability. (S. D. 315)

An Act to authorize the Treasurer and County Commissioners of York County to procure a loan and issue bonds of said county therefor for the purpose of erecting additions to the Court House. (S. D. 316)

An Act to incorporate the Bangor Bridge District. (S. D. 317)

(On motion by Mr. Woods of Penobscot, the rules were suspended, the bill given its second reading and passed to be engrossed.)

Reports of Committees

The majority of the Committee on Temperance, on bill An Act to prevent the purchasing of intoxicating liquors (S. D. 161) reported the same in a new draft, under the same title (S. P. 566) and that it ought to pass.

(Signed) BRAGDON
CASE
ANDERSON of New
Sweden
THURSTON
STURGIS
TRIPP

The minority of the same Committee, on the same subject matter, reported that the same ought not to pass.

(Signed) ALLEN
COMINS
ANDERSON of So.
Portland
WILLIAMS

Mrs. ALLEN of Penobscot: I move, Mr. President, that we accept the minority report "ought not to pass."

Mr. FOSTER of Kennebec: I move that the bill and both reports be tabled pending acceptance of either report and Tuesday next assigned.

The motion to table prevailed.

The majority of the Committee on Mercantile Affairs and Insurance, on bill An Act to amend Section 8 of Chapter 53, Revised Statutes of 1916, relating to reference of fire losses (S. D. 216) reported that the same ought not to pass.

(Signed) DRAKE
BISHOP
WHEELER
STURTEVANT
SARGENT
DENNISON
DECKER

The minority of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed) INGRAHAM
WOODS

On motion by Mr. Morrison of Franklin the majority report "ought not to pass" was accepted.

Mr. Drake, from the Committee on Mercantile Affairs and Insurance, on bill An Act relating to fees of insurance brokers (S. D. 226) reported that the same ought to pass.

(On motion by Mr. Granville of York, tabled pending acceptance of the report.)

The same Senator, from the same Committee, on bill An Act relating to qualification and licensing of agents of insurance companies (S. P. 469) reported that the same ought to pass.

The report was read and accepted and the bill laid upon the table for printing under the joint rules.

Mr. Bond, from the Committee on

Counties, submitted its final report.

Mr. Drake, from the Committee on Mercantile Affairs and Insurance, submitted its final report.

The reports were severally read and accepted.

Passed to be Engrossed

Resolve, in favor of Arthur L. Thayer of Bangor for use of his private car while chairman of the Maine Industrial Accident Commission. (S. D. 71)

An Act to incorporate the Marshall Dam and Improvement Company. (S. D. 117)

An Act to prevent the improper use of the words "Trust Company". (S. D. 231)

An Act to prohibit plug fishing for square tailed trout and landlocked salmon in Great Pond, of the Belgrade Chain of Lakes, which pond is situated in the county of Kennebec. (S. D. 300)

An Act relating to Indian Tribes. (S. D. 301)

An Act relating to the use of funds of Indian Tribes. (S. D. 302)

Resolve in favor of V. E. Cunningham of Milford, compensating him for damage to apple trees by deer. (S. D. 303)

Resolve in favor of the town of Anson. (S. D. 304)

Resolve in favor of Dr. A. J. Bradbury of Old Town, compensating him for damage to apple trees by deer. (S. D. 305)

An Act to amend Chapter 120 of the Private and Special Laws of 1899, establishing the Livermore Falls Municipal Court, as amended by Chapter 34 of the Private and Special Laws of 1919. (S. D. 306)

An Act authorizing the state highway commission to designate certain state and state aid highways as through ways and to regulate traffic at intersection of such through ways with other ways. (S. D. 307)

Resolve to aid in rebuilding the Blacks Woods Road in Township No. 10, Hancock County. (S. D. 308)

An Act relating to continuous roads through three or more towns. (S. D. 309)

An Act relating to the apportionment among towns of the third class highway fund. (S. D. 310)

An Act to increase the amount to be paid for clerk hire in the office of

the Clerk of Courts of Piscataquis County. (S. D. 311)

An Act relating to the salary of the Clerk of Courts of Piscataquis County. (S. D. 312)

Passed to be Enacted

An Act Relating to Oak Grove Seminary. (S. P. 549)

An Act Relating to Eastern Standard Time. (S. D. 49)

An Act to Provide for an Approach to the Kennebec Bridge and to Acquire the Same by Purchase or Eminent Domain. (S. D. 253)

An Act Establishing Mount Bigelow Game Preserve in the Counties of Franklin and Somerset. (S. D. 280)

An Act to Set Off a Part of the Town of Sebec and Annex the Same to the Town of Bowerbank. (H. D. 106)

An Act Relating to the Increase of the Capital Stock of Certain Corporations Charged with the Performance of a Public Duty, and to Duties Payable to the State for Such Increase. (H. P. 671) (H. D. 177)

An Act Relating to Capital Stock. (H. D. 178)

