

# 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**

Wednesday, April 13, 1927.

Senate called to order by the President.

Prayer by the Rev. R. A. MacDonald, of Westbrook.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act providing compensation for Court Stenographers upon retiring by reason of disability. (S. D. 315)

(In Senate, April 4, 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, House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: Resolve to reimburse the town of Phippsburg for expenses incurred in fighting forest fires by the State Militia. (S. D. 345)

(In the Senate, April 7, 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 resolve was passed to be engrossed, House Amendment A was adopted and the resolve as so amended was passed to be engrossed in concurrence.

From the House: An Act relating to the employment of guides by non-residents. (S. D. 180)

(In Senate, April 5, 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. Crafts of Piscataquis that body reconsidered its former action whereby the bill was passed to be engrossed, House Amendment A was adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: An Act relating to qualification and licensing of agents of insurance companies. (S. D. 324)

(In Senate, April 5, 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. Drake of Sagadahoc, that body reconsidered its former action whereby the bill was passed to be engrossed; 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 Murtagh Hughes of Bangor, to reimburse him for the loss sustained in construction of state highway at Edgecomb. (S. D. 344)

(In Senate, April 8, 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 resolve was passed to be engrossed; House Amendment A was adopted and the resolve as so amended was passed to be engrossed in concurrence.

From the House: An Act relating to apothecaries and the sale of poisons. (S. D. 361)

(In the Senate, April 11th, passed to be engrossed.)

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

In the Senate:

Mr. MAHER of Kennebec: Mr. President, I would like to have the amendment read.

The Secretary read House Amendment A.

Mr. MAHER: May I ask, Mr. President, through the Chair, whether the word "non-potent" still remains in the amended act.

The PRESIDENT: The Senator from Franklin, Senator Morrison, may answer through the Chair, if he desires, but the Chair is of the opinion that it no longer appears in the act and the amendment is perfectly proper.

Mr. MORRISON of Franklin: As I understand it, Mr. President, the

amendment is perfectly satisfactory to the proponents of the bill.

Mr. MAHER: But I am not satisfied that is satisfactory to the opponents.

The PRESIDENT: The Chair will state that the word "non-potent" was eliminated some time ago.

On motion by Mr. Oakes of Cumberland, the bill was then tabled and this afternoon assigned.

From the House: Resolve in favor of Willis Myrick of Mount Chase in the County of Penobscot, compensating him for damage done to a piece of oats by porcupines. (H. P. 829)

In the House, recalled to that branch by a joint order, bill substituted for the "ought not to pass" report, and passed to be engrossed as amended by House Amendment "A", in non-concurrence.

In the Senate, on motion by Mr. Smith of Somerset, the resolve was tabled pending consideration and this afternoon assigned.

From the House: An Act to provide State Aid for maintenance and upkeep for academies, institutions, seminaries and junior colleges. (H. D. 630)

(In Senate, April 8, passed to be engrossed as amended by Senate Amendment "A".)

In the House, bill and reports indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Speirs of Cumberland the bill was tabled pending consideration and tomorrow assigned.

From the House An Act to establish small claims procedure. (S. D. 74)

(In Senate, April 7, passed to be engrossed as amended by Senate Amendment "A".)

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Holmes of Androscoggin the bill was tabled pending consideration and this afternoon assigned.

From the House: An Act relating to the salary of the County Treasurer of Androscoggin County. (H. P. 740)

(In Senate, April 7, bill substituted for the "ought not to pass" report of the Committee on Salaries and Fees, and passed to be engrossed in non-concurrence.)

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Holmes of Androscoggin tabled pending consideration and this afternoon assigned.

From the House: An Act to provide for the safety of life and property and to create a Board of Boiler Rules which shall formulate rules and regulations for the safe construction, use and operation of steam boilers; to provide for the enforcement of the rules and regulations of the Board of Boiler Rules; to provide for the inspection of steam boilers and the fees to be charged therefor; and to provide a penalty for the violation of the provisions of this Act. (S. D. 343)

(In the Senate, April 12, the Senate voted to insist on its action whereby the bill was passed to be engrossed, and ask for a Committee of Conference.)

In the House, that branch voting to adhere to its former action whereby it accepted report "ought not to pass."

In the Senate:

Mr. SLOCUM of Cumberland: Mr. President, if it is the correct parliamentary procedure I would like to have this matter laid upon the table although if the House should move to reconsider this afternoon I would prefer to have that go back to the House. There has some suggestion been made that they may reconsider it. If this lays upon the table in the Senate can it be brought up again in the House?

The PRESIDENT: The Chair cannot make any rulings for the House. It could not be brought up in this body if it were on the table in the House.

Mr. SLOCUM: I move, Mr. President, that we again insist and ask for a committee of conference.

The motion to insist and ask for a committee of conference prevailed and the Chair appointed as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Slocum, the Senator from Somerset, Senator Smith, the Senator from Franklin, Senator Morrison.

From the House: An Act to

amend Chapter 25 of the Revised Statutes and to establish a new State Highway Commission. (H. P. 1285)

(In the Senate, on April 5th, referred under suspension of the rules to the Committee on Judiciary.)

In the House, recalled to that branch from the Committee on Judiciary by a House order, and subsequently recommitted to the Committee on Judiciary, with instructions not to advertise.

In the Senate:

The PRESIDENT: Is it the pleasure of the Senate that we concur with the House in the recommitment of the bill to the Committee on Judiciary with instructions not to advertise?

Mr. MAHER of Kennebec: Mr. President, so as to be in order and speaking to the motion, I hope it will be recommitted and I now state that if recommitted it will be heard this afternoon at two o'clock and reported out at two-thirty and that committee will then report finally.

The PRESIDENT: The Senate hears the remarks of the Senator from Kennebec, Senator Maher, which are in order.

Thereupon, the bill was recommitted to the Committee on Judiciary with instructions not to advertise, in concurrence.

From the House the following order:

Ordered, the Senate concurring, that all Joint Standing Committees of the Eighty-third Legislature, except the Committees on Appropriations and Financial Affairs and on Ways and Bridges, be, and hereby are, instructed to report finally before twelve o'clock noon Wednesday, April 13.

In the House, read and passed as amended by striking out the word "Wednesday" and inserting in place thereof the word "Thursday", and by striking out the figures "13" and inserting in place thereof the figures '14'.

In the Senate:

Mr. MAHER of Kennebec: Mr. President, I desire to make a motion and will later state it and in explanation of it will simply say that it is impossible of performance,

that order, and in view of that fact I move that it be tabled.

The motion to table prevailed.

From the House: Resolve in favor of Frank R. Chesley, B. W. Blanchard and Killen & Gillen. (H. P. 1319)

In the House, introduced under suspension of the rules and passed to be engrossed without reference to a Committee."

In the Senate, under suspension of the rules the resolve was received and was given its two several readings and passed to be engrossed without reference to a committee, in concurrence.

From the House: The Committee on Salaries and Fees, on bill, An Act establishing fares on passenger boats plying between the westerly end of Peaks Island and the mainland in Portland (H. D. 233) reported that the same be referred to the Committee on Legal Affairs.

In the House, bill substituted for the report, and passed to be engrossed.

In the Senate, on motion by Mr. Slocum of Cumberland the bill was substituted for the report in concurrence and the bill received its two several readings under suspension of the rules.

Thereupon, on motion by Mr. Morrison of Franklin, the bill was tabled pending passage to be engrossed and tomorrow assigned.

From the House: The majority of the committee on Taxation, on bill, An Act to provide equitable and uniform taxation for motor vehicles (H. D. 357) reported the same in a new draft, under the same title (H. D. 625) and that it ought to pass.

(Signed) PIPER  
CARLETON  
CRAM  
HOLBROOK  
GOODWIN  
HATHAWAY  
DOUGLAS

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

(Signed) ROBERTS  
NICKERSON  
HAMMOND

In the House, majority report accepted, bill passed to be engrossed.

In the Senate, on motion by Mr. Douglas of Hancock, the majority re-

port was accepted, the rules were suspended and the bill received its two several readings and was passed to be engrossed, in concurrence.

From the House: The Committee on Engrossed Bills reported as truly and strictly engrossed the following bill:

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

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Holmes of Androscoggin, the bill was laid upon the table and this afternoon assigned.

#### House Bills in First Reading

Resolve in favor of the Maine School for the Deaf (H. P. 254) and Resolve in favor of the Maine School for the Deaf (H. P. 1317).

Resolve in favor of Bath Military and Naval Orphan Asylum (H. P. 1318).

Resolve in favor of H. H. Havey and Bradbury Smith to reimburse them for loss under highway construction contract (H. D. 595).

Resolve to compensate Augustus A. Gilbert, a farmer of Brewer, for a cow shot by a hunter (H. D. 601).

An Act to incorporate the Railroad Workers' Credit Union of Maine (H. P. 1316).

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

An Act to amend Section 28 of Chapter 145 of the Revised Statutes relating to the support of insane patients (H. D. 620).

Came from the House, the report accepted and the bill subsequently indefinitely postponed.

On motion by Mr. Oakes of Cumberland, tabled pending consideration and this afternoon assigned.

An Act to amend an Act to incorporate the Stockton Springs Water Company (H. D. 584).

Came from the House passed to be engrossed as amended by House Amendment "A."

(Under suspension of the rules the bill was also given its second reading, House Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed).

Resolve in favor of the State Reformatory for Men for maintenance, personal services, repairs and equipment (H. D. 641).

Resolve in favor of the State School for Girls at Hallowell (H. D. 640).

Resolve in Favor of the State School for Boys. (H. D. 639)

Resolve in Favor of the State Reformatory for Men for the Completion of a Building. Now in Process of Erection. (H. D. 638)

Resolve, in Favor of State School for Girls (H. D. 637).

Resolve, Appropriating Money for the Purchase of Additional Real Estate for the State School for Girls (H. D. 636).

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

The following resolve was received and on recommendation by the committee on reference of bills was referred to the following committee:—

#### Appropriations and Financial Affairs

By Mr. FOSTER of Kennebec, Resolve in favor of Marjorie L. Lee, stenographer to the President of the Senate. (S. P. 657)

#### Orders

On motion by Mr. Crafts of Piscataquis, it was

Ordered, The House concurring, that the Commissioner of Inland Fisheries and Game cause to be revised and compiled in convenient pamphlet form the inland fish and game laws, both public and private and special, including public and private and special acts of the 83rd Legislature relating to inland fisheries and game, also the rules and regulations of the Department of Inland Fisheries and Game, and that not exceeding fifty thousand copies of said pamphlet be printed for general distribution. Authority is hereby granted for the employment by the Department of Inland Fisheries and Game of such extra clerical assistance as may be necessary to properly perform such work; the bills for preparing and publishing said pamphlets, including charges for the necessary extra clerical services required, shall be paid out of the appropriation for the operation of fish hatcheries and feeding stations for fish, and for the protection of fish, game and birds, and for general administration of the Department of Inland Fisheries and Game. The Department of Inland Fisheries and Game is further to mail five copies of said publication,

when issued to each member of the 83rd Legislature.

**Orders**

On motion by Mr. OAKES of Cumberland, it was

ORDERED, the House concurring, that there be paid to Raymond S. Oakes, Chairman of the sub committee to which was referred the petitions for repeal of the primary law, three hundred dollars for payment of expenses incurred by the committee in performance of their duties.

**Reports of Committees**

Mr. OAKES, from the Committee on Judiciary, on report of the Recess Committee on Courts and Court Procedure (H. D. 1)

Resolutions adopted by Waldo County Bar Association (H. P. 720)

Concurrent Resolution of the Congress of the United States relative to the celebration of the two hundredth anniversary of the birth of George Washington (H. D. 328) reported that the same be placed on file.

The same Senator, from the same Committee, on remonstrances opposing the repeal of the direct primary law, House Papers No. 718, 719, 930, 940, 941, 954, 955, 968-971, 1026-1036, 1057-1065, 1125-1130, 1185-1192, 1201-1208, and Senate Papers No. 194, 217, 248, 249, 375, 376, 413-417, 440-446, 464-467, 505-509, 514-517, 527-528, 535-538, reported that the same be placed on file.

The reports were read and accepted and ordered placed on file.

The majority of the Joint Committees on Public Utilities, Interior Waters and Judiciary, on bill An Act to incorporate Fish River Power and Storage Company (S. D. 121) reported that the same ought not to pass.

(Signed) DUDLEY  
 GRANVILLE  
 DUNBAR  
 LORD  
 OAKES  
 TUCKER  
 WING of Kingfield  
 POWERS  
 BRIGGS  
 THURSTON  
 MILLIKEN  
 HUGHES  
 HALE  
 MAHER  
 WING of Auburn

COMINS  
 DOUGLAS  
 ALDRICH  
 RICHARDSON

The minority of the same Committee, on the same subject matter, reported that the same be referred to the next Legislature.

(Signed) DOUGLAS  
 PIPER  
 GREENLEAF  
 BISHOP  
 CHASE  
 PATTERSON  
 PAGE  
 BARTLETT  
 CRAFTS  
 DRAKE

On motion by Mr. Mitchell of Aroostook, the majority report was accepted.

Mr. OAKES, from the Committee on Judiciary, on petitions proposing to the Legislature for its consideration under the provisions of Article XXXI of the Constitution of Maine the following bill, An Act to repeal Sections One to Thirty-six of Chapter Six of the Revised Statutes relative to Primary Elections, ask leave to report as follows:

The petitions appear to be properly verified. They were filed in the office of the Secretary of State, purporting to contain signatures as follows:

Feb. 25, 1927 .....	13,455
Feb. 26 .....	197
Feb. 28 .....	434
March 1 .....	239
March 2 .....	184
March 3 .....	67

Total ..... 14,576

A petition was filed March 11, 1927, containing 71 names and a petition was filed March 15, 1927 containing 38 names which should be added to the above figures in case the close of the session of the Legislature occurs at least thirty days after said respective dates.

The Constitution of Maine provides as follows: "The governor may, and if so requested in the written petitions addressed to the Legislature, shall, by proclamation, order any measure proposed to the Legislature by at least twelve thousand electors as herein provided, and not enacted by the Legislature without change, referred to the people at a special election to be held not less

than four or more than six months after such proclamation."

The petitions contain the following language: "The Governor is hereby requested to issue his proclamation, referring to the within act to the people, at a special election to be held not less than four or more than six months after such proclamation."

We find at least 12,000 signatures which complies with the Constitution.

The Committee recommends that no action be taken by the Legislature with reference to passing the accompanying bill and that no competing measure be submitted; that the initiative bill be submitted to the electors of this State in accordance with the Constitution; that a certified copy of this report be transmitted to the Governor.

The report was read and accepted.

#### Passed to be Enacted

An Act increasing the allowance for clerk hire in the Register of Deeds of Aroostook county, Northern Registry, (S. D. 337.)

An Act relating to clerk hire in the office of Register of Deeds, Southern District of Aroostook County (S. D. 350.)

An Act increasing the salary of the clerk of courts in Aroostook County. (S. D. 351.)

An Act to increase the amount to be paid for clerk hire in the office of the clerk of courts in the county of Cumberland. (S. D. 352.)

An Act relating to the salary of the clerk and deputy clerk of courts in Cumberland County. (S. D. 353.)

An Act relating to increase in clerk hire in the office of Register of Deeds of Franklin County. (S. D. 354.)

An Act relating to clerk hire in the office of the Register of Probate for Franklin County. (S. D. 355.)

An Act relating to the salary of the Judge of Probate of Knox County. (S. D. 356.)

An Act relating to fees of insurance brokers. (S. D. 226.)

An Act to regulate Camping within the limits of Game Preserves or Sanctuaries. (S. D. 359)

An Act to ratify, affirm and make valid certain Doings of the City Council of the city of Bath. (S. D. 362)

An Act to render Unlawful all Disturbances to the Reception of

Radio Waves used for Radiotelephony. (S. D. 363)

An Act relating to Proposed changes in Freight Rates. (S. D. 364)

An Act to amend Section 3 of Chapter 203 of the Public Laws of 1925 relating to the use of proceeds of Bonds authorized to be issued by said Chapter. (S. D. 365)

An Act relative to an Increase in the Salary of the Judge of the Houlton Municipal Court. (S. D. 342)

An Act relating to the Trapping of Fur-bearing Animals. (S. D. 346)

An Act relating to Recording of Instruments and Conveyances. (S. D. 348)

Resolve on the Payroll of the House of Representatives of the Eighty-third Legislature. (H. P. 1291)

An Act relating to Clerk Hire in the Office of Register of Probate for Knox County. (S. D. 341)

An Act to increase the Salary of the Register of Deeds in the county of Aroostook, Northern District. (S. D. 338)

An Act to increase the Salary of the Register of Deeds in the county of Franklin. (S. D. 339)

An Act to increase the Salaries of the Clerks in the offices of the Clerk of Courts, the Register of Probate, and the Register of Deeds for Sagadahoc County. (S. D. 340)

An Act relating to Consent required to be given in Adoption of Children. (S. D. 349)

An Act Relating to the Registration of Trucks. (H. D. 384)

(On motion by Mr. Douglas of Hancock, tabled pending enactment and this afternoon assigned.)

An Act to increase the Salary of the Secretary of State. (S. D. 378)

An Act to make the Chairman of the Androscoggin County Commissioners a Full Time Office with the duty of Superintendence of Buildings and to increase his Salary to fifteen hundred dollars. (S. D. 515)

(On motion by Mr. Holmes of Androscoggin, tabled pending enactment and this afternoon assigned.)

An Act relative to an increase in the Salary of the Judge of the Presque Isle Municipal Court. (H. D. 558)

An Act relating to the Salary of the County Attorney for county of Hancock. (H. D. 572)

An Act relating to increasing the



Salary of the Recorder of the Western Hancock Municipal Court. (H. D. 573)

An Act Relating to Clerk Hire in the Office of Registry of Deeds, of Penobscot County. (H. D. 545)

An Act relating to the Salary of the County Attorney for Franklin County. (H. D. 574)

An Act Relating to Clerk Hire in the Office of Register of Probate of Penobscot County. (H. D. 550)

#### Finally Passed

Resolve in favor of the Trustees of the University of Maine. (H. D. 555)

Resolve in favor of Malcolm O'Brien for compensation due him for Labor performed for the State of Maine. (H. D. 564)

#### Orders of the Day

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

Ordered, that two thousand extra copies of so much of the Legislative record as relates to Senate business for the days of March 30th and April 8th be printed.

The PRESIDENT: The Chair will state that this being Wednesday, all matters automatically come from the table and the Chair hopes they may be taken, and they will be taken, if possible, in the order in which they appear.

The President laid before the Senate an act relating to bounty on bears killed in the State (H. D. 350), tabled on April 5th by Mr. Perkins of Penobscot, pending consideration.

Mr. PERKINS of Penobscot: Mr. President, I wish to move for the indefinite postponement of this bill.

Mr. BRAGDON of Aroostook: Mr. President, I don't feel that I can let this bill be submitted to such a fate without saying a word in its behalf. I think that in common with the other members of the committee before which this matter was heard that I can say that all of the committee felt the same about it at the hearing. I come from a part of the State that has no sheep and no bears and I felt as did the others that there was very little call for the passage of such a measure, but after a full hearing which was ably presented both for and against the measure, it seemed to the committee that there was no other course than to report "ought to pass". This report

met with the approval of the nine members of the committee who were present.

I think that committee reports for this session of the Legislature have been more independent than in previous sessions, as is indicated by the great volume of reports "ought not to pass", even where there has been no opposition to bills, the committees have exercised their rights of criticism and have reported "ought not to pass" and I think that for that reason that when a committee has unanimously reported that a bill should pass that their report should be entitled to some weight.

Immediately after the report of the committee was presented certain astute lobbyists began a canvass of the members of the Legislature both here in the corridors of the State House and at the Augusta House, and called attention to the fact that if this bill was passed, it would mean that hunters from all over the State would start out and set a line of traps all up across the wild land to the Canadian border and bait the traps with deer and beaver shot contrary to law and would cause trouble generally. I think that any sensible person would realize that where a trap is to be marked with the owner's name that he would go slow in killing deer and beaver for baiting such traps. But to overcome this objection an amendment was adopted in the House which confines the operation of this bill to incorporated towns and the adjoining wild townships so that this trapping can only be permitted in the areas where these sheep are destroyed.

It is only a small part of the State that is effected by this bear difficulty, there is a stretch of territory beginning in northern Washington and southern Aroostook and extending across the State to the northern part of Oxford except where broken through by river basins, where agriculture is in rather a bad state. That is the section of the State where the bears are most numerous and the section of the State where the residents feel the need of some means of securing money and the sheep industry in that section is the most valuable asset that they have and I feel that it should be protected.

I want to call attention to the fact that the passage of this bill will not effect the budget in any way as there is a provision in it that these bounties shall be paid from the dog license fund which would otherwise be returned to the towns.

It has been stated, not on the floor here but around the State House, that these farmers were actually benefited by the damage to their sheep as they were paid one and a half times the value of the sheep that were destroyed. That is true, so far as it goes, but the real damage to the flocks is to the sheep that are not killed and consequently never are paid for. Anyone who has ever had anything to do with the sheep industry realizes that a flock of sheep which is made wild by the ravages of dogs or bears or other cause will be an unprofitable flock, so that that damage can never be taken care of by the State.

Here, a very few days ago this Senate, in its generosity, passed an act providing for a bounty on hedgehogs for the benefit of the wild land owners of the State. That bounty was to be taken care of out of the funds of the State, and I feel that we should be equally liberal with the owners of these sheep.

I hope that the bill will not be indefinitely postponed.

Mr. MORRISON of Franklin: Mr. President, and members of the Senate, I also hope that the motion of the Senator from Penobscot, Senator Perkins, will not prevail, for I come from a section of the State where we have both the bear and the sheep and a great majority, I believe, of the citizens of Franklin county are in favor of this bill and that there should be a bounty placed upon the bear. There has been argued by the proponents of the measure that the bear would be a valuable game animal. We all believe, of course, in the conservation of our natural resources, in the propagation of our fish and game for we realize the benefit that this State receives from the tourist who comes here from out of the State to spend his summer months. We all realize the benefit that is derived from the out-of-State fisherman and hunter who comes with his rod and gun because they leave a great deal of money within the borders of our state which contribute to the welfare of the communities and of the people.

(At this point Senator Oakes of Cumberland was escorted to the Chair amidst the applause of the Senate.)

But there is another class of people that I do not believe that this legislature should forget and that is the farmer who is with us all of the year around, who bears his part of the burdens and pays his part of the taxes, and farming in the state has

had its adversities and the farmer a great many times has had up-hill work to keep his farm going and to earn his livelihood and the result has been that in scores of towns within the State of Maine, there are whole neighborhoods of abandoned farms, buildings falling into decay and fields growing into a wilderness and I say that this situation within the borders of our state is deplorable. I would like to see all of those abandoned farms inhabited once more. I believe that such a condition brought about again in the state would add as much to our prosperity as the summer business, which, of course, is also of the greatest importance, and therefore, I think the farmer should be encouraged rather than discouraged and if he wants this little bit of legislation in order that some of his property may be better protected, I believe that this legislature should be glad to give him the consideration that he asks for and I hope, as I said in the beginning, that the motion of the Senator from Penobscot, Senator Perkins, will not prevail.

Mr. PERKINS of Penobscot: Mr. President, this bear bounty bill has been bounded about the State House ever since the beginning of this session and at this present time designates some certain portions of the State of Maine which shall have a bounty upon bears and some sections which shall not, and I believe that what is right for one section of the state is right for other sections. I am in thorough accord with what Senator Bragdon of Aroostook and Senator Morrison of Franklin have said, but I believe if we are to have a bounty on bears, the bounty should include the entire state and my experience with bears has been that they are of roving disposition.

Mr. BUZZELL of Oxford: Mr. President, I have felt that we could well consider this small matter in this Senate, not along from the benefit that it would give to the sheep industry, not wholly the encouragement and benefit, but also that it would tend to promote a little better feeling of harmony and good spirit between certain of our farmers and land-owners who are asking for this bill and our hotel keepers and sportsmen's associations that think we should not have this bounty.

There is in certain sections, I find and feel, a little bit of friction growing up, a feeling on the part of the

land owners and farmers that the sportsmen's associations are asking for many privileges, that of trapping and hunting and fishing over their land, but when they ask for anything they are quickly opposed by those interests and I think for that reason if for nothing more, that this little matter could well be conceded to those who are asking for it through the sections of the state.

There are only certain sections, as has been said, which are effected, but those sections are considerably effected.

I find that the records in the State House show that in 1921 the guides and trappers reported 103 bears killed in the state. In 1922 (those were the years when there was a bounty) there was 236. In 1923: 144. In 1924: 149. And for some reason—it isn't because the bounty was taken off, and the bears didn't increase in numbers, but for some reason there seemed to be a great many more bears in the state in the last few years, at least in my county and in Franklin County, for in 1925 there were 348 killed; and in that section of the state the bears have done a material damage to the sheep industry. I know of a whole valley that runs back into the mountains where fifteen or twenty farms of sheep have been driven out and there is just one flock left in the valley and it was as easy to get a bear there last fall, or the fall before as it was to get a deer and while we realize that the bear is a noble animal and the sportsmen had almost rather shoot a bear than any other game animal, I don't think that one less sportsman would come to the state if there was a bounty on bears. I am not sure but it would be a good advertisement if they thought the bears were so thick that we had to put a bounty on them to protect ourselves.

In the years 1921 to 1926 there were 2,260 sheep reported as killed by bears and as Senator Bragdon has said, the bounty would be taken from the dog licenses of which there has been a surplus since the repeal of the legislation of the damage to poultry. The receipts over disbursements show an average of \$36,159.44 per year, so there is the fund from which this bounty may be taken, but I certainly think that it would be for the best interest, not only of land owners and farmers in certain sections that are asking for this bounty, but also for the fish and game interests, to grant

this little request that they ask and I certainly hope that the motion made by Senator Perkins of Penobscot will not prevail.

Mrs. ALLEN of Penobscot: Mr. President, I move that when the vote is taken, it be taken by yeas and nays.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Allen, asked that when the vote be taken it be taken by yeas and nays. This requires the affirmative vote of one-fifth of the membership of the Senate. Those in favor of the yeas and nays will rise and stand in their places until counted. Those opposed will then rise.

A sufficient number having risen the yeas and nays were ordered.

The Secretary called the roll.

Those voting "yes" were: Senators Bond, Crafts, Douglas, Drake, Dunbar, Foster, Granville, Maher, Miner, Oakes Perkins, Roberts, Smith, Spear.—14.

Those voting "no" were: Senators Allen, Bragdon, Buzzell, Case, Dwinal, Harriman, Holmes, Mitchell, Morrison, Nickerson, Pinkham, Slocum, Speirs, Woods.—14.

Absent: Senator Lord.

The PRESIDENT pro tem: Fourteen senators having voted in the affirmative and fourteen in the negative the motion to indefinitely postpone fails of passage. The question is now on the adoption of House Amendment A, the bill having been read twice in the Senate.

Thereupon, on motion by Mr. Buzzell of Oxford, House Amendment A was adopted in concurrence.

Mr. BUZZELL of Oxford: Mr. President, I move that the bill as amended by House Amendment A be passed to be engrossed.

Mr. MAHER of Kennebec: Mr. President, when the vote is taken I move it to be taken by division.

A division of the Senate was had.

Fourteen senators voted in the affirmative and thirteen in the negative.

Mr. MAHER: Mr. President, I desire to change my vote before an announcement is made.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Maher, voted in the negative.

Mr. MAHER: I voted in the negative, Mr. President, and I now desire to change my vote to the affirmative.

Fifteen senators have voted in the affirmative and twelve in the negative the bill as amended by House Amendment A was passed to be engrossed.

Thereupon, on motion by Mr. Maher of Kennebec, the Senate voted to reconsider its action just taken whereby the bill as amended by House Amendment A was passed to be engrossed; and on further motion by the same senator the bill was laid upon the table pending passage to be engrossed and tomorrow assigned.

The President pro tem laid before the Senate, House report from the Committee on Judiciary, majority report "ought to pass" minority report "ought not to pass" on An Act relating to advertising signs along public ways (S. D. 11), tabled on April 12th by Mr. Lord of York pending consideration and today assigned.

Mr. ROBERTS of York: Mr. President, as the Senator from York, Senator Lord, is not in his seat, I would like to table this measure for him until later in today's session.

The motion to table prevailed.

The President pro tem laid before the Senate, House report from the Committee on Legal Affairs, majority report, "ought not to pass" minority report, "ought to pass in a new draft," on An Act to grant a new charter to the city of Old Town. (H. D. 112), tabled on April 12th by Mr. Holmes of Androscoggin pending acceptance of majority report and today assigned; and the President pro tem recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, I yield to the Senator from Franklin, Senator Morrison.

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

The President pro tem laid before the Senate, Senate report from the Committee on Mercantile Affairs and Insurance, "ought to pass" in new draft, on order relative to workmen's compensation insurance (S. D. 276), tabled on March 30th by Mr. Morrison of Franklin pending acceptance of the report; and the President pro tem recognized that Senator.

Mr. MORRISON of Franklin: Mr. President, I yield to the Senator from Somerset, Senator Smith.

Thereupon, on motion by Mr. Smith of Somerset, the report was accepted, the bill received its two several readings under suspension of the rules and was passed to be engrossed.

The President pro tem laid before the Senate, An Act to extend the charter of the Quebec Extension Railroad Company (H. D. 331), tabled on March 30th by Mr. Lord of York pending enactment; and the President pro tem recognized that senator.

Mr. LORD of York: Mr. President, I yield to the Senator from York, Senator Roberts.

Mr. ROBERTS of York: Mr. President, this bill was tabled by me some time ago and later was tabled by the Senator from York, Senator Lord, by request and I am now requested to table it until later in the day that an amendment may be offered.

The motion to table prevailed.

The President pro tem laid before the Senate, Senate report from the committee on legal affairs, majority report "ought to pass" in new draft, minority report "ought not to pass" on an act relating to police commission of Lewiston (S. D. 299), tabled on March 30th by Mr. Holmes of Androscoggin pending acceptance of either report; and the President pro tem recognized that senator.

(At this point President Holley resumed the chair.)

Mr. HOLMES of Androscoggin: Mr. President, I move that the majority report, "ought to pass" be accepted, and as there may be some senators who are not familiar with the history of this act and with the facts of the matter I will take a few minutes to explain as briefly as I can what it is and what the history is.