An Act Relating to Acknowledgements by Bank Officials by Justices of the Peace. (H. D. 307)

An Act to Change the Salary of the Superintendent of the State School for Boys. (H. D. 470)

An Act Relating to Appeal in Non-support Cases. (H. D. 474)

An Act to Incorporate the Casco Title Guaranty Company. (H. D. 475)

An Act Relative to Catching Smelts in Salt Pond in the Town of Blue Hill. (H. P. 81) (H. D. 479)

An Act to Regulate Fishing in Certain Brooks in the Town of Durham, in the County of Androscoggin, and the Towns of Freeport and Pownal, in the County of Cumberland. (H. D. 483)

An Act to Repeal Chapter One Hundred and Eighty-one, of the Private and Special Laws of Nineteen Hundred and Seventeen, Establishing a Close Time on Lobsters. (H. D. 492)

An Act Relating to the Military Law. (H. D. 493)

An Act Relating to the Taking of Beaver and Muskrat. (H. D. 495)

An Act Relating to the Salary of

the Clerk of Courts in Lincoln County. (H. D. 496)

An Act to Incorporate the Sandy River and Rangeley Lakes Railroad Company. (H. D. 500)

Finally Passed

Resolve, in Favor of Mrs. Blanche M. Banks of Auburn. (H. D. 132)

Resolve, in Favor of William H. Hall of Augusta. (H. D. 451)

Resolve, to Reimburse the Town of Milo for Support of a State Pauper. (H. D. 453)

Resolve, to Reimburse the Town of Unity for Support of a State Pauper. (H. D. 454)

Resolve, to Reimburse the Town of Smyrna for Support of a State Pauper. (H. D. 455)

Resolve, to Reimburse the Town of Prentiss for Poultry Killed by Dogs and Wild Animals in the Years Nineteen Hundred and Seventeen and Nineteen Hundred and Eighteen. (H. P. 514) (H. D. 456)

(On motion by Mr. Harriman of Kennebec, tabled pending final passage).

Resolve, in Favor of the Town of Whitefield, for Reimbursement for Sheep Killed by Dogs. (H. D. 457)

Resolve, to Reimburse the City of Bangor for Support of Oscar L. Morrill, a State Pauper. (H. D. 458)

Resolve, to Reimburse the Town of Lee for Support of Oliver T. Lyons, a State Pauper. (H. D. 462)

Resolve, in Favor of the Penobscot Tribe of Indians for the General Care, Maintenance, and Education Thereof. (H. D. 463)

Resolve, in Favor of the Charles H. Cutter Coal Company of Boston. (H. D. 467)

Resolve, to Compensate Mary A. Stevens, for Personal Injuries Due to Defect in a Building of the Property of the State of Maine. (H. D. 468)

Resolve, in Favor of the Department of Maine, Grand Army of the Republic. (H. D. 481)

Resolve, to Reimburse the City of Bangor for Support and Burial Expenses of Maud Ward, a State Pauper. (H. D. 482)

Resolve, to Reimburse the City of Bangor for Support of Richard Googins, a State Pauper. (H. D. 485)

Resolve, to Reimburse the Town

of Danforth for Support of Isaac Paul and Family, Indians. (H. D. 486)

Resolve, in Favor of W. S. Poland of Belfast, for Reimbursement for Amount Paid the State for Dog Tax, for Which No Refund Was Made. (H. D. 487)

Resolve, Reimbursing the Town of Island Falls for Money Paid to the Family of Josiah H. Hunt, a Soldier of the World War. (H. D. 488)

Resolve, to reimburse the City of Bangor for support of Thomas Burns, a State pauper. (H. D. 489.)

At this point the President declared a recess.

After Recess

Senate called to order by the President.

Orders of the Day

The President laid before the Senate An Act relating to bounty on bears killed in the State, (H. D. 350), tabled on March 23rd by Mr. Crafts of Piscataquis pending passage to be engrossed, and today assigned.

Mr. CRAFTS of Piscataquis: Mr. President, I now yield to the senator from Penobscot, Senator Perkins.

Thereupon, on motion by Mr. Perkins of Penobscot, this bill was retabled pending passage to be engrossed and assigned for Tuesday next.

The President laid before the Senate An Act repealing certain inheritance laws as to non-resident decedents, (H. D. 136), tabled on March 23rd by Mr. Oakes of Cumberland, pending consideration and today assigned.

Mr. Oakes of Cumberland presented Senate Amendment A to House Document 136 and moved its adoption:

"House Document No. 136 is hereby amended by adding thereto the following: "Sect. 5. The amendment of section one of chapter sixty-nine, revised statutes, provided by section one of this act, shall take effect only at the time and in the manner following, viz: If a non-resident shall die during the second year next following the expiration of ninety days after adjournment of this session, the tax payable by his estate on intangible personality within the jurisdiction of this State shall be two-thirds

of that payable under said section one of chapter sixty-nine before the amendment hereby provided for; if a non-resident shall die during the third year after said ninety day period the tax payable on his intangible personalty within the jurisdiction of this State shall be one-third of that payable under said section one of chapter sixty-nine before the amendment hereby provided for. But as to all non-residents who shall die after the expiration of said third year the amendment of said section one of chapter sixty-nine made by section one of this act shall have full force and effect.