In the year 1917, during the session of the Legislature, in the early part of April, the United States entered the great war against the central powers of Europe. As early as February we all knew that the country was going into the war although the declaration did not come until the first of April. That Legislature, like many others throughout the United States, under the strain and excitement of war and the war atmosphere passed

some unwise and even unjust laws. I think it is common knowledge that throughout the country now in the different states such unwise and unjust laws as were enacted under the war emergency have been generally repealed.

Up to April, 1917, when the law about which I am talking now went into effect the city of Lewiston, the second city in population in the State, governed its police department in, briefly, this way, like, I may say, almost all cities of Maine at the time and like many yet: The mayor appointed the city marshal, as he was then called—now called the chief of police—and also appointed the captains and the patrolmen and other officers for terms of three years and the board of aldermen confirmed the appointments. Now, I think that about along in that period the change was taking place in the small cities following the example of the great cities of the country to put police departments under civil service where they belong, and most heartily do I endorse the principle and would do nothing to in any way weaken the principle of civil service which now exists in the city of Lewiston, and its police department, and its fire department and certain other departments.

Now, in 1917 when the Legislature was in session the chamber of commerce of the city of Lewiston drafted and endorsed a bill to create a civil service police department of Lewiston but the bill that went through and became law under the emergency clause of the Constitution was not the chamber of commerce bill. The chamber of commerce drafted and offered to the Legislature a bill to create a police commission to be elected by the people of Lewiston and it provided a referendum to go to the people to find out whether or not the citizens of Lewiston wanted to adopt it—a fair measure. But in the committee it was redrafted and it came out of the committee a bill to appoint a commission of three by the governor of different terms and it arranged that two of the members should be of the dominant party of the city, whatever that party might be. The referendum was stricken from the bill and on the top of it was placed the emergency clause from the Constitution and it went through under the war fever.

I have spoken before on this matter in the House and never, as some of you may remember, never have I charged that it was partisan in the

sense of Republican or Democratic. Never have I criticized the Republican party, although I would never hesitate to criticize it if I believed it deserved criticism, but I do believe in being honest, sincere and frank, and so I say that it was the war fever and not partisanship that carried that bill. Rapidly it went through the Legislature. The debate was brief and perfunctory in the House and one representative from Lewiston only protested against the emergency clause and the lack of referendum. It went into effect, and under the emergency clause that is apparent, but of course the mayor of Lewiston was not satisfied. The situation appeared to be pretty plain that that was in violation of the Constitution because it infringed upon the right of home rule and the Constitution says that no emergency measure shall be passed that infringes upon the right of home rule, so the mayor of Lewiston brought the matter up by a bill in equity before the supreme court. One justice made a ruling and then it went to the full bench and the full bench of the law court, in the case of Mayor vs. Crockett, reported in 116 Maine Report at page 63, held that the Legislature had exceeded its powers and had violated the Constitution of the State and the court held that the emergency clause was invalid and that the act existed without the emergency clause because of course the Legislature has power of abolish a city or town under our law and constitution in Maine if it chooses. Now, the decision came down on the third day of July and that left two or three or four—I haven't the figures exactly—days before the act, under the 90-day part of the Constitution, the 90 days after the Legislature is adjourned, under which we work all the time—left just a few days to invoke the State with the referendum. Well, of course it was impossible but an effort was made. A petition was circulated but it was defective and it didn't suspend the law. Therefore the people of Lewiston never had a voice on this important matter and since that time we have been trying to get a referendum and that is what I am asking for in this bill.

Now, we want to get a referendum. It is necessary to present a question to the people. The proper way to present one on such a matter as this is in the alternative; that is, so that however the bill is drafted it will actually present a question in the

alternative to the voters, and the question—there is a referendum on this—the question will be—although not so phrased—“Do you want the present system of a governor-appointed commission or do you want a commission appointed by the mayor?” That is the real purpose of this bill. In order, though, if it passes, to present it in such a way that the issue will be clear and that those who are in favor of a governor-appointed commission will vote “No” on this and those who are opposed and want a mayor-appointed commission will vote “Yes,” it was necessary to make the proposed changes in the present law. And let me say, so that you will not take the trouble to look up the law of 1917, the act creating the Lewiston police commission, briefly is this: In addition to the three commissioners appointed by the Governor, in addition, it also takes away from the people of Lewiston and the city government of Lewiston any voice whatever in saying how many police officers they shall have, any voice in saying how much shall be paid, any voice in saying what shall be the expense of maintaining the police department in the city of Lewiston. It takes all that away and leaves it in such a way that it practically says, “You, the people of Lewiston, pay the bills”—that is all—“Raise the money by taxation and pay the bills, but the Legislature of Maine reserves the right to the State government to say how many police officers you shall have in the city of Lewiston, how much you shall pay them, what the expense of running the department shall be and even whether or not the police commission may buy one or two or a dozen automobiles to be used in the business of the police department.”

So, under the strain of a war emergency—and it is not easy for us here and now to try to visualize or feel the sensation of nervous strain that everybody, especially members of city government and of legislature, may have been under at that time—under that war emergency a loyal and a patriotic people were insulted and placed under guardianship. And it is the only city or town in the State that such a thing has been done to! If there were other cities with State government, appointment and control of its police department, never would I

say a word, but it is the only one. And in spite of what was done then did the people of Lewiston shirk, become slackers in the war that was then on? No! One of the very first companies that went to the front was a company of Lewiston boys and was called the 101st Trench Mortar Battery, and it was in the fighting almost as early as the marines. One of the first, if not the very first boy, wounded from the State of Maine was a Lewiston boy by the name of Leo Martin O'Reilly. One of the very first officers killed in the fighting in the early days as soon as the Americans got on the battle front in France was a Lewiston man who gave up a fine, well-paying position in the Androscoggin and Kennebec Street Railway Electrical Department to go to the front. Lewiston did its duty as it was supposed to do and deserves no credit for it, of course, because no one is entitled to credit for doing his duty.

But immediately following the war the legislature began to encourage cities and towns to build armories. The people of Lewiston took that literally—they are a patriotic people—and they bonded themselves in addition to raising what money they could by taxation and they built the finest armory in the State of Maine and one of the most beautiful and one of the finest in the whole of the New England States. They are people who take such things literally and enthusiastically and they are a fine people. But let me say without going into details in regard to that—although I may appear for the moment to be somewhat off the point under discussion—let me just read from an Associated Press dispatch that was published in the Maine papers October 20th last under the heading in the Lewiston papers of “Lewiston Operating Expenses Half Average for Other Cities”—that has not to do with police but is the cost of government in Lewiston—let me read the following:

“Washington, Oct. 20. Lewiston residents' payments for maintaining and operating their city government last year were about half of the average for the 247 cities of the country, whose population was 30,000 or more, according to statistics just made public by the Commerce department.

“The per capita in Lewiston was

\$19.63, as compared with \$37.43 in the 247 cities.

"Per capita revenue receipts in Lewiston were \$27.61, as compared with \$61.56 per capita."

And we have the lowest tax rate of any city in the State, a rate of 32 and it is expected that it will go down to 30 this year, and we own our own water works and our own street lights, there is no water district and no school district and we are the only city—and I think the only town—in the State of Maine that trains its own teachers. We have a normal school of our own in Lewiston that ranks in the Department of Education as one of the best normal schools in the State. That is the city of Lewiston that some people have such strange ideas about! That is the truth about the city of Lewiston!

Now, in drafting this bill in the new draft which was reported out by a majority of the committee I have taken—I did the drafting at the request of the majority—I have taken every means possible that I could to save the principle of civil service control of the police department, and to show that we who are for this referendum do not consider that partisanship—the difference between Democratic and Republican—should be considered and in order to show our good faith in the matter, the changes made in the act, Senate 299, are that where the words "Governor with the advice and consent of his Council" appear all that is stricken out and "Mayor" is put in; and in the tenth line these words are inserted—and they are significant so please listen—"so that the commission shall always be composed of two members from the majority party and one member from the minority party in the last preceding state election." That is to say, to put it plainly and bluntly, this amendment to the act of 1917 which I am asking a referendum for takes care that Republican ascendancy—and I, a Democrat drafted that—that Republican ascendancy shall be preserved, but the mayor—if it is ratified by the people—the mayor will pick out those Republicans instead of the Governor—not the Mayor of today of course.

Now then, in order that this act will go into effect gradually so that no one can say that a violent change is made, I had these words inserted in the new draft: "The Commission-

ers serving at the time when this amendment takes effect shall continue to serve until the expiration of their terms but at the expiration of each term the successor shall be appointed by the mayor." What does that mean? It means that there will be no change, if this becomes a law and it is accepted by the people of Lewiston, there will be no change until January 3rd, 1928 when the term of one member of that commission expires at which time the then mayor may appoint his successor. Then again no change until February 5th, 1930, when another member's term expires and finally, on January 30th, 1932, the third member's term will expire. So, if this becomes a law and is accepted by the people of Lewiston in a referendum vote, it will take until 1932 to change over from the present governor-appointed commission to the mayor-appointed commission and if during that time the people of Lewiston show that they cannot be trusted then there will be two Legislatures intervening to check them. But nobody really believes that the people of Lewiston, who have such a fine city as they have, cannot be trusted. Now, I as the draftsman for the majority of the committee, could not draft anything that would be any fairer or that would more carefully protect the principle of civil service, or that would satisfy those who live in Lewiston and who are of a different political faith than myself and who like to see a Republican majority on the police force, I could not draft anything any stronger to satisfy them. But there is one thing more that can be done and I will now offer to do it. If any lawyer in this Senate, or in the Legislature, or anybody else, will draft a bill according to his ideas which will present to the people of Lewiston the question to vote on, which they have never had, which has always been denied them, and provided he will add a referendum to it, I will vote for it in preference to this measure. Could I do more?

Mr. President, I renew my motion.

Mr. MORRISON of Franklin: Mr. President and members of the Senate, as the Senator from Androscoggin, (Senator Holmes) has intimated, this matter is no stranger knocking at the door of this legislature. I remember back in 1923, when a bill similar to this was introduced by the same senator, who was then a mem-

ber of the House. It was referred to the Legal Affairs Committee and failed of passage. In 1925 a similar bill was introduced before the Legislature and in that Legislature it was referred to and considered by the Committee on Judiciary, and it met the same fate, and now in 1927 it is again before us. Now, in all of those times I have tried—as I believe every member of the legislature who has acted in these matters has tried—to approach the situation from a fair-minded standpoint and we have voted in the past and will vote today for what we believe to be for the best interests of the citizens of Lewiston. I have always voted against this measure and I shall so vote today because I was one of the committee who signed the report "ought not to pass." And why do I do this? Because I am convinced from being present at all of those committee hearings and from the deluge of letters that the committee has received from the citizens of Lewiston that the great majority of the businessmen of Lewiston, of the professional men, the lawyers, the doctors, the ministers, do not want this bill to pass. I think that if you go up and down the business streets of the city—Lisbon Street, Main Street—if you go into the stores and consult the merchants, if you go into the offices and consult the professional men, if you go into the offices of the mills and factories of that city, that with but few exceptions nearly all of them will say to you that under the present law the conditions in the city of Lewiston have very much improved. I think that the proponents of this bill will admit that. And the opponents of it certainly do not want this law changed and have so indicated by letters to the committee. They don't want it changed so that the police system of that city will be thrown back again into the turmoil of city politics.

Now, I agree with the Senator from Androscoggin, (Senator Holmes) that this is not a partisan measure. The Democratic mayor of Lewiston was before the committee this year and as I understand it he did not favor any change in the law. It is simply a matter of principle with some who believe that the principle of home rule is being infringed upon. But with the great majority of the business men over there in that city it is a matter of what is best, what they believe to be for the best interests of the city

that they love so well. And therefore I hope that this bill will not pass.

Mr. DWINAL of Knox: Mr. President, like the Senator from Franklin, Senator Morrison, I was a member of the minority of the Legal Affairs Committee which signed the minority report "ought not to pass" and I wish to add my support to that minority report. The burden of the argument of the Senator from Androscoggin, Senator Holmes, is a referendum of the application of the principle of home rule and I am going to agree with the Senator from Androscoggin, Senator Holmes, that the principle of home rule is a good American principle and that it is and should have a generous recognition in the State of Maine, but it is also true that the police power like the military in the final analysis represents in the state government and that however reluctant the state may be to interfere in local police conditions in any municipality within the state, it can not avoid the responsibilities which the position of that power imposes, nor the reasonable preservation of law and order and the protection of lives and the property of its citizens demands its exercise.

I suppose that the successful application of the principle of home rule, like the application of any other abstract principle presupposes a normal condition. I further suppose that a normal condition in an American city, so far as the police department is concerned, means the responsibility of the police to the majority of the legal voters of the state, which majority also represents a reasonable proportion of the tax payers, the property owners and the business interests, for it is the tax payers, the property owners, and the business interests in any community who are most vitally interested in good police regulation.

Whether or not that normal condition obtains in the city of Lewiston, I can not say. But the police situation in the city of Lewiston in 1917 when this police commission was created, as it was described to our committee by the citizens of Lewiston, would seem to indicate that it did not then exist, or if it did, there is something seriously wrong with the principle of home



rule as applied to the Lewiston police force.

I have thus referred to the principle of home rule because it is the basis of the argument by the Senator from Androscoggin, Senator Holmes, but also because I believe that it was that principle which induced six of the members of our committee to sign the "ought to pass" report on this bill. The remaining four members of the committee, including myself, signed the "ought not to pass" report because it was apparent to us that the tax payers and citizens of Lewiston preferred the security which they now enjoy under this governor-appointed police commission rather than the application of the principle and the return of the police department and the attendance of local politics and the renewal of those conditions of which that police commission is relieved. It is a significant fact that although this bill or another one designed to accomplish the same purpose has been introduced into the last four legislatures of the state including the present, yet no citizens of Lewiston outside of the members of the legislature of that city have ever appeared before any legislative committee asking for the change. I believe that that statement,—if it is an over-statement of the fact, I know that the Senator from Androscoggin, Senator Holmes, will correct me—in a matter of such vital importance to the city of Lewiston, situated as it is, within convenient distance of the State House, if any great body of citizens in that city were interested in the passage of this measure, they would throng the corridors of the State House as they have on numerous occasions in other matters in which they were interested.