"Sect. 6. The foregoing amendment of Section twenty-two and twenty-six of said chapter sixty-nine and repeal of sections twenty-three and twenty-five of said chapter shall not apply to the estates of non-residents deceased prior to the end of the third year after the expiration of ninety days after the adjournment of this session of the Legislature. But as to all such estates said sections twenty-two, twenty-three, twenty-five and twenty-six shall continue in full force and effect in their present form."

Mr. CARTER of Androscoggin: Mr. President, this act, House Document 136, was heard before the Judiciary Committee and at the time, I participated with more or less objection. The Committee voted, outside of myself, unanimously to pass this measure and it was reported out "ought to pass" and I joined with the majority report and didn't sign a minority report, but made up my mind I would simply make a statement in the Senate with reference to this bill.

This is a revenue, or non-revenue, producing bill. If it passes it takes away revenue. I didn't think perhaps all of the members of the Senate understood exactly what it was. Very generally speaking, the law now is this: When a person dies, wherever they may be, owning property in this state, the inheritance laws of our state, under the transfer of this property, the income comes to this state under transfer laws very similar to the laws in a great many states. One state, particularly, that has no such tax is Florida. It has no tax that I know of.

Now this tax produces in this state about \$200,000 a year in income. The

bill as it was and is now, before the amendment, cuts off that \$200,000 a year income. The income comes from people, living in some other state, who die. Their estate has to pay a transfer tax on securities in this state.

At the hearing the objection put forth—there were two people present at the hearing, two lawyers—was that people from out of the state would not incorporate companies in the state if this tax were in existence. Whether that be true or not I do not know. If true, it might hurt the business of we lawyers. If the State of Maine gave up \$200,000 of income each year, we lawyers might get a little more income in the way of fees for incorporating companies who come to us from out of the state for the purposes of incorporation.

I don't believe, personally, that the state should give up this income for that purpose. There is but one reason to justify it, to make our laws easier on incorporation so that people from all over the country will come here to have companies incorporated. Now then, we would be in competition with Delaware and New Jersey. Delaware, I think, has the easiest laws of any in which to incorporate. If that is the true reason let us say so. Let's reorganize and revamp our general laws of incorporation so we can enter into competition with Delaware and make easier laws so that anybody can come here and get a corporation for anything, with as little trouble as possible. Advertise it through the Publicity Bureau. That would bring in income through the fees, no doubt, for the State. If that is what we want let us frankly do it but let's not drop off an income of about \$200,000 a year for the sake of helping out even the legal profession, and I am a member of the Bar.

I believe companies will still come to Maine to enjoy the justness of Maine's incorporation laws.

It was at the very time of the hearing that the Attorney General's office showed me a check for, I think it was right around \$19,000 that came from one estate, an estate of a man who died in Massachusetts, that man had about \$15,000,000 in his estate and about ten percent, or \$1,300,000 was invested in Maine securities, which gave us a tax when he died of nearly

\$20,000 and the Attorney General's office had the check.

Now, that people won't invest in Maine's securities is absolutely refuted by that one instance, of the \$15,000,000 estate of a man in Massachusetts of which nearly ten percent was invested in this state, which, when the man died, gave us an income of nearly \$20,000.

That is the bill which, I think, just before tabling, I moved to indefinitely postpone. This amendment offered is a well worded amendment and passes the buck to the next administration. It takes off a third one year, a third the next year, a third the next year, and the tax would not be entirely removed for four years, but at that time it would be gone.

It seems to me it is just a question for the Senate to decide and I have no interest in it except, I hope, an impersonal interest as a member of this Senate, and it seems to me at this time in our State's affairs we can hardly afford to give up what is nearly a third of a mill income, but if we can, the Senate will say so by passing this amendment and passing the bill. Personally, I am against the amendment and against the bill on the grounds given.

Mr. OAKES of Cumberland: Mr. President, it is true that if we have more corporations organized in this state and they are organized by lawyers in this state, the lawyers will get more fees for doing the work. That is not, however, the reason for the change which we propose in this law.

The law provides now that if a non-resident owns stock in a corporation in the State of Maine, when that non-resident dies, his estate shall be taxed upon the value of that stock in the State of Maine which he owned. Now that corporation itself pays into the State of Maine annually a franchise tax based on the capital stock of the corporation running from \$5.00 to \$75.00 a year. Any corporation over \$500,000 pays \$50.00 a year and a corporation over \$600,000 pays \$75.00 a year. In addition to that, new corporations pay to the state fees for organization, which range from \$10.00, up to \$100.00 for organizations capitalized at one million dollars.