In 1921 this bill was referred to the Committee on Judiciary and they reported unanimously against it. In 1923 it was referred to the Committee on Legal Affairs and they reported seven to two against it. In 1925 it was again referred to the committee on Judiciary and they reported nine to one against it, and this Legislature, as has already been described, referred to the Committee on Legal Affairs which has reported favorably on the bill by a vote of six to four, and this in spite of the fact that out-

side of the members of the Legislature from Lewiston no citizens of that city appeared in favor of the bill, neither did they evidence any interest in its passage by petition, letters or otherwise in its favor. On the other hand, a large delegation of reputable and representative citizens of the city, representing the clergy and the other professions, the business interests of the city and the manufacturing interests appeared before our committee, describing the situation which prevailed when the commission was created in 1917 and remarking emphatically upon the improvement which had been accomplished and the excellent condition under which the city now labored so far as police conditions were concerned. I might say that they almost begged of the committee not to recommend to this Legislature any change, and those people, including the present mayor, who under this bill would be the appointed power, if it should pass, in addition to the appearance of all these eminent representatives of the city, as has been stated, we have been flooded with letters from members of the parties, all religions, every business interest and manufacturers and individuals, and while I can not attempt to go through this whole list, I have here more than fifty of them, I will read the headings of some of them so that you may see the class of people from whom they have come: J. W. White Company, manufacturers of doors, windows and frames; Lewiston Gas Light Company; St. Mary's Parish in Lewiston, signed by Eugene Gauthier, Pastor, and I will read this letter: "My attention has been called to a bill presented before the Legislature, which calls for a change in the appointment of Police Commissioners for the City of Lewiston. My parish is located in the very thickly populated section of our city and I have an excellent opportunity to see the existing conditions. We have a commission which is entirely impartial, and which demands of the police department, a fearless prosecution of our laws. Under their guidance we have developed a high grade set of officers, who are constantly vigilant in performance of their duty and who hold the respect of the citizens of our community. It would be regrettable indeed, to see

any change made in the present method. I feel sure that any change would have a tendency to disrupt the present policy and to hurt the morale of what is now an efficient, courteous and responsible police department."

Letters from John P. Stanley, doctor of dentistry, Androscoggin Mills; the Furniture Exchange; Victor L. Sacre; Lewiston Bleachery and Dye Works; A. L. & E. F. Goss Company; J. H. Stetson Company; Bates Manufacturing Company; C. H. Cloutier & Company; Bates Street Shirt Company, and a great many others. All of those people asked this Legislature not to make any change in the present police commission in that city. The Legislature of Maine has never imposed upon the city of Lewiston that which the tax payers and citizens did not ask. In 1917 the citizens of Lewiston, through their local chamber of commerce petitioned the Legislature and also in person appeared before it and asked release from police conditions from which they then suffered, they asked for a police commission and the Legislature granted that request. Commissioners were appointed by the governor who were citizens of Lewiston and those citizens in turn appointed subordinates and patrolmen who were citizens of Lewiston. Many of them were subordinates and patrolmen who had served in the department under the political regime and when the local politics was removed they became efficient officers and efficient patrolmen and since that time Lewiston, instead of having one of the worst departments has had one of the best. In fact, some go so far as to say that Lewiston has the best police city in the State. The proponents of this bill admitted at the hearing that it was an entirely satisfactory police department.

In view of all of these demands that no change should be made, and in the absence of any demands outside of the Legislature that any change should be made, I do not believe that the 83rd Legislature wants to take the responsibility of undoing the good that has been done and put that department back into local politics.

Mr. HOLMES: Mr. President, very briefly I will refer to some points where I think the distinguished

senators who have spoken in opposition were mistaken—only—for of course it is impossible to remember everything exactly as it occurs.

Now, as to whether or not there was a bad condition existing in Lewiston in 1917, why, all I say is that you should refer to the legislative record of 1917. On page 456 is the record of the short, sharp debate that took place there. What they talked about was an emergency. There was no information given to the House of such conditions existing as one of the senators who has just spoken seemed to think existed at that time. The argument of both senators, it seems to me comes down to this: They are opposed, first because the leading people of Lewiston—who direct public opinion and who ought to be able and can, I think, direct the votes, that is the opinions of the great body of people in Lewiston who lead, as everywhere else leading people do—are opposed to it, do not want a referendum and there is no real demand for it. That being so—and this is the inference I draw from the remarks of the two senators—if a referendum is given to the people on this matter, why, under the leadership of these leading men, they will vote this bill down and keep the law as it is.

Secondly, they say, "Do not give them a referendum because they are bad people and they will throw their police department back into the throes of ruinous politics." Which is the sound argument? Is either?

Reference is made to letters. Were the people who signed those letters given a copy of the bill and did they read it? Or is it not evident—I don't know, but I think it is—that they were told, "There is a move on foot to disrupt the police department of Lewiston and throw it into politics; are you in favor of it?" "Oh no, I am not in favor of it." Now, how many people read a bill? How is it committees get letters? One of the distinguished senators says that in 1921, 1923 and 1925 citizens did not appear for this kind of a bill which is before you now, except only the delegation. Oh, no! My recollection would be a little better because I have been concerned in it. I was not here in 1921 but I was here in 1923 and 1925 and citizens did appear for it and one of them was the mayor of Lewiston and another one

was an ex-mayor of Lewiston and another one was a prospective mayor of Lewiston. That happened in 1925. Also several citizens appeared for it, and several against, in 1923. What happened in 1921 I don't know.

Now, if you have read this bill and certainly if you have listened to my explanation of it, it is out of the question to argue that this bill proposes to throw the Lewiston Police Department into politics. It does not and it cannot, under this bill.

Just one thing more to correct an error on the part of the Senator from Franklin, Senator Morrison, who was not present at the committee hearing before the Legal Affairs Committee when we had this Lewiston matter up. He says that he understands that the present mayor of Lewiston was opposed to the bill. Now, the mayor of Lewiston, it was thought, did mean that, and apparently when he got back to Lewiston he faced a storm of criticism and protest and he faced a criticism from an editorial in one of the leading papers of Lewiston and the next night in the Lewiston Journal the mayor of Lewiston gave the people of Lewiston to understand that he was misunderstood. I have it here. He says in his interview to the Lewiston Journal on the Saturday night following the committee hearing that took place over there: "I was not asked if I favored placing the matter before the people in the referendum. If they had asked me if I was in favor of a referendum I would say yes." That is the position, the last stated position, of the mayor of Lewiston.

Now, if it is true that the people of Lewiston, the leading citizens of Lewiston who can lead public opinion, are against any change there is no doubt but what the people will vote this down if it is referred to them. If they are not against it they will probably vote for this bill when it comes through. Whether or not the delegation has a mandate from the people, let me only say this to you: In 1923—before that I have no interest—I am not a natural-born law maker and have no desire to make laws for my fellow citizens—in 1923 I ran for the House on that platform and I was elected. In 1925 I went before the people again on that platform, and practically nothing else, and I was again elected and

I came to the House two years ago and said that I had a mandate from the people. In 1927, having received two mandates from the people of Lewiston, I decided I would take the question to the county of Androscoggin and I faced the voters of the county of Androscoggin on just two issues—and I did not discuss water power or any of those questions—first, economy and governmental affairs and secondly the right of home rule of the city of Lewiston. Well, I am here.

Mr. SLOCUM of Cumberland: Mr. President, I think there is some misunderstanding on the part of some of the people with reference to this measure. They seem to feel that if this bill prevails conditions will go back to the conditions that have been referred to as being not quite satisfactory prior to 1917. It would appear, however, from this bill, that the commission, although appointed from another body, would still be in force and thus will not become a political foot-ball. I am in favor of the motion of the Senator from Androscoggin, Senator Holmes.

Mr. OAKES of Cumberland: Mr. President, I do not wish to debate the question, but I feel that perhaps from the fact that I came from Auburn and have spent a great many of my happiest days in Lewiston and am very much interested in those two cities, I should say that I believe that the present system in Lewiston has worked successfully and a great many people feel that it would be unwise to make any change, and I say this realizing as I do from a lawyer's viewpoint the strength of the argument of my friend from Androscoggin. (Senator Holmes) that it is contrary to the principle of home rule.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, that we accept the majority report "ought to pass."

A viva voce vote being doubted,

A division of the Senate was had.

Twelve senators having voted in the affirmative and thirteen in the negative the motion to accept the report failed of passage.

Mr. DWINAL of Knox: Mr. President, I move that acceptance of the minority report "ought not to pass."

Mr. DOUGLAS of Hancock: Mr. President, I move that this matter

lay on the table and be specially assigned for later in this legislative day.

Mr. DWINAL: Doubted, Mr. President.

The PRESIDENT: As many as favor laying this matter on the table will rise and stand in their places until counted. Those opposed will then rise.

A division of the Senate being had, Three senators having voted in the affirmative and twelve in the negative the motion to table failed of passage.

The PRESIDENT: The question is now on the motion of the Senator from Knox, Senator Dwinal, that the minority report "ought not to pass" be accepted.

The motion to accept the minority report prevailed.

The President laid before the Senate, Resolve to appropriate money for compiling and advertising the agricultural, industrial and recreational resources of the state (S. D. 1) tabled March 31st by Mr. Spear of Cumberland pending motion to adhere; and the President recognized that senator.

On motion by the same senator the resolve was retabled and assigned for later in today's session.

The President laid before the Senate, House report from Committee on Labor, "ought to pass," on an act to establish and maintain free employment offices (H. D. 91) tabled on April 1st by Mr. Morrison of Franklin pending acceptance of the report; and the President recognized that senator.

Mr. MORRISON of Franklin: Mr. President, I move that this matter be indefinitely postponed.

Mr. SLOCUM of Cumberland: Mr. President, I move that this matter be retabled and especially assigned for tomorrow morning.

The PRESIDENT: The Chair fully realizes that a motion to table is not debatable and the Chair is out of order now and knows it but the question is, when are we going to take care of these various matters? We are all here assembled now. The Chair has no desire to dictate but we may well consider adjournment at some time.

Mr. SLOCUM: I withdraw my motion, Mr. President, and would like

to speak against the motion of the Senator from Franklin, Senator Morrison. I was in hopes that this might be tabled until tomorrow until I could get a little more information. This was brought to my attention by Mr. Jackson of Portland. I understand that there have been some objections with reference to this bill and I believe they were made under a misapprehension. This bill provides for funds to assist in having a free employment office in Portland. This office is running at the present time and gets an amount of \$1320 from the Federal Government and the State Chamber of Commerce. The work of this employment bureau is a work that is not taken care of by any of the regular employment bureaus. It gives employment to old women who cannot work for more than an hour or two and to men who can only give an occasional hour. It gives work to boys and girls in summer camps and I am informed that eighty percent of the labor employment in the summer camps and hotels in Maine comes from without the state. If we could have a free employment bureau it would take care of the placing of our college boys and girls and our school boys and girls so that we would not have to go outside of the state for that labor. That work at present is not taken care of by the regular employment bureaus. Therefore, this would not cause any hardships with reference to the present employment bureaus or any regular employment bureaus that might be formed. Last week the present office which is running in Portland gave employment to nearly fifty women for four days. This service is maintained by forty-one of the states and it would seem that it would be advantageous for the state of Maine to undertake it. I therefore hope that the motion of the Senator from Franklin, Senator Morrison, will not prevail.

Mr. MORRISON: Mr. President, I will state my position in this matter in just a moment. I am opposed to this bill because it is a proposition for the state to enter into business and I am opposed to that principle because I do not believe that the state or any government should enter into any kind of competitive business that should be and is being conducted by individuals and concerns, unless the entering into

that business is absolutely necessary for the functioning of good government. This proposition for the state to enter into the business of maintaining employment agencies in competition with people and companies who are in business now in that kind of business and paying a license, is simply a question of the establishment of another governmental department asking now for \$3500 for its maintenance but which, if it continues to function, as of course the proponents of the matter hope it will, will be coming back every legislative session for larger and larger appropriations to maintain it which appropriations will have to be paid for by the tax payers of the state of Maine. I therefore hope that my motion will prevail.

The PRESIDENT: The question is on the motion of the Senator from Franklin, Senator Morrison, that this bill be indefinitely postponed.

A viva voce vote being taken the motion to indefinitely postpone prevailed.

The President laid before the Senate, House report from the Committee on Ways and Bridges "ought not to pass," on an act to amend the distribution of tax on gasoline (H. D. 24) tabled on April 1st by Mr. Oakes of Cumberland, pending acceptance of the report; and the President recognized that senator.

Mr. OAKES of Cumberland: Mr. President, I move that this matter lay on the table and be specially assigned for tomorrow morning and speaking to my motion for special assignment will state that it may pertain to other matters which have not yet been decided and this particular bill may be of value in working out the other programs.

The PRESIDENT: The Chair has no wish to appear to impose his own will but cannot the senator assign this for later in today's session?

Mr. OAKES: Yes, Mr. President, but this bill should be kept in mind with other matters that have not yet been disposed of and I believe that it will be of value in considering another matter and that we will lose no time by putting it on the table.

The motion to table and assign prevailed.

The President laid before the Senate, An Act relating to the survey

and sale of wood (H. D. 418) tabled on April 1st by Mr. Roberts of York pending enactment; and the President recognized that senator.

Mr. ROBERTS of York: Mr. President, I tabled this bill in order to read it and find out the meaning of it. It in no way has anything to do with the sale of wood as I sell wood, and I am not interested in it in any way but I do believe that if sorted wood is thrown into a cart and retailed by the different wood dealers, if they are obliged to guarantee that this wood shall be sold by the cord and not by the load it is liable to get them into a lot of minor difficulties and arguments which will be a detriment to even the men who sell wood at wholesale. I think it is a minor and useless legislation and I therefore move that this bill be indefinitely postponed.

Mr. BUZZELL of Oxford: Mr. President and Senators, I will endeavor not to take much time. This is the bill which came before the committee on agriculture and much to my surprise I found that the majority of that committee was engaged in selling more or less wood so I can assure you that the matter had a careful consideration. It does not affect, as Senator Roberts says, the way he sells wood. This bill is not aimed at any man and I don't think it imposes a hardship upon anyone. It simply says how many cubic feet shall constitute a legal cord or fractional part thereof and provides that wood shall be sold by the cord or fractional part thereof and it was the unanimous opinion of the committee that it was a good bill and should have passage.

The PRESIDENT: The question is on the motion of the Senator from York, Senator Roberts, that the bill be indefinitely postponed.

A viva voce vote being doubted,

A division of the Senate was had.

Twelve senators having voted in the affirmative and seven in the negative the motion to indefinitely postpone prevailed.

On motion by Mr. Dunbar of Hancock

Recessed until three-thirty o'clock this afternoon.

#### After Recess

The PRESIDENT: We are now on unfinished business under Orders of the Day.

The President laid before the Senate, An Act in relation to tax on internal combustion engine fuels, (S. D. 319), tabled on April 5th by Mr. Speirs of Cumberland, pending passage to be engrossed.

Mr. SPEIRS of Cumberland: Mr. President, this was proposed as an amendment to Section 5 of House Document 212, but that is wrong and it should be Section 11, and as there is another gasoline bill coming along, I want to put the two together and so I move to retable.

The motion to retable prevailed.

The President laid before the Senate, An Act relating to forest lands exempted from taxation, (S. D. 171), tabled by Mr. Roberts of York on April 5, pending passage to be engrossed.

Mr. ROBERTS of York: Mr. President, this bill is a minor bill related to the next one, Senate Document 357, and I shall be unable to make any motion until I find out what is to become of 357; that is, until Senator Granville returns. I therefore move that this bill be retabled and assigned for later in today's session.

The motion to retable and assign prevailed.

The President laid before the Senate, An Act for the preservation, etc. of forests of the state, (S. D. 357), tabled by Mr. Granville of York, on April 8th, pending second reading.

On motion by Mr. Roberts of York, this bill was retabled and assigned for later in today's session.

The President laid before the Senate, Senate Report from the Committee on Legal Affairs, "ought not to pass," on An Act relating to pecuniary interest of public officers in public contracts, (S. D. 192), tabled on April 8th by Mr. Slocum of Cumberland, pending acceptance of report.

Mr. SLOCUM of Cumberland: Mr. President, I move that the bill be substituted for the report. In support of my motion I wish to lay before the Senate the following facts.

The people of Maine believe in honesty based on ethics, and hesitate to specifically limit the actions of any class of their citizens by legal restrictions unless it is necessary for the protection of the state.

The law today (Chap. 122, Sec. 11,

R. S.) states that "No trustee, superintendent, treasurer or other person holding a place of trust in any state office or public institution of the state shall be pecuniarily interested directly or indirectly in any contract made in behalf of the state or the institution in which he holds such place of trust, and any contract made in violation thereof is void." The law then provides penalties for such person holding a place of trust who profits from such contract.

The courts have universally ruled that it is a dangerous practice to allow a man to hold a place of trust and let contracts to himself, and have ruled that the above statute applies to state and municipal offices.

The people of the state appreciate that legal restrictions must be made to protect the communities from any unethical individual who might be inducted into office, and the aforementioned law was therefore enacted. The only class of offices omitted, and this in all probability inadvertently are those holding a place of trust in quasi municipal corporations. I believe this was an inadvertent omission inasmuch as, by inclusion in the charters, most of the quasi municipal corporations formed in recent years have specifically prohibited their officers from having pecuniary interest in public contracts with the corporation in which they hold such place of trust.

I have an amendment which will clarify the wording of the bill, if this body sees the advisability and necessity of this legislation, and my motion prevails, which will bring under the law these quasi municipal corporations that as at present the only class of offices not included.

The members of the Legal Affairs Committee tell me that they are not opposed to this legislation but did not report the bill favorably as they had a policy in that committee of not changing the general statutes unless there is a general public demand. Not being aware of this policy, and feeling that the committee would see the desirability of this Amendment, little public demand was aroused. The demand would not be very general as many of the quasi municipal corporations include it in their charters and only a few districts are affected.

We have just concluded an investigation of a state department, a duty

most unpleasant. This was made under this law as it stands today. The proposed bill in no way changes the law with reference to state officials. It merely brings under the same heading this other class of persons holding a place of trust in such organizations as bridge districts, sewer districts, water districts, light districts, that do not already have this provision in their charter.

A failure to enact this proposed bill is in reality legislating in favor of the allowing of a person in certain quasi municipal corporations who might be so unethical as to profit by letting contracts to himself to the detriment of his community. There is little fear of this becoming the common practice in Maine, but where we consider it advisable to include all other persons holding a place of trust in the state, and state institutions and many quasi municipal corporations it seems most advisable that this bill be granted passage, that we may all be equally protected by law from any unethical person who may acquire a position of trust in a quasi municipal corporation.

Mr. MORRISON of Franklin: Mr. President and Members of the Senate, I am not particularly opposed to this bill that the Senator from Cumberland, Senator Slocum, seems to be so much interested in but it does seem to me that it is not very good practice for a legislature to get the habit of substituting bills for committees reports unless it is plainly shown that the committee has erred and the committee is more likely to err by taking the easier course of reporting bills "ought to pass" than taking the harder course of reporting "ought not to pass" which a great many times brings dissatisfaction and disappointment to the proponents of the bill.

Now in this case it did not seem to the Committee on Legal Affairs at the time of the hearing that there was any general demand or necessity for the change. The principal argument that was made before the committee by the single proponent who at that time appeared for the bill, was the fact that he had in mind a certain quasi municipal corporation where he thought that this law prohibiting the officers of that corporation from having any interest in any contract directly or indirectly that

the corporation was interested in, might be beneficial and that similar conditions might arise. There was no claim that the conditions at this time existed and therefore it seemed to the committee at that time that it was not necessary to make this change in the law because it was a legal matter and the claim was based on anticipated irregularities and if any remedy was necessary, it could easily be remedied by a private and special act amending the charter of the quasi municipal corporation instead of trying to change the general law of the state. I am in favor of the report of the committee that the bill ought not to pass.

Mr. HOLMES of Androscoggin: Mr. President, I think that the Senator from Cumberland, Senator Slocum, has stated the conditions as talked among members of the committee, and also the distinguished Chairman has stated correctly, as I remember, the ideas of the committee in discussion, and I do not think that there is really any difference between the senators in principle, but I say that I think that the position of the Senator from Cumberland is sound and that there is a need for this amendment to be made to the law.

The matter came along before the Legal Affairs Committee quite late in the session and I think that the Committee was getting tired—it has been a hard worked committee, and I think that it has done effectual work—it certainly has tried to—but since the hearing on the Senator's bill, (the Senator from Cumberland, Senator Slocum, certain events have transpired, certain investigations have taken place which have caused me, at least, to want to vote to sustain the position of the Senator from Cumberland. I think that we can not make a mistake now in seeing to it that it is written into the general law of the state that a moral crime, a breach of trust, shall be a legal crime, and that is all that this amendment proposes, but I think that it would be wise in this instance, although as a rule, I agree with the distinguished Chairman of the committee, the Senator from Franklin, Senator Morrison, in this instance I think it would be wise to substitute the bill for the report.

The PRESIDENT: The question is

on the motion of the Senator from Cumberland, Senator Slocum, that the bill be substituted for the report, the matter under discussion being Senate Document 192. As many as favor the substitution of the bill for the report will say "aye" and those opposed will say "no."

A viva voce vote being doubted

A division of the Senate was had. Thirteen having voted in the affirmative and six in the negative, the motion to substitute the bill for the report prevailed.

Thereupon the bill was given its two several readings under suspension of the rules.

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

The Secretary read the following amendment:

"Senate Amendment A to Senate Document 192, "Amend by striking out in section eleven, line three, the words 'public or' and in line four, the word 'public' and further amend by adding 'or of the quasi municipal corporation' after the word 'institution' in line six and after the word 'institution' in line twelve, 'or such quasi municipal corporation.'"

The PRESIDENT: The question is on the adoption of the amendment.

Thereupon the amendment was adopted and the bill as amended was passed to be engrossed.

The President laid before the Senate, Senate Report from the Committee on Inland Fisheries and Game, majority report, "ought to pass in a new draft," minority report, "ought not to pass," on An Act relating to hunting and fishing licenses, (S. D. 220), tabled on April 8th by Mr. Smith of Somerset, pending acceptance of majority report.

Mr. SMITH of Somerset: Mr. President, as has already been stated by the Senator from Cumberland and by members in the assembly this legislature has dignified the little titmouse by christening it the "State of Maine Chickadee." It has resurrected the almost forgotten hedgehog and even reincarnated the pickerel, or nearly destroyed pickerel, of Belgrade Lakes. But for fear that the fish in some unknown lake have not been included or that some quadruped has escaped our attention, it is now proposed to make our work supreme by increasing the local

hunter's license from twenty-five cents to a dollar and fifteen cents. And seriously speaking it means this: that we say to the farmer, "before you can prevent or interfere with the fox that may be stealing into your hennery, before you can shoot the raccoon that is found husking your corn, or kill the deer that may be browsing in your young orchard you must first go to the town clerk and pay him \$1.15 for the privilege of protecting your animals and your crops."

I happened to be a member of the legislature of 1919 when this scheme of assessing our local residents for the privilege of hunting was created. I opposed it because I believe, as we so many times say, it was an entering wedge whereby the price would continually change until it became prohibitive, but upon the assurance of those who were sponsoring the proposition, many of us relented and took them at their word. In order to substantiate this statement, I wish to read the argument or an extract from the argument made by the father of the scheme to license our local hunters: "The opposition may say that this is an entering wedge, twenty-five cents temporarily, one dollar two years from now, five dollars four years from now, ten dollars six years from now. Gentlemen, this is not the intention of the committee on Inland Fisheries and Game, nor is it mine and if I thought that any succeeding legislature would attempt to increase this fee I would come over here and fight against it, if this bill becomes a law. It is not for revenue that I ask the passage of this bill but it is for identification."

And this, gentlemen, is the issue, and who can say when and where will the price stop; at two dollars, four dollars or six dollars to the point where it becomes prohibitive to our own residents?

I appreciate the position taken by the Senator from Piscataquis, Senator Crafts. I appreciate his efforts in all of these matters. I recognize the need of preserving our fish and game, not only for our residents but that fish and game may serve as an attraction to bring visitors to our doors, but I am opposed to this scheme of indirect taxation, to the proposition of placing upon our own residents the burden of protect-



ing our game. I will go as far as will any member in this Senate to vote for an appropriation that will preserve and protect our fish and game but I want this department to be placed upon the same basis as are other departments and the money obtained in the same channels, and I move, Mr. President, that we accept the minority report, "ought not to pass."

The PRESIDENT: The Chair will state for the benefit of the Senator from Somerset that the question is on the acceptance of the majority report. Senator Smith is opposed to the acceptance of the majority report?

Mr. SMITH: I hope then, fellow members, that the motion to accept majority report will not prevail.

Mr. CRAFTS of Piscataquis: Mr. President, it is true that in a session of the legislature about ten years ago, they passed a bill licensing our resident people twenty-five cents. Since that time there has been no change made in the law but today we come before you asking that you increase the registration for fishing and hunting by the residents to \$1.15. Fifteen cents to go to the town clerk and one dollar to the Fish and Game Department.

I think that all of our residents appreciate and know what this department is doing to protect and make fishing conditions such that the summer visitor who comes here for his vacation may get some fish, that our boys when they go out and our residents when they go out may bring home a mess of fish.

It has been my privilege for the last four sessions of the legislature to serve on the Committee of Inland Fisheries and Game. Each year we have come before you asking for an appropriation that would give us an amount under which the Fish and Game Department could properly function and go ahead, protect the game and increase the fish. I think I am honest when I say in each session, each county has come before us asking us to build a screen or pay fifty per cent toward a screen in its lakes or across certain waters, and this year our committee has taken over \$15,000 of our appropriation for that work. We have had a hard fight to convince the Committee on Appropriations and Financial Af-

fairs to allow us the same amount of money that we had two years ago which was \$185,000. Before that we agreed with the state that this department will earn \$100,000 and reimburse the state, leaving us really an amount of \$85,000 to be expended by the state. From this the Committee sets up \$15,000 to pay for screens. We have also assumed \$10,000 responsibility for paying for bob-cat licenses; \$3500 to build a feeding station at Sebago Lake, a large amount for another feeding pool at Jackman to help out the finances. When these claims that have been passed upon by the Claims Committee and voted upon, we expected the payment of those would amount to \$5,000 for the damage that has been done and we assume the responsibility of \$5,000 more for claims that will come in 1927 and \$5,000 more for 1928, so you see, gentlemen, aside from our \$85,000 that we get, we give back in building and protection, \$45,000. We do not feel that we are putting a hardship on our people when we ask them to come forward and pay \$1.00 to the department.

This is not an annual license. This license, as my fellow senator said, is good for all times unless some future legislature sees fit to pass a law that will do otherwise.

This is not an emergency law. It does not take effect until ninety days after legislature adjourns and so I claim that any person who is now a citizen of this state, our boys and present residents who have never taken out fishing licenses have 90 days in which to obtain one for twenty-five cents.

We ask the residents of our sister states who come here to enjoy these privileges that we are caring for, \$18.30 annually for the privilege that we get for twenty-five cents for life and if the present law allowing the hunting of moose goes through, we ask those people \$28.30 for what I am asking you for—\$1.15—and I hope that my motion to accept the report of the committee will prevail.

The PRESIDENT: The question is on the motion of the Senator from Piscataquis, Senator Crafts, that the majority report "ought to pass in new draft" from the Committee on Inland Fisheries and Game be accepted. As many as favor the ac-

ceptance of the majority report will say "aye" and those opposed will say "no."

A viva voce vote being doubted

A division of the Senate was had Eight having voted in the affirmative and fifteen in the negative, the motion to accept the majority report "ought to pass" failed of passage.

Thereupon, on motion by Mr. Smith of Somerset, the minority report "ought not to pass" was accepted.

The President laid before the Senate, Resolve authorizing James H. Kerr of Rumford to bring a suit at law against the state, (H. D. 227), tabled on April 11th by Mr. Holmes of Androscoggin, pending passage to be engrossed.

Mr. HOLMES of Androscoggin: Mr. President, I yield to the Senator from Franklin, Senator Morrison.

Mr. MORRISON of Franklin: Mr. President, I move that this resolve be passed to be engrossed.

The PRESIDENT: The Chair will state that there is an amendment pending to be adopted.

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

The President laid before the Senate, An Act relating to the capacity of milk bottles and jars, (S. D. 368), tabled on April 11th by Mr. Morrison of Franklin, pending passage to be engrossed.

Mr. MORRISON: Mr. President, I yield to the Senator from Oxford, Senator Buzzell.

Mr. BUZZELL of Oxford: Mr. President, I yield the floor to the Senator from Cumberland, Senator Slocum.

Mr. SLOCUM of Cumberland: Mr. President, I have an amendment which I wish to offer and move its adoption.

The Secretary read the following amendment:

"Senate Amendment A to Senate Document 368. Amend by striking out in Section 20, lines 13 and 14 after the word 'provided' the following, 'which may deceive or are intended to deceive the purchaser or consumer.'

Thereupon Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

The President laid before the Senate, An Act relating to the salary of the register of deeds for Sagadahoc County, (S. D. 333), tabled on April 11th by Mr. Holmes of Androscoggin, pending enactment.

Mr. HOLMES of Androscoggin: Mr. President, that measure and the consecutive measures following, a number of them are tabled by me, and I have nothing to say in opposition to the passage for enactment as they relate to salary increases in counties where I am not familiar with local conditions, therefor, on that account, I do not interpose opposition.

The PRESIDENT: The Chair is of the opinion that it is not good parliamentary procedure, and seldom allows more than one matter to be taken from the table at one time, but in order to expedite business, we may clean from the table for the purpose of enacting under one motion, these measures which relate to salaries.

Thereupon the President laid before the Senate the following bills which were tabled on April 11th by Mr. Holmes of Androscoggin pending enactment:

An Act relating to the salary of the treasurer of Knox County, (S. D. 332)

An Act relating to the salary of the register of probate, Franklin County, (S. D. 329)

An Act relating to the salary of the clerk of courts, Knox County, (S. D. 330)

An Act to increase the salary of the county attorney of Sagadahoc County, (S. D. 331)

An Act to increase the salary of the clerk of courts, Franklin County, (S. D. 328)

An Act relating to the salary of the judge of probate, Oxford County, (H. D. 581)

An Act relating to compensation of judge of probate, York County, (H. D. 582)

An Act relating to increase in salaries of county attorney and assistant county attorney for Cumberland County, (H. D. 586)

An Act relating to the salaries of county commissioners, Franklin County, (H. D. 587)

An Act relating to increase of salary of county attorney, York County, (H. D. 589)

An Act relating to clerk hire in the office of the register of probate, Waldo County, (H. D. 588)

An Act to increase salary of the judge of probate, Hancock County, (H. D. 591)

An Act relating to clerk hire in office of county treasurer, Kennebec County, (H. D. 593)

An Act relative to county commissioners of Cumberland County, (H. D. 585)

Thereupon, on motion by Mr. Holmes of Androscoggin, these bills were passed to be enacted.

The President laid before the Senate, Resolve appropriating money for compilation and publication of data concerning resources of the state, (S. D. 270), tabled on April 11th by Mr. Spear of Cumberland, pending final passage.