The people who live outside of the state have in the past come to this state to organize their corporations and at one time Maine was considered a very favorable state

which to organize. The result was that we were getting large amounts of money for franchise taxes and organization fees from these corporations. Other states have recognized this situation and in the general laws which my brother from Androscoggin speaks of, they have made amendments so it is more favorable for corporations to organize in other states.

I will agree with him that it may be time for us to join with these other states in making more favorable laws, provided such laws can be made that will not encourage any fraud in the handling of corporate affairs. Up to that point, and only to that point, I will concede.

But other states have changed their laws regarding the taxation of non-resident stockholders. Some of the states, and those are the states largely, which are near to this state, including New York and Massachusetts and, I believe Pennsylvania and New Jersey, where our people naturally invest, have provided what we call the reciprocity provision, that if our state does not tax their non-residents, their state does not tax our non-residents. Under that provision, if this amendment is passed and our state does not tax their non-residents, our people holding stock in corporations in those states will not be taxed.

It is true, as Senator Carter says, that there is about \$200,000 income now from this form of taxation. That \$200,000 depends upon the interest of the corporations in other states, or people in other states, organizing in this State. If they do not organize in this State, if their stock is not held in corporations in this State, we will not get this \$200,000 and just so long as we make our laws unfavorable for the organization of corporations in this State, just so long the tendency is going to be for corporations not to organize in this State, and in this way we are killing the goose that lays the golden egg and sooner or later the time is coming when corporations owned by stockholders in other states will, as soon as possible, organize in these more favorable states and this \$200,000 will stop coming to our treasury.

That is one practical viewpoint. Another is this: We have a law which provides that in case a man dies in this State and the other state in where this man holds securities does

tax the securities, such tax as is paid in the other state shall, with exceptions not necessary to discuss, be deducted from the tax of the deceased in this State. As an illustration, I am settling an estate right now and I am paying \$135.00 tax in New Jersey and I am paying one hundred and forty and some odd dollars tax in New York. This party died in Maine. Now, under our law, that amount which I am paying in New Jersey and New York is deducted from the amount that that estate would pay to the State of Maine and the result is that that estate instead of paying to the State of Maine some four or five hundred dollars pays to the State of Maine the difference between three hundred dollars and the difference—it has not been figured yet—but the difference will be about two hundred dollars and we lose the three hundred dollars we pay to the other states.

If we pass this law we get that three hundred dollars which we pay to those other states because under the reciprocity provision they would not tax us and we would keep that tax and it would go into our own treasury.

As a matter of fact, most large estates of people living in this State have investments outside of the State—probably a considerable portion outside of the State if the estate is very large.

I asked the Attorney General the other day if he could follow back through the year and figure out what that proportion would come to and he said he could not do so, that records were not here and it would be almost impossible to get them from the various probate offices, but he happened to have two on his desk which we went over and those two large estates showed that about one third of the inheritance tax of those people who died in Maine was paid outside of Maine in states where reciprocity exists, and that one third of the estate tax went outside of the State of Maine which would have come directly to our State if it had not been for this law. So that I think we are safe in assuming at least that one-third of the money which we would receive from our State tax comes from outside and Maine would be safe because of the change in this law. That reduces

your two hundred thousand dollars down to one hundred thirty thousand or so.

This law provides that the time shall be postponed so that one-third of the reduction will come in the second year from now, and one-third of \$130,000, about, will be forty odd thousand dollars, so that during the two years following the State of Maine would lose probably \$40,000 and the next year it would lose \$80,000 and the next year the full amount.

The reason for this is that we ought to perhaps reduce it now but our situation is such that we can not afford to do it now. We need the money and have got to have it. If we make this the policy, that we are going to reduce one-third in two years, another third the next year and the whole in four years, anybody proposing to organize a corporation in this state would feel that it was improbable that any large proportion of the stockholders would die in two or three years, and the question of inheritance tax in the next two or three years would be rather immaterial and if we had established a policy whereby this inheritance tax was going to be removed in three years that would not be a great draw back to organizing in this state and would not be an inducement to corporations to remove from this state that are still organized and paying the franchise tax in this state.

Now, I want to speak of one more point which is the whole crux of the situation. I have discussed the financial part of it but there is one point which to me is absolutely fundamental and is the reason I dislike the postponing at all, but I think as a practical suggestion it is necessary, as stated in the amendment, and that point is this. The entire proposition is absolutely, fundamentally wrong; to say to a man living in Massachusetts, "If you come to Maine and invest your money in a Maine corporation, we will penalize you and make you pay to us an inheritance tax, when it doesn't do you a bit of good. We are inviting you to come here and then we are soaking you for it." It is absolutely wrong. Now in his own state he has to pay a tax on his inheritance just as we do and then we say to him, "You

have to pay another tax in this state, double taxation, if you come and do business here". I say it is absolutely, fundamentally wrong and we have no right to do it and that is the fundamental reason why I think this law should be passed and the entire thing wiped out. As a practical proposition we have offered this amendment so that it will not be a severe burden on this administration, and in the future we can plan ahead for it and make up other taxes, and provide other means of securing income.

Mr. CARTER: Mr. President, I think the practical question still remains—if you pass this bill amended or unamended, the income of the state of Maine is cut down.

Taxes are rebated on what produces to the state now—about \$200,000 a year. As against that we have the rosey hopes that sometime people enough would incorporate in the state so that the incorporation fees will take its place.

The question is simple. Do we want at this time to vote for a law which reduces the income to the state of Maine \$200,000. That means but one thing. Either now or in four years the tax rate must be increased or expenses must be cut down for just so much money as we give back to out of state decedents, by repealing this act.

I repeat my motion.

The PRESIDENT: The question is on the adoption of Senate Amendment A. Those in favor of the adoption of the amendment will say "aye" and those opposed to the adoption of the amendment will say "no".

A viva voce vote being doubted

A division of the Senate was had.

Ten having voted in the affirmative and thirteen in the negative, the motion to adopt Senate Amendment A was lost.

On motion by Mr. Oakes of Cumberland, the bill was tabled pending consideration and assigned for Tuesday next.

The President laid before the Senate An Act to accept provisions of Act of Congress entitled "An Act for promotion of welfare and hygiene of maternity and infancy and for other purposes, (H. D. 310) tabled on March 29th by Mrs. Allen of Penob-

scot, pending first reading and today assigned.

Mrs. ALLEN of Penobscot: Mr. President, I yield to the Senator from Cumberland, Senator Slocum.

Mr. SLOCUM of Cumberland: I note that two earnest proponents of this measure have found it necessary to leave, and I move this be retabled until next Tuesday. I have talked with them and we decided upon next Tuesday.

The motion to retable and assign prevailed.

The President laid before the Senate An Act relating to equal school privileges for all pupils, (H. D. 394), tabled on March 30th, by Mr. Speirs of Cumberland pending motion to recede and concur, and today assigned.

Mr. SPEIRS of Cumberland: Mr. President, I believe the motion now before the Senate is to recede and concur. This is House Document 394. It was debated a few days ago so I am not going to try to repeat what was said then, but I will explain a little what it was about. The law says, at present, that each town shall furnish the scholars with at least 30 weeks of schooling. This was heard before the Committee on Education and they thought country scholars should have the same opportunity as the city scholars and have 36 weeks schooling for the reason that the country scholars going to the high schools were behind or older than the ones coming from the city.

We found there was a sentiment against this and Senator Dwinal offered an amendment that it should be 32 weeks and that was accepted and the House voted that the 32 weeks would be the right number of weeks at the present time for the country scholars to have. As it is now the country scholar loses six weeks of every school year. In six years that takes away from them one year and at the time they get through the high school or college they have lost two years of active business life.

This was heard before the committee on Education, and after a fair hearing, it was the unanimous report that it ought to pass. We found that country schools, running with 30 weeks of schooling did not get good teachers for the reason a good

teacher would not go and teach 30 weeks when they could get positions at 36 weeks and some positions at 38 weeks.

We noticed also that one or two who appeared against the bill had money to spend for roads and bridges and other articles in the warrant but failed to increase their money for the schools and we believe it is wrong for the country schools not to have the same privileges as the city city schools.

I therefore hope the motion of Senator Nickerson will not prevail. I will then offer the motion that we insist and ask for a committee of conference. That is all I ask.

Mr. NICKERSON of Waldo: Mr. President, I renew my motion to recede and concur with the House in the indefinite postponement of this bill and I shall speak briefly for this motion.

I want to take, for example, my own town, the good old town of Swanville. I probably represent the smallest town, or come from the smallest town of any member of this Senate.

Thirty years ago this town was raising for common schools the sum of \$400.00. At our last annual town meeting we raised the sum of \$2400. The population of that town during this time has fallen off forty-three percent and the amount raised for common schools has been increased six times during the past thirty years and I feel that these small towns, and there are about 95 of them in this state which only have 30 weeks schooling, are doing all they can.

I believe that the town from which I came is a pretty fair example of these country towns and I hope that my motion to recede and concur with the House, will prevail.

Mr. SPIERS: Mr. President, I find that the Senator from Waldo lives in the town of Swanville. It would cost his town exactly \$166.00 to give their scholars the extra two weeks and besides that, getting much better teachers.

Mr. HOLMES of Androscoggin: Mr. President, I want to support the motion of the Senator from Cumberland (Senator Spiers) and I hope that it will prevail. I hope that something can be worked out between the two branches. There is much merit in

this measure. It does not involve the question of home rule. The point made by the Senator from Cumberland (Senator Spiers) about the cost to the town of the Senator from Waldo is significant and if it is possible to work out anything that will be satisfactory to both branches it would be a great good thing for the cause of education in the state.