Mr. SPEAR of Cumberland: Mr. President, I move that this matter be reconsidered for the purpose of offering an amendment.

The PRESIDENT: Is it the pleasure of the Senate that we reconsider, under suspension of the rules, our former action whereby we passed this resolve to be engrossed?

The motion to reconsider prevailed.

Thereupon Senator Spear presented the following amendment and moved its adoption:

Senate Amendment B to Senate Document No. 270.

"Amend Senate Document No. 270 by striking out the words 'fifty thousand dollars' in the second line of the first page thereof and inserting in place thereof the words, 'forty-five thousand dollars' and by striking out the words 'fifty thousand dollars' in the fourth line of the first page thereof and inserting in place thereof the words 'forty-five thousand dollars.'

"By striking out the fourth paragraph on page two thereof and inserting in place thereof the following: 'Funds contributed by cities and towns may be received and expended by the commission hereinafter provided.'

"By striking out the fifth paragraph on page two thereof and inserting in place thereof the following: 'The sums appropriated as provided in the first paragraph hereof shall be paid into the state treasury and expended by a commission known as the Publicity Development Commission composed of the Governor as chairman ex officio, the President of the Senate and one citizen appointed by the President of the

Senate for a term of four years, the Speaker of the House of Representatives and two citizens appointed by the Speaker of the House of Representatives for terms of four years each, provided however, that of the first appointees by said Speaker of the House of Representatives, one shall be designated to serve for a term of two years only.

"Said commission, at its first meeting, shall organize by the choice of chairman and secretary and such standing committees as it shall determine. The Commissioner of Agriculture, the Commissioner of Inland Fisheries and Game, the Commissioner of Forestry, the Secretary of State and the Labor Commissioner, shall be invited to attend the meetings of said commission and to cooperate with it."

Mr. SPEAR of Cumberland: Mr. President, after presenting this amendment to the Senate for consideration, I wish to say that I would be unfavorable to the bill in its present form but would be favorable to the bill or the resolve if an amendment was adopted. I will not, however, in any event after the decision of the Senate oppose the re-engrossment or enactment.

This amendment in the first paragraph provides that the amount of \$100,000 shall be reduced by \$10,000 at the request of the Committee on Appropriations and Financial Affairs for the purpose of helping the needy blind. In making up the program there was \$10,000 less to another department and this \$10,000 would reimburse the blind fund.

In the second paragraph the towns and cities may contribute to the funds but do not have to be mentioned as the original resolve provides.

In the next paragraph there is a provision that the Governor may be the chairman ex-officio of this commission and the commission shall be known as the Publicity Development Commission instead of Development Commission as I believe that the word 'publicity' would qualify the matter and make it more clear as to what it is supposed to be.

This is a public not a private matter. It has been charged that I have held this bill on the table for the purpose of using it as a means to get a fellow senator to vote against a hydro electric bill and a hydro electric member of the lobby worked for the passage of this bill

yesterday on that account. I kept this resolve on the table until today at the request of the chief executive. If my eyes do not deceive me the heaviest lobby possible worked yesterday for the bill unamended they represented the recreational activities of the state. I did not notice any agricultural group represented. My proposition is that agriculture, industry and recreation should all share equally in this fund which I am sure has not occurred the past two years.

Fellow Senators I am going to sell you, if you please, the proposition that you will do well and can do no better than to honor and get the benefit of our president's very great experience in state affairs, the President of our Senate who has never faltered as he has presided over the deliberations of this Senate. His valuable experience can thus be preserved to the advantage of our state that may otherwise be lost.

I need not commend him for your favorable consideration as fair, able, and honorable. He rendered invaluable service two years ago to Maine publicity in the Senate of the 82nd legislature and he is a business man.

We will look to the other branch of the legislature to the able Speaker of the House, who also knows state affairs by experience and served well and notably in the interest of Maine publicity in the 82nd legislature of which I was a member and co-operated in the passage of the resolve at that time.

These two presiding officers with one citizen member on the part of the President of the Senate and two citizen members on the part of the House appointed by the Speaker will constitute the commission who will choose their own chairman. The President of the Senate will serve for two years and the Senate citizen member for four years. The House Speaker for two years and one House citizen member for two years and the other four years, thus insuring continuity in office of the commission members.

I plead with you after the experiences I know of the past that you will not regret adopting this amendment and then give the resolve a passage. This will not only honor our presiding officers but be good business for the state of Maine.

Mr. DOUGLAS of Hancock: Mr. President. I think that this bill has

had all the opportunities for amendments that are necessary. I feel that the bill as drawn takes care of the agricultural, industrial and recreational interests and I feel that the commission that is formed under that bill will be fair and just toward all interests. The reduction of the amount to my mind at this time is necessary from the fact that this was considered in the budget in making it up and was taken care of in the budget and I am opposed at this late hour to any amendment to Senate Document 270, and I move the indefinite postponement of the amendment.

The PRESIDENT: The Chair will state that the question is first on the adoption of the amendment.

Mr. SPEAR: I so move, Mr. President.

The PRESIDENT: A motion has been made and the question is now on the motion of the Senator from Cumberland, Senator Spear, that the amendment be adopted. As many as favor the adoption of the amendment will say "aye" and those opposed will say "no."

A viva voce vote being doubted

A division of the Senate was had Six having voted in the affirmative and fourteen in the negative, the motion for the adoption of the amendment failed of passage.

Thereupon, on motion by Mr. Spear of Cumberland, the bill was passed to be enacted.

The President laid before the Senate, An Act relating to the sale and possession of jack-lights or lights fitted for use in the hunting of game in night time, (H. D. 606), tabled on April 11th by Mr. Woods of Penobscot, pending enactment.

Thereupon on motion by Mr. Woods of Penobscot, the bill was passed to be enacted.

The President laid before the Senate, Joint Order relative to investigation of the hydro-electric powers of the State of Maine, (H. D. 351), tabled on April 12th by Mr. Oakes of Cumberland, pending consideration.

Thereupon on motion by Mr. Oakes of Cumberland, the Order was re-tabled pending consideration.

The President laid before the Senate, An Act to amend the charters of all corporations making, selling, distributing, etc., electricity, (S. D. 6), tabled on April 12th by Mr. Oakes

of Cumberland, pending consideration.

Thereupon on motion by Mr. Oakes of Cumberland, the bill was retabled pending consideration.

The President laid before the Senate, An Act to amend charters of Maine corporations incorporated for transmission of electricity and to limit rights of foreign corporations authorized to do business in the state, (S. D. 261), tabled on April 12th by Mr. Oakes of Cumberland, pending consideration.

Thereupon on motion by Mr. Oakes of Cumberland, the bill was retabled pending consideration.

The President laid before the Senate, An Act to create a commission to investigate and negotiate a compact regarding water power and electricity, (S. D. 262), tabled on April 12th by Mr. Oakes of Cumberland, pending consideration.

Thereupon, on motion by Mr. Oakes of Cumberland, the bill was retabled pending consideration.

The President laid before the Senate, Senate Report from the Committee on State Prison, majority report "ought not to pass," minority report, "ought to pass," on An Act to consolidate the general superintendence, management, and control of the State Prison, Reformatory for Men, and Reformatory for Women under one board of trustees, (S. D. 185), tabled on April 12th by Mr. Morrison of Franklin pending consideration.

Mr. MORRISON of Franklin: Mr. President, on account of the absence this afternoon of Senator Pinkham who is a member of the State Prison Committee and one of those who signed the majority report "ought not to pass" I would like to have this matter retabled until tomorrow morning, and so move.

The motion to retable prevailed.

The President laid before the Senate, Resolve in favor of the Prison Commission, (H. D. 615), tabled on April 12th by Mr. Maher of Kennebec, pending first reading.

Mr. MAHER of Kennebec: Mr. President, because of the absence of Mrs. Pinkham, the Senator from Aroostook, I ask to have this re-

tabled and especially assigned for tomorrow morning, and so move.

The motion to retable and assign prevailed.

The President laid before the Senate, Senate Report from the Joint Committee on Public Utilities, Interior Waters and Judiciary, majority report, "ought not to pass," minority report, "ought to pass in new draft" on An Act relating to the right to erect mill dams, etc. (S. D. 62), tabled on April 12th by Mr. Oakes of Cumberland pending acceptance of either report.

Mr. OAKES of Cumberland: Mr. President, I move that the report "ought not to pass" in this matter be accepted, and I think, in making the motion that I should state in two or three words, the position of the author of the bill, as I understand it, in favor of the bill, although I personally am against it.

As I understand his position, the mill act gives unusual powers of eminent domain. In the first place, the mill act was intended to take care of small mills where the power was used at the dam. The author of the bill felt that the mill act never was intended to apply to dams that were created for storage where the power was used elsewhere. The judgment of the author of the bill was recognized in part in the vote of the committee that I believe was accepted by this Senate to refuse to accept the Fish River project this year. That does not cover the entire bill and the question was raised on an amendment to this same bill two years ago. Notwithstanding his opinion, I make the motion to indefinitely postpone.

The PRESIDENT: The question is upon the motion to accept the "ought not to pass" report.

Mr. OAKES: I changed my wording, Mr. President, and I withdraw my motion to indefinitely postpone.

The PRESIDENT: Is it the pleasure of the Senate, upon the motion of the Senator from Cumberland Senator Oakes, that the majority report "ought not to pass" be accepted?

The motion to accept the majority report "ought not to pass" prevailed.

The President laid before the Senate, Resolve in favor of Maine State

Prison for maintenance and current expenses, (H. D. 594), tabled on April 12th by Mr. Morrison of Franklin, pending consideration.

Mr. MORRISON of Franklin: Mr. President, I would like to inquire of the Chair as to what is the present status of this bill.

The PRESIDENT: The Chair will state that this bill has been read twice in this branch and passed to be engrossed. It was sent to the other branch where House Amendment A was adopted and it was passed to be engrossed. The question would automatically be the reconsideration of the vote whereby we passed it to be engrossed, if we wanted to consider House Amendment A. The Chair is of the opinion that we might well have House Amendment "A" read at this time if the Senator desires it.

Thereupon, on motion by Mr. Morrison of Franklin, the Senate reconsidered its former action whereby the bill was passed to be engrossed, and on further motion by the same Senator, House Amendment A was adopted and the bill as amended was passed to be engrossed.

The President laid before the Senate, Joint Order relative to the Maine Development Commission, tabled on April 12th by Mr. Spear of Cumberland, pending passage.

Mr. SPEAR of Cumberland: Mr. President, it was my intention to see the gentleman who introduced this in the House. I have not been able to and I would like to retable this order and have it especially assigned for tomorrow morning, and I so move.

The motion to retable and assign prevailed.

The PRESIDENT: There are certain matters which were tabled in the forenoon session by the Senators and assigned for the afternoon session.

The President laid before the Senate, Resolve in favor of Willis Myrick of Mount Chase in the county of Penobscot, compensating him for damage done to a piece of oats by porcupines, (H. P. 829), tabled by Mr. Smith of Somerset.

Mr. SMITH of Somerset: Mr. President, at the suggestion of the Senator from Penobscot, I would like to

re-table this matter until tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, An Act relating to apothecaries and the sale of poisons, (S. D. 361), tabled by Mr. Oakes of Cumberland.

Mr. OAKES of Cumberland: Mr. President, may I ask the pending question?

The PRESIDENT: The House has adopted House Amendment "A" which has not yet been passed upon by this body.

Thereupon, on motion by Mr. Oakes of Cumberland, under suspension of the rules the Senate reconsidered its former action whereby the bill was passed to be engrossed, and on further motion by the same Senator, House Amendment A was adopted and the bill as so amended was passed to be engrossed.

The President laid before the Senate, An Act to establish small claims procedure, (S. D. 74), tabled by Mr. Holmes of Androscoggin.

Mr. HOLMES of Androscoggin: Mr. President, I think that was Senate Document 74 which was indefinitely postponed in the House.

The PRESIDENT: The Senator is correct.

Mr. Holmes: Mr. President, I will not take up very much time on this matter, but I do think that it is well for the Senate to know what it is—

The PRESIDENT: Does the Senator wish to insist and ask for a committee of conference?

Mr. HOLMES: I should like to make that motion, Mr. President.

The PRESIDENT: The Chair recognizes that motion, and recognizes the Senator from Androscoggin, Senator Holmes.

Mr. HOLMES: Mr. President, in speaking to that motion, asking for a committee of conference, I should like to explain to the Senate what the measure is because when it came in, being a Senate Document, reported unanimously by the Committee on Legal Affairs, "ought to pass" there was no discussion, it was given its two readings and passed to be engrossed and sent down to the House. According to what I read in the legislative record as published in the local newspaper, I think there was a

misunderstanding in the House and possibly there may be a misunderstanding in the minds of some of the Senators who have been interested enough to read the bill, and it is for the purpose of clearing that misunderstanding up and also, if it appears that it is impossible to come to some agreement with the other branch (so that in the end the bill fails) I do want to get the facts into the record, and because at least we will be laying a foundation to build upon in the future legislatures. Any valuable and useful piece of legislation may fail at first because of lack of information of the value of it or because of the fact that it is proverbially difficult to get a new departure onto the statute books at the first trial.

This particular bill, Senate Document 74, entitled, "An Act to establish small claims procedure," was drafted by me at the request of the Lewiston and Auburn Credit Association which is an association of retail merchants in Lewiston and Auburn similar to the Portland Credit Association and similar to other such organizations throughout the country, and it was also endorsed at the hearing by letters, presented by the secretary of the Lewiston and Auburn Credit Association, from various merchants and dealers associations in different parts of the state, particularly, such as the Wholesale Hardware Men. So that having been interested in the subject originally by the Lewiston and Auburn Credit Association, I gave it some study and when I drafted the bill in advance of the session of the legislature, I followed almost word for word and punctuation mark for punctuation mark, the statute which exists in the neighboring state of Massachusetts and which has been in existence now for several years, only making such changes as were necessary to conform to certain fundamental differences between the practice in Maine and the practice in Massachusetts.

The bill, if it became a law, would give to the people of Maine merely an additional method of proceeding for the collection of small claims and for the settlement of small disputes. The Department of Labor of the United States government has issued bulletins in regard to it and in their bulletins wherever they treat of

the subject of small claims courts, as they usually call them, they treat it under the head of "Legal Aid."

Of course I should not take up time to tell the story of the great work that is going on in the country by the American Bar Association, American Law Institute, Commercial Law League of America, and other like organizations to get rid of the slowness and technicalities of law procedure for the purposes of aiding a large number of people, people of moderate means, and poor people, who are unable to get justice, in spite of the fact that the Constitution guarantees justice. They are unable to get it because the amount involved in their disputes is too small to employ counsel. There are different ways of obtaining legal aid and one is the small claims court.

Now as to small claims court, the first one, I believe, established in the United States was in Kansas City, Missouri, attached merely to the local courts which correspond to our municipal courts, for that city—then the idea was taken up in different states and I can say as a result of my investigation, that no state which has adopted it to date has repealed it but that in several states they have been so well pleased with it that while starting with a jurisdiction of not over \$35.00 they have increased it to as high as \$100.00.