The PRESIDENT: The question is on the motion of Mr. Nickerson of Waldo, that we recede and concur with the House. Those in favor of receding and concurring with the House will say "aye" and those opposed will say "no."

A viva voce vote being doubted

A division of the Senate was had.

Twelve having voted in the affirmative and thirteen in the negative, the motion to recede and concur with the House failed of passage.

Mr. SPEIRS: Mr. President, I now move to insist and ask for a committee of conference.

The PRESIDENT: The Senator is in order. Is it the pleasure of the Senate that this body insist and ask for a committee of conference?

The motion to insist and ask for a committee of conference prevailed and the President appointed as members of such committee on the part of the Senate, Senator Speirs of Cumberland, Senator Holmes of Androscoggin and Senator Maher of Kennebec.

The President laid before the Senate An Act amending acts providing for state and country aid in construction of highway bridges, (H. D. 321), tabled on March 30th by Mr. Holmes of Androscoggin, pending passage to be engrossed and today assigned.

Mr. HOLMES of Androscoggin: Mr. President, I shall not oppose the passage of the motion to be engrossed of this measure but do not want to make a motion and shall yield to the Senator from Washington, Mr. Case, but will say in explanation that I tabled this measure but do not want to make ting information as to what was the probable policy that the elder statesman of the legislature was working out, and I may find myself in opposition to the policy, but it would not be advancing that cause for me to oppose this particular bill. I yield to the Senator from Washington, Senator Case.

On motion by Mr. Case of Washington, the bill was passed to be engrossed.

The President laid before the Senate, Senate order relative to investigation of elections, (S. D. 279), tabled on March 31st by Mr. Spear of Cumberland, pending motion to indefinitely postpone, and today assigned.

Mr. SPEAR of Cumberland: Mr. President, I have Senate Amendment A to Senate Document 279, amending Senate Order relative to Investigation of elections and move its adoption.

The PRESIDENT: The motion to amend takes precedence over the pending motion to postpone.

The Secretary read Senate Amendment A: "Amend by striking out all after the word 'since' to and including the word 'twenty-six' and by inserting in place thereof the following 'the thirty-first day of December, nineteen hundred and twenty-four.'"

The PRESIDENT: The question is on the adoption of Senate Amendment A. Is it the pleasure of the Senate that the amendment be adopted?

The motion to adopt Senate Amendment A prevailed.

Thereupon, on further motion by the same Senator, the order as amended received a passage.

On motion by Mr. Dwinall of Knox, the Senate voted to reconsider its action taken earlier in today's session whereby An Act providing for the upkeep and maintenance of the bridge across Sheepscoot River between Wiscasset and Edgecomb (S. D. 313) was assigned for second reading for Monday next and on further motion by the same senator the rules were suspended, the bill received its second reading and was passed to be engrossed.

On motion by Mr. Granville of York, the Senate voted to take from the table, An Act to amend Section 17 of Chapter 118 of the Revised Statutes relating to fees of insurance brokers (S. D. 226) tabled by that senator earlier in today's session pending acceptance of the report of the committee; and on further motion by the same senator the bill received its first reading, the rules were suspended, the bill received its second reading and was passed to be engrossed.

Mr. OAKES of Cumberland: Mr. President, referring to House Document 24, which I believe the Secretary has on his desk, I would like to ask the status of it at this time.

The PRESIDENT: The Secretary will read the record.

(The Secretary read as follows: "House Document 24, An Act to amend the distribution of tax on gasoline. Reported by the committee 'ought not to pass.' In the House, report read and accepted. In the Senate, report read and accepted in concurrence.")

Mr. OAKES: And the acceptance was yesterday, Mr. Secretary?

The SECRETARY: The acceptance was yesterday.

Thereupon, on motion by Mr. Oakes, of Cumberland, the Senate reconsidered its action whereby the report was accepted in concurrence; and on further motion by the same senator, the report was tabled pending acceptance.

House Papers Out of Order, Under Suspension of the Rules

Further papers from the House, disposed of in concurrence.

From the House: An Act relating to the operation of portable sawmills (S. D. 252.)

(In the Senate, March 18th, passed to be engrossed.)

In the House, passed to be engrossed as amended by House Amendment A, in non-concurrence.

In the Senate, that body reconsidered its former action whereby the bill was passed to be engrossed on March 18th. House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: Resolve in favor of the Northern Maine Sanatorium for maintenance, personal services, repairs and equipment (S. D. 206).

(In the Senate, March 30th, passed to be engrossed.)

In the House, passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate, on motion by Mr. Foster of Kennebec, that body reconsidered its action whereby this resolve was passed to be engrossed on March 30th, House Amendment A was adopted and the resolve as so amended was passed to be engrossed in concurrence.

On motion by Mr. Perkins of Penobscot, the Senate reconsidered its action whereby it accepted the report of the Committee on Claims "ought not to pass" on resolve in favor of Fred A. Budge of Mattawamkeag (H. P. 550) and on further motion by the same senator the report was tabled pending acceptance.

House Bills in First Reading

An act to create a game sanctuary in the town of Kennebunk, to be known as the Bragdon Wild Life Sanctuary (H. D. 538), (also petition of John Greenwood and others in favor of the same, H. P. 852).

An act to prohibit the trapping of muskrats in Ward Stream, in the towns of Newburg, Herman and Hampden, in the county of Penobscot. (H. D. 539).

An act relating to fees of witnesses. (H. D. 534).

An act to amend the charter of the Belfast Water District so as to authorize the refunding of bonds. (H. D. 536).

An act relating to the care and support of paupers and other dependent persons having no settlement with the state. (H. D. 540).

(Under suspension of the rules the foregoing bills were also given their second reading and passed to be engrossed).

An act to establish and maintain free employment offices. (H. D. 91).

(On motion by Mr. Morrison of Franklin the report was laid on the table pending acceptance).

An Act to amend an act to abolish the Board of Public Words of the City of Lewiston and to provide a Highway Commission. (H. D. 469).

Came from the House, original bill substituted for the report, and passed to be engrossed.

Mr. HOLMES of Androscoggin: Mr. President, I will move that the report of the committee be accepted in non-concurrence and I will say that this is done after consultation with the member of the House who is interested in the House action and is for the purpose of bringing about a committee of conference between the two branches.

The report was accepted, the bill received its first reading, and under suspension of the rules received its second reading and was passed to be engrossed.

Resolve in favor of the town of Sherman to assist in the support of a pauper. (H. D. 537.)

An Act to create the Kennebec Reservoir Company and define the powers thereof. (H. D. 552.)

An Act relating to fees of deputy sheriffs in attendance upon the courts. (H. D. 466.)

(Under suspension of the rules the foregoing bills and resolve were also given their second reading and were passed to be engrossed.)

An Act to increase the salary of the Register of Deeds in the County of Androscoggin. (H. D. 520.)

(Under suspension of the rules the bill also received its second reading and on motion by Mr. Holmes of Androscoggin was tabled pending passage to be engrossed.)

An Act relating to the town of Gorham. (H. D. 532.)

An Act relating to State aid apportioned to cities and towns for the improvement of highways. (H. D. 531.)

Resolve in favor of the town of Surry. (H. D. 530.)

(Under suspension of the rules the foregoing bills and resolve were also given their second reading and passed to be engrossed.)

Out of order and under suspension of the rules the following resolves were received and on recommendation by the committee on reference of bills were referred to the following committee.

Appropriation and Financial Affairs

By Mr. SMITH of Somerset, Resolve in favor of John Curry for services as clerk of committee on labor. (S. P. 567.)

By Mr. MORRISON of Franklin, Resolve in favor of Paul N. Devine for services to the Eighty-third Legislature. (S. P. 568.)

By the same senator, Resolve in favor of Adrienne Theberge for services to the Eighty-third Legislature. (S. P. 569.)

By the same senator, Resolve in favor of Kenneth F. Lee for services to the Eighty-third Legislature. (S. P. 570.)

Reports of Committees

Out of order and under suspension of the rules.

Mr. DWINAL, from the Committee on Legal Affairs, on bill An Act au-

thorizing the transfer of the real estate used as a ferry landing at Woolwich, Maine, from the State of Maine to the town of Woolwich. (S. D. 217) reported that the same ought not to pass.

The same senator, from the same committee, on bill An Act in relation to signs upon public highways. (S. D. 230.) reported that the same ought not to pass.

Mr. HOLMES, from the same committee, on bill, An Act to amend the law regarding advertising signs in public highways. (S. D. 215) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill An Act to provide for licenses for real estate brokers and real estate salesmen, and to fix penalties for violation of provisions of this Act. (S. D. 218) reported that the same ought not to pass.

The reports were severally read and accepted.

Mrs. Pinkham, from the committee on education, on bill an act relating to State school fund and especially relating to high school tuition by non-resident students (S. D. 110), reported the same in new draft under the same title (S. P. 571) and that it ought to pass.

Mr. Holmes, from the committee on legal affairs, on bill an act to amend Chapter 163 of the Public Laws of 1925, relating to transfer of one subdivision of a department appropriation to another (S. P. 502), reported that the same ought to pass.

Mr. Drake, from the committee on public utilities, on bill an act relative to the abolishment of grade crossings (S. D. 172), reported the same in a new draft under title an act to amend Section 34 of Chapter 24 of the Revised Statutes, as amended, relative to the abolishment of grade crossings (S. P. 580), and that it ought to pass.

Mr. Crafts, from the committee on salaries and fees, on bill an act relating to clerk hire in the office of the register of probate of Aroostook county (S. P. 109), reported the same in new draft under the same title (S. P. 572) and that it ought to pass.

Mr. Perkins, from the same committee, on bill an act to increase the salary of the clerk of courts in Franklin county (S. P. 110), reported the same in new draft under the same title (S. P. 573) and that it ought to pass.