Now on the last page of the bill, Senate Document 77, there is a statement of facts and I will read it briefly. I will not read it word for word but merely indicate the states which have small claims procedure. Small claims courts have been established in the following states and are said to be giving satisfaction: California, Idaho, Kansas, Massachusetts, Nevada, Oregon, South Dakota. "For examples of Rules of Court governing procedure in Small Claims Courts, see Rules of the Boston Municipal Court and Rules of the District Courts of Massachusetts, which may be obtained from the State Library."

Now, the idea of small claims procedure in a state like this, of course it would not be necessary to create courts, the procedure would be added as an optional procedure to the municipal courts—but the idea is

this, that John Doe has been working for Richard Roe. John Doe is a poor man, perhaps he is a lumberjack or perhaps he is a pick and shovel man, but when he is discharged, "given his time," the expression usually is, he thinks that he has been treated unjustly and that there is due to him for his labor \$20.00 more than his employer offers him.

Now ordinarily John Doe can not afford to go to a lawyer, especially in cities and towns that have municipal courts (and this act would only apply to municipal courts) he can not afford to hire a lawyer to litigate his claim of \$20.00. Likewise, no lawyer can afford to try a case involving only \$20.00,—and I will say in passing that every lawyer knows, if he keeps any kind of account of the overhead expense of running his office, that if he takes the collection of small claims, far from making money, he runs behind in his business.

Now then, John Doe who has a dispute with Richard Roe, under the small claims procedure may go to the clerk or recorder, as it is called in some courts in the state, of the municipal court in the city or town where he resides and where we will assume the employer resides, and all that he has to do is to tell the clerk his story, his complaint, and the clerk takes it down in brief form, and he deposits \$1.00 with the clerk to cover expenses.

Now there are no—what we call in law—pleadings. Pleadings, as you know, are not the arguing of cases, but they are the written statements of the complaint of the plaintiff and the answer of the defendant. All of that is done away with. Also the law provides in those states where they have it, and it is incorporated in this bill, that instead of going to the expense of sending a deputy sheriff out with a summons, the clerk of the court shall send notice by registered mail to the person against whom the claim is made and he is notified to come to court very promptly within the time provided to answer to the complaint. In the vast majority of cases it has been found in those states, including Massachusetts, where such procedure is in effect, that the defendant comes in at the time set by the clerk or by the judge and the man who has

made the complaint, John Doe, who thinks that his employer unjustly held back \$20.00 on him, and Richard Roe, the defendant employer, sit down together with the judge and talk it over in an informal way and they come to an agreement. Now there are no lawyers there. Of course this bill does not forbid a man employing a lawyer. It cannot. The Constitution guarantees that any man may be heard by himself or counsel. But the purpose, frankly, is to discourage the employment of lawyers, and as I said, lawyers ordinarily do not want those small claims.

In order to get a clear understanding of it, it would be necessary to read it through but I have stated the idea of it. It is not to deprive anyone of the right of trial by jury—that is guaranteed by the Constitution—but the bill says, following the precedent of Massachusetts, that if a person having a claim, or a complaint, resorts to this procedure it shall be considered that he has waived a trial by jury and the right of appeal; and one may waive such constitutional rights if one wants to. It is also provided that if the defendant who is summoned in by this registered letter that I speak of, wants a trial by jury he may have it, but he must claim it within a certain time after receipt of the notice sent to him, and he must deposit—this is a little different from the Massachusetts law—he must deposit with the clerk \$2.10, simply the present requirement for removal of cases. Now in our municipal courts we pay \$1.50 to the clerk for copies of papers and 60 cents for entry of same in the superior or supreme court, in cases removed or appealed a total of \$2.10; but he may thereby have the case removed at once to the higher court, in some counties superior and others supreme, and there, the bill provides, the case shall proceed like a regular common law case under the regular rules of proceeding. But it has been found in other states that have had this procedure that there are very few appeals. Now it also provides, as in Massachusetts, and this also of course is optional, that the judge of the municipal court may, when he decides that something is due—we



will say that he decides \$15.00 is due John Doe—he may decide how it shall be paid. Of course some claims are against people who are in poor circumstances and they cannot afford to pay the \$15.00 at once. Now it gives the right to the Judge, as in Massachusetts, to examine the man who owes the \$15.00 and find out about his ability to pay.

He may say to him, "You can't pay at once, but can you pay \$2.00 a week?"

"No, but I can pay \$1.00 a week" perhaps the man replies.

"Very well", the judge says.

He is allowed under this law to enter judgment which will have the same effect as a decree in equity. He can enter judgment that the defendant pay \$1.00 a week. Under this act, the judge can say to the defendant, "You shall pay it at the residence or at the store of the plaintiff on every Saturday afternoon or Saturday night. You see the purpose of this, of course,—it is to require the defendant to make payments on the pay day. It works out to the settlement of disputes which can not afford to be litigated in the ordinary way and it works out to the bringing together of men who have these disputes and getting the disputes settled in a friendly way.

Also, as in Massachusetts, it gives the judge of the municipal court contempt powers to enforce a lawful decree made by him; but it says that no decrees under this act shall be enforced by more than fourteen days imprisonment.

You all know that we have what our revised statutes call "disclosure commissioner". If one has a judgment of a municipal court or any other court and the debtor has no attachable property, one can examine him before a disclosure commissioner and the commissioner has contempt powers and he can and he usually does as a matter of practice, issue a *capias* upon which the defendant debtor can be placed in jail until he either gives a six months bond or until he pays the debt, or until he is otherwise released by law.

Before this session of the legislature began, I talked this matter over with the judge of the Lewiston municipal court, the Honorable

Ralph W. Crockett, a very fine lawyer of high standing, who was interested and who wrote to the Chief Justice of the municipal court of the city of Boston to find out how it was working there and I have the reply and I am going to read it and that will be about all the time I will take up, and I will be done:

"Honorable Ralph W. Crockett, Municipal Court, Lewiston, Maine, December 18th, 1926. Dear Judge Crockett: I am instructing the clerk of our small claims division to send to you a copy of our rules and blanks. I think that on the whole this procedure has worked out well in small cases that cannot pay the freight for ordinary contentious litigation. It may be that in individual cases some corners have been cut too short, but I think the net result is a distinct gain. I do not think it has worked any great increase in judicial labor, although it is impossible to say how many of these cases would have actually been the subject of an ordinary writ. The working rule which I follow is to treat the parties exactly as though they had come to your law office to settle a dispute, and deal with the matter in the wholly informal way, without any regard to order of trial, and without any extended cross examination. I think the attitude of the bar is that it has been glad to be rid of cases in which no substantial fee can be charged, and lawyers bother us very little in this class of cases.

There has been a movement here to increase the maximum limit from \$35 to \$200. I am not in favor of it, as an examination of our cases shows the average finding at about \$15, which indicates that the process is not much used in the higher levels of the present jurisdiction.

If there is any other information I can give you in the matter I should be very happy to do so. Very truly yours, (Signed) Wilfred Bolster, Chief Justice."

And I will say, in closing, that I think that the House got the wrong idea of certain points and misunderstood some things in the bill and were rather hasty, and I think that some of them thought that this would be a bill to encourage collection agencies. Now, anybody reading the bill should see that collection agencies cannot go into a municipal

court, only the plaintiff himself or his attorney. And as I mentioned a moment ago, in answer, I think, to the argument that it would injure the law business of some young lawyers—it won't—and those who think so cannot be keeping an account of the cost of running their law business.

This is good progressive legislation and I believe that we are coming to it in the state of Maine, if it is not adopted at the present time, I will not be discouraged, I know that it takes time to get any new idea through.

Now, Mr. President, I would like to repeat my motion for a committee of conference.

Mr. OAKES of Cumberland: Mr. President, I dislike to speak against the Senator from Androscoggin, Senator Holmes, but I feel that I cannot let this matter go by without putting myself on record as to my understanding of it and I can frankly say, as he has said, that a lawyer, at least after the first year or two of his practice, cannot collect bills under \$20.00 at a profit, so that I do not think that I have any selfish motive in my opposition.

The bill provides three things that I want to call to the attention of the members. First, on Page 4, as to the notice to the debtor, "Said notice may be sent by registered mail, with return receipt, or may be served by delivering to the debtor, or by leaving at his last and usual place of abode, a copy thereof, in the discretion of the court, at least seven days before the return day."

Under our present law, service of a claim before a court has to be made by a deputy sheriff or constable, and return made under oath by that sheriff or constable. I am not ready to yield that right of a debtor.

The next provision, the beginning of Section 7, "At the hearing, which may be held in the absence of the debtor if proof of receipt of notice is made, the court shall inquire as to his circumstances, income, and ability to pay said judgment." Now then, the clerk not only determines in his business regarding his indebtedness but regarding his ability to pay.

And again, Section 9 at the top of page 5, "Decrees under this act may be enforced by proceedings for contempt, as in a court of equity; but

not more than fourteen days imprisonment shall be imposed for any one such contempt." It seems to me that this is restriction.

My brother has spoken of the case of the poor man who was employed by a wealthy contractor but didn't get the money and could not afford a lawyer. On the other hand, he spoke of having introduced a bill at the request of the Lewiston Credit Men's Association, if I remember the name correctly, and I think that this bill gives to credit associations under our instalment collection system, a power which was abolished in England about the time "Little Dorrit" was born, beyond the poor debtor laws and which was abolished in most European countries and in America a poor man, a man failing to pay his indebtedness is put in prison for not more than fourteen days.

This is different from our disclosure procedure where a man is entitled to protection and his examination is provided by statute and in this case the procedure does not apply, but the court cites him informally and tells him what to do or not to do, but if he does not do it he is subject to the contempt procedure and he is liable to be put in prison.

It seems to me that this is on small debts, not on questions involving procedure similar to that if a man fails to abide by a decree for alimony. This is a procedure that gives power in municipal courts to order the imprisonment of a man for non-payment of a debt under \$20.00 and I think that it is a departure from our procedure which we ought not to adopt.

Under our present procedure, I think that a creditor has a reasonable opportunity to collect his bill and the poor man who owes a bill is protected by a system that has grown up through the years. If we change that procedure we are legislating against the common man.

Mr. MAHER of Kennebec: Mr. President, I regret to take up any time on this matter and shall confine myself to just one minute's statement. I regret particularly to differ with my colleague, Senator Oakes, and particularly because I have known him for a considerable time and been associated with him on the committees here, and in a particular committee having to do

with judicial reform, to wit, the recess committee and I state, Mr. President, to you and the members of the Senate that it is my solemn judgment that this is the most progressive piece of judicial reform that has been proposed in the state of Maine since the Congressman from the fourth district, now the Congressman, then the Representative from Aroostook, Mr. Hersey, introduced the act modifying the rigors, severities and terrors of the trustee law. I well remember that some fifty or twenty years ago.

When you come to consider the proposition that the law as it is today in the collection of certain claims will mean that again and again and again you will have men come to you on bills of not more than twenty dollars where they have been sued and defaulted and taken into court and cost run up until you will have costs amounting to more than half the original bill and then cited to disclose before a commissioner and additional costs imposed and when those men are confronted by a *caipias* the costs are equal to the amount of the bill, can you tell me that this is not a step in the right direction? I can see no argument against it.

Under the present law if a man, after a hearing before a judge informally and being told the principle of the Dubuque law, namely, payment on the installment plan, if that man does not comply with that and is given a reasonable opportunity to show why he does not, then the court says to him "You shall," and under the present law the situation is this—and here is the procedure followed in only too many cases on claims brought it for less than twenty dollars: The claim is sued, the constable or deputy sheriff serves the summons at the last usual place of abode of some poor debtor who once lived there, but heaven knows where he is now, he is defaulted and then he returns from the woods and is confronted with the default with five dollars and ten cents in costs and he is immediately handed a citation to disclose before a commissioner and if he does not go and hire a lawyer he is immediately defaulted on that and a *caipias* issued against him to put him in jail unless he can purge himself of the contempt for not appearing, and he is then up against

about seven dollars more in costs—a man who originally owed twenty dollars. It seems to me, as I stated at the outset, that when you are talking about judicial reform and real, constructive legislation that will facilitate the administration of justice in a proper way and with fairness to all men, that Senator Holmes has taken the most progressive step I have ever seen.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, that we insist and ask for a committee of conference. Is this the pleasure of the Senate?

The motion to insist and ask for a committee of conference prevailed and the President appoint as members of such committee on the part of the Senate, the Senator from Androscoggin, Senator Holmes, the Senator from Lincoln, Senator Bond and the Senator from Knox, Senator Dwinal.

The President laid before the Senate, An Act relating to the salary of the county treasurer of Androscoggin County (H. P. 740) tabled earlier in today's session by Mr. Holmes of Androscoggin and this afternoon assigned.

Mr. HOLMES of Androscoggin: Mr. President, I am going to move that this bill be indefinitely postponed in concurrence with the House and I want to say that I want to explain my position in this matter and also in the matter of House Document 520, a salary increase for the register of deeds and House Document 515, a salary increase for the chairman of the commissioners of Androscoggin County and I cannot state my reason for that motion on the county treasurer matter without also considering the others at the same time, or rather, without talking about them. I presume that is in order.

The PRESIDENT: The Chair is of the opinion, unless the point of order is raised, that the senator is in order and all possible latitude will be given to the senator.

Mr. HOLMES: Well, Mr. President, I will say that I shall ask the Senate to indefinitely postpone this proposed salary increase to the treasurer of Androscoggin County and then I have on the table, tabled in my name and also coming up, a

similar one for the register of deeds for Androscoggin County and another similar one for the chairman of the county commissioners of Androscoggin County and I will say, as I said earlier in the session of taking the salary increases in the other counties off the table, that I did not feel like opposing them, as I might say, bull-headedly, where I do not know local conditions and so took myself out of the way of them but I think I do know local conditions in Androscoggin county and I do not think it is right and fair—and I do not think the Senate will say that it is right and fair—to increase the salary of a Republican chairman of the county commissioners and refuse to do it to the Democratic county treasurer and that as the matter stands now on those three measures the House voted to indefinitely postpone House Paper 740, salary increase for the county treasurer, and House Document 520 salary increase for the register of deeds and has passed on to this body to be enacted House Document 515, salary increase for the chairman of the county commissioners and whereas the county treasurer and register of deeds increases are small—only one hundred or two hundred—the bill to increase the salary of the chairman of the county commissioners is to double it from \$750 to \$1500 and to create an office as justification—which is almost absurd and laughable—to call him Superintendent of Public Buildings of the County of Androscoggin. Why, the only public building the County of Androscoggin owns is the Court House with the jail attached and the Sheriff, as chief executive of the county, is in fact superintendent and he has a large number of committed prisoners who have no regular work to do and it is a blessing to them that they can get the exercise of helping the janitor to keep the building clean, and I do not believe that there is any need for a superintendent of public buildings and I certainly, at least under the present circumstances, oppose doubling his salary. And now, with that explanation, Mr. President, I will move that House Paper 740, the salary increase for the county treasurer of Androscoggin County be indefinitely postponed in non-concurrence with the House.

Mr. OAKES of Cumberland: Mr.

President, I seem to be elected this afternoon to speak against my brother from Androscoggin, (Senator Holmes), and I have been requested to state that the value of the county buildings in Androscoggin in 1921 and 1922 was \$175,000 and at the present time is \$350,000, that the county tax in Androscoggin county by the management of the county commissioners has been reduced on an average of \$18,250 since 1924, that the term of the county commissioners has been very efficient, they putting in a large amount of time, and if the county treasurer is made a full time man the county will save enough money to far more than pay the amount involved in the increase of salary and therefore it will be to the advantage of the county.

I am not familiar with the question of the dispute, if any, between the chairman of the county commissioners, a Republican, and the Democratic chairman of the county treasury.

Mr. HARRIMAN of Kennebec: Mr. President, are we discussing the three together or are we discussing them one by one?

The PRESIDENT: The Chair will state that we are discussing House Paper 740, Salary increase for the county treasurer of Androscoggin County, but the Chair has allowed the Senator from Androscoggin, Senator Holmes, a certain latitude for the reasons that that senator stated at the beginning of his remarks.

Mr. HARRIMAN: Mr. President, when the one in regard to the county commissioners comes up I wish to say something about it. The other two I do not object to.

Mr. OAKES: Then, Mr. President, we are not discussing the chairman of the county commissioners at this time?

The PRESIDENT: We are now discussing the county treasurer of Androscoggin County.

Mr. OAKES: I did not understand, Mr. President. Pardon me.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, that House Paper 740, An Act with relation to the salary of the county treasurer of Androscoggin County, be indefinitely postponed. Is this the pleasure of the Senate?

The motion to indefinitely postpone prevailed.

The President laid before the Senate, An Act to increase the salary of the register of deeds in the county of Androscoggin (H. D. 520) tabled earlier in today's session by Mr. Holmes of Androscoggin and this afternoon assigned; and on motion by that senator the bill was indefinitely postponed.

The President laid before the Senate, House report from the Committee on Judiciary, majority report "ought to pass," minority report "ought not to pass," on An Act relating to advertising signs along public ways (S. D. 11) tabled by Mr. Roberts of York earlier in today's session and this afternoon assigned; and the Chair recognized that senator.

Mr. ROBERTS of York: Mr. President, I yield to the Senator from York, Senator Lord.

Thereupon, on motion by Mr. Lord of York the bill was retabled pending further consideration.

The President laid before the Senate, An Act to make the chairman of the Androscoggin County Commissioners a full time office with the duty of superintendence of buildings and to increase his salary to fifteen hundred dollars (H. D. 515) tabled by Senator Holmes of Androscoggin earlier in today's session and this afternoon assigned.

Mr. HOLMES of Androscoggin: Mr. President, I move that that also be indefinitely postponed and I will say that I regret extremely to do it and would not if I did not feel it was my duty, would not refer to the fact that the county treasurer is the Democratic office holder and the chairman of the county commissioners is the Republican office holder. Personally I do not care, but I would be sorry to see this legislature put itself in such a position as that. I do not care to take more time in discussing the need for any such an office as superintendent of public buildings in the county of Androscoggin. I will only say that I was born and brought up in the city of Lewiston. I practice law there, there is hardly a day that business does not take me to the court house, and I think I know as much about the finances and the business affairs of the county of Androscoggin as any Senator from Cumberland, Kennebec or anywhere else and I ought to know

more. And I will say that if there ever was a time when economy as affecting taxation ought to be practiced in that county it is today. The textile situation is dangerous. The shoe manufacturing business in Auburn is bad. Mills in Lewiston have threatened the mayor or at least have given him solemn warning that they have been invited to go south where they will be exempted from taxation for a term of years and given building sites, and now it is proposed to double the salary of the chairman of the county commissioners in Auburn and there is not, so far as my knowledge goes—and I ought to be fairly well informed about what goes on in that court house—and there will not be another tap of work for him to do that he does not do today.

A few years ago the county commissioners of Androscoggin County came to the legislature of this state and asked for an increase to \$750 which each one gets now on an understanding—it ought to have been written into the law but it wasn't—on the understanding that if they each were given \$750 they would make it a full time office; that is, that they would rotate, one of the three always being at the office of the county commissioners in the court house. Now, that was the agreement and understanding and so far as I know one of the county commissioners is there all the time now and he won't be there any longer time because of doubling this salary from \$750 to \$1500 and giving him a fancy name as an excuse for it. I move, Mr. President, that House Document 515 be indefinitely postponed.

Mr. HARRIMAN of Kennebec: Mr. President, I was requested by a resident of Androscoggin County this morning and by another one last night to say something on this bill as there was only one senator from Androscoggin present and he was taking the opposite side. Of course I realize, not being a resident of Androscoggin County, that perhaps I am not familiar with the conditions down there but there were some figures handed to me that I was requested to give you in regard to this.

In the first place, this bill has gone along to the enacting stage and received a unanimous report "ought to pass" from the commit-

tee with no opposition. At the time the salaries of the county commissioners were last adjusted and fixed at \$750 each the county tax was \$60,910 and the operating expenses were \$87,000. In 1921 and 1922 the county buildings were remodeled making them twice as large at an expense of \$175,000. The county tax in 1926 was \$134,000 or more than double what it was at the time the salary was raised.

Now, the county tax of Androscoggin county was \$134,200—and I take it for granted these are 1926 figures and the county commissioners got \$750 apiece. These are a few comparisons between the different counties. The Cumberland county tax was \$235,793 and their county commissioners got \$1500. In Kennebec county the county tax was \$84,000 and the county commissioners got \$1000 apiece. Now, in this county I might say that your superintendent of buildings, I understand, gets \$1200 and I don't know what the buildings in Kennebec county are compared with what they are in Androscoggin but at any rate the county commissioners have more to look out for as far as dollars and cents are concerned in Androscoggin county than they do in Kennebec and I was told that the county commissioners are there only once in a while. At a salary of \$750 you cannot expect a full time man on the job and I was told it was a great inconvenience to a great many people in Androscoggin county and where they wish to, as has been said, double the salary of the chairman of the commission it is also provided that he shall be superintendent of buildings as well as the chairman of the commission and as such it will be a full time job and he will get only \$1500 a year. I was further informed that with three exceptions the Androscoggin delegation were for this bill and it has passed the various stages of legislation until the time of enactment, and in view of the meagre information at my hand I certainly hope that the motion of the Senator from Androscoggin, Senator Holmes will not prevail.

Mr. HOLMES: Mr. President, I did not know before what the salary of the newly created superintendent of public buildings in Kennebec county is. He has not been in existence very long, if I remember right. I think I know now from

the remarks of the Senator from Kennebec, Senator Harriman, that his salary is \$1200 and I think I know Augusta well enough to know that if there is any such thing as a superintendent of public buildings he is paid enough for the care of the jail that looks like a castle on the outside and the court house, but it is proposed to give to the chairman of the county commissioners of Androscoggin the nice and exciting pleasure of superintendent of public buildings and he will have one building.

The Senator from Kennebec, Senator Harriman, said that there is more money to be taken care of in Androscoggin county. Well, I think under the law the treasurer takes care of that, the county treasurer, the very man that the Salaries and Fees Committee report "ought not to pass." I don't know what the chairman of the county commissioners in Androscoggin or anywhere else has to do with the care of the money. I will leave it there, Mr. President.

Mr. HARRIMAN: I might say, Mr. President, that of course the treasurer does have charge of the money but the county commissioners pass on all orders and bills although the actual cash does not pass through their hands.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, that House Document 515 be indefinitely postponed. Is this the pleasure of the Senate?

A viva voce vote being doubted

A division of the Senate was had.

Eight senators having voted in the affirmative and twelve in the negative the motion to indefinitely postpone failed of passage.

Thereupon, the bill was passed to be enacted.

The President laid before the Senate, An Act to extend the charter of the Kennebec Railway Company (H. D. 331) tabled earlier in today's session by Mr. Roberts of York pending enactment and this afternoon assigned; and the President recognized that Senator.

Mr. ROBERTS of York: Mr. President, I should like to inquire if the motion is on enactment?

The PRESIDENT: The pending question is on enactment unless some other motion is made.

Thereupon, on motion by Mr. Rob-

erts of York, the bill was passed to be enacted.

The President laid before the Senate, An Act Relating to the Registration of trucks, (H. D. 384), tabled earlier in today's session by Mr. Roberts of York pending enactment and this afternoon assigned; and the President recognized that senator.

Mr. ROBERTS of York: Mr. President, this bill was tabled this morning by Senator Douglas of Hancock and as he is not here, I am requested to offer an amendment, and in explanation, I will state that this bill was drafted at my request. It has the approval of the Taxation Committee. And in further explanation, I will say that two years ago we passed a bill in the legislature granting reciprocity on both trucks and cars. Since that time there has been some opposition to the bill granting reciprocity on trucks and that is what this bill has provided for. I now wish to introduce Senate Amendment A, which is computed with the full reciprocity as passed by the legislature two years ago on motor cars. I now offer Senate Amendment A and move its adoption.

The PRESIDENT: The Senator from York, Senator Roberts, moves we reconsider our vote whereby this bill was passed to be engrossed and that the rules be suspended for that purpose.

The motion to reconsider prevailed.

The PRESIDENT: The question is on the adoption of Senate Amendment A. The Secretary will read the amendment.

The Secretary read the following amendment:

Senate Amendment A to House Document No. 384.

"Amend Section thirty-four in Section one of said bill by striking out in lines twelve to twenty the following words: 'The provisions of this section shall, however, be operative as to an owner and operator of such vehicle only to the extent that under the laws of the state or country of his residence, like exemptions and privileges are granted to owners and operators of like vehicles registered under the laws of this state; and the secretary of state shall determine what states and countries grant similar privileges and the extent of the privileges so

granted; and his determination shall be final.'"

Mr. ROBERTS: Mr. President, this amendment will amend the reciprocity act of two years ago whereby we gave such a state as New Hampshire, or New York or Massachusetts, the same number of days to come in here with their cars as they gave to us, but as this is more of a recreational state and they are coming here much oftener than we stay there, I have authority from the Secretary of State and also from the Governor that the bill is putting us in more or less ridiculous way and it requires five or six deputies on the road to investigate how long out of state cars have been in here and this amendment will give them a chance to come in here and stay as long as they wish. I am told that the law of two years ago made a very small income to the state and that the expense of carrying the law out almost upset the income. Therefore I move the adoption of the amendment.

Thereupon, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

Additional papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

From the House: An Act to Establish a Uniform License Law for Summer Camps. (S. D. 87)

(In Senate, April 12, passed to be engrossed as amended by Senate Amendment "A," in non-concurrence.)

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Miner of Washington, that body voted to insist and ask for a committee of conference and the President appointed as members of such committee on the part of the Senate, the Senator from Washington, Senator Miner, the Senator from Oxford, Senator Buzzell, the Senator from Sagadahoc, Senator Drake.

From the House: Resolve to pay certain deficiencies (S. D. 36).

(In the Senate, April 8th, passed to be engrossed.)

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

In the Senate:

Mr. FOSTER of Kennebec: Mr.

President, I would like to have the amendment read.

The Secretary read the amendment.

Mr. HOLMES of Androscoggin: Mr. President, may I inquire if that is the deficiency resolve?

Mr. FOSTER: Mr. President, answering through the Chair I will say that it is only the deficiency measure requiring a pauper account and a few others. That at first was reported out \$55,000. Afterwards the committee found out that \$30,000 of it was already taken care of. Hence the amendment reducing it from \$55,000 to \$25,000.

Mr. HOLMES: One more question. Mr. President, of the Senator from Kennebec, Senator Foster. The answer to it will clear up an uncertainty in my mind. Is it the deficiency resolve the lists of which were communicated to the legislature by the state auditor on February 15th and does it include all claims which the appropriations committee considers necessary or is there another deficiency resolve coming along?

Mr. FOSTER: Answering the Senator from Androscoggin (Senator Holmes) through the Chair, I will say that this matter was taken up very carefully and minutely with the auditor who said that this appropriation did cover everything necessary in the way of a deficiency resolve and that deducting the \$30,000 it still takes care of everything pending in that line.

Mr. HOLMES: Then, Mr. President, I am much obliged to the Senator for the information and I think it is the one that I have in mind and I think that I should like to offer an amendment and for that purpose will move to table it until tomorrow morning.

The PRESIDENT: The pending question being the adoption of House Amendment A.

Mr. HOLMES: Mr. President, I was too previous. I have no objection to House Amendment A.

The PRESIDENT: The Senator from Androscoggin, Senator Holmes, moves that the rules be suspended and we reconsider the vote whereby this matter was passed to be engrossed.

The motion to reconsider prevailed and on further motion by the same senator House Amendment A was adopted in concurrence.

Thereupon, on further motion by

the same senator, the resolve was tabled pending passage to be engrossed.

From the House: An Act relating to Primary Elections (S. D. 371)

(In the Senate, April 11th, 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. Oakes of Cumberland, tabled pending consideration.

From the House: An Act relating to the practice of osteopathy. (S. D. 366)

(In Senate, April 12, indefinitely postponed.)

In the House, majority report accepted, and new draft passed to be engrossed in non-concurrence.

In the Senate:

Mr. FOSTER of Kennebec: Mr. President, owing to an apparent change of sentiment in regard to this matter I move that this body recede and concur with the House.

A viva voce vote being doubted

A division of the Senate was had. Seven senators having voted in the affirmative and twelve in the negative the motion to recede and concur failed of passage.

Thereupon, on motion by Mr. Mitchell of Aroostook, the Senate voted to adhere to its former action.

#### House Bills in First Reading

(Out of order and under suspension of the rules)

An Act to make certain the legal boundaries of the town of Old Orchard and set off to the town of Old Orchard from the city of Saco any right, title or interest which the city of Saco may have within said boundaries (H. D. 230).

(Under suspension of the rules the foregoing bill was also given its second reading and passed to be engrossed.)

An Act concerning financial responsibility for damages caused by the operation of motor vehicles (H. D. 577).

Came from the House, passed to be engrossed as amended by House Amendment "A."

Under suspension of the rules the bill was given its second reading, House Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed.



Resolve in favor of Old Toll Bridge in the town of Bethel, Oxford County (H. P. 1322).

Resolve in favor of bridge in the town of Clinton (H. P. 1320).

Resolve in favor of Depot Bridge between the towns of Baldwin, Cumberland County and Cornish, York County (H. P. 1321).

Resolve in favor of Piscataquis River Bridge in the town of Howland, Penobscot County (H. P. 1323).

Resolve in favor of Sebec Village Bridge, Sebec, Piscataquis County (H. P. 1325).

Resolve in favor of Hiram Bridge in the town of Hiram, Oxford County (H. P. 1326).

Resolve in favor of Molunkus Bridge in Macwahoc Plantation, Aroostook County (H. P. 1324).

Resolve in favor of Upper Bridge in the town of Frankfort, Waldo County (H. P. 1327).

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

The following resolves were received out of order and under suspension of the rules, and on recommendation by the committee on reference of bills were referred to the following committee:

By Mr. SMITH of Somerset, Resolve in favor of Ruth Jordan, stenographer to the Committee on Claims (S. P. 658).

By Mr. SPEIRS of Cumberland, Resolve in favor of George M. Day, Clerk to the Committee on Bills in the Second Reading. (S. P. 659)

#### Orders

(Out of order and under suspension of the rules.)

On motion by Mr. FOSTER of Kennebec, it was

ORDERED, That the Senate Reporter be paid the sum of forty dollars to reimburse him for expense incurred for extra clerical work in furnishing him with the "Senate Advance Report" of the Eighty-third Legislature.

On motion by Mr. MINER