Mr. Crafts, from the same committee, on bill an act relating to the sal-

ary of the register of probate of Franklin county (S. P. 112), reported the same in a new draft under the same title (S. P. 574) and that it ought to pass.

The same senator, from the same committee, on bill an act relating to the salary of the clerk of courts of Knox county (S. P. 132), reported the same in a new draft under the same title (S. P. 575) and that it ought to pass.

The same senator, from the same committee, on bill an act to increase the salary of the county attorney of Sagadahoc county (S. P. 157), reported the same in a new draft under the same title (S. P. 576) and that it ought to pass.

The same senator, from the same committee, on bill an act relating to the salary of the treasurer of Knox county (S. P. 225), reported the same in a new draft under the same title (S. P. 577) and that it ought to pass.

The same senator, from the same committee, on bill an act relating to the salary of the register of deeds of Waldo county (S. P. 257), reported the same in a new draft under the same title (S. P. 578) and that it ought to pass.

The same senator, from the same committee, on bill an act relating to the salary of the register of deeds of Sagadahoc county (S. P. 484), reported the same in a new draft under the same title (S. P. 579) and that it ought to pass.

The reports were severally read and accepted and the bills laid on the table to be printed under the joint rules.

The same senator, from the committee on interior waters, submitted its final report.

The report was read and accepted.

On motion by Mr. Drake of Sagadahoc, the Senate reconsidered its action whereby the report of the legal affairs committee "ought not to pass" was accepted on an act authorizing the transfer of the real estate used as a ferry landing at Woolwich, Maine, from the State of Maine to the town of Woolwich (S. D. 217), and on further motion by the same senator the report was tabled pending acceptance.

Passed to be Enacted

Out of order and under suspension of the rules.

An Act to Amend Section Fifty-five

of Chapter Two of the Revised Statutes, Relating to the Secretary of State. (S. D. 179)

An Act to Provide a Town Manager Form of Government for the Town of Camden. (S. D. 283)

An Act to Increase the Salary of the Judge of the Western Somerset Municipal Court. (S. D. 284)

An Act Relating to Certain State Parks. (S. D. 285)

An Act Relating to Application for License to Build or Extend Wharves and Fish Weirs. (H. D. 198)

An Act Relating to the Oxford Agricultural Society. (H. D. 302)

An Act to Define "Storage Eggs" and "Processed Eggs," and to Regulate Certain Details of the Sale and Distribution of the Same. (H. D. 408)

An Act Relating to the Survey and Sale of Wood. (H. D. 418)

(On motion by Mr. Roberts of York, tabled pending passage to be enacted.)

An Act Relating to Bounty on Porcupines or Hedgehogs. (H. D. 439)

(On motion by Mr. Woods of Penobscot, tabled pending passage to be enacted.)

An Act Relating to the Use of Seines, Weirs, Nets and Artificial Flies. (H. D. 491)

An Act Relating to the Kennebec County Agricultural Society at Readfield. (H. D. 509)

Finally Passed

Resolve, to Reimburse Reed Plantation for Support of a State Pauper. (H. D. 501)

Resolve, to Reimburse the Town of Kingman for support of Thomas Robichaud, a State Pauper. (H. D. 502)

Resolve, to Reimburse the Town of Vanceboro for Support of Otis L. Crocker, a State Pauper. (H. D. 503)

Resolve, to Reimburse the City of Old Town for support of Joseph Polkey, a State Pauper. (H. D. 504)

Resolve, to Reimburse the City of Old Town for Support of George Loring and Family, Indians. (H. D. 505)

Resolve, to Reimburse the Town of Richmond for Support of Arthur H. Weeks and Family, State Paupers. (H. D. 506)

Resolve, to Reimburse the Town of Machiasport for Medical Expenses of Indians. (H. D. 507)

Resolve, to Reimburse the Town of Lebanon for Support of Mary Lawson and Child, State Paupers. (H. D. 508)

Mr. OAKES of Cumberland: Mr. President, I would like to take from the table House Document 535 An Act relating to the fees of jurors.

The motion to take from the table prevailed.

Mr. OAKES: I would now like to ask the status of the matter, Mr. President.

The PRESIDENT: Apparently it is acceptance of the report "ought to pass."

Mr. OAKES: And may I ask the previous action?

The PRESIDENT: The Secretary will read all action on the bill.

(The Secretary read: "This is a House Report 'ought to pass' read and accepted in the House March 30th. It has never been accepted by the Senate. The bill in the House was, on motion by Mr. Wing of Kingfield, indefinitely postponed on March 30th.")

Thereupon, on motion by Mr. Oakes of Cumberland, the report of the Judiciary Committee "ought to pass" was accepted, the bill received its first reading, the rules were suspended and the bill received its second reading and was passed to be engrossed.

On motion by Mr. Case of Washington

Adjourned until four-thirty o'clock Monday afternoon next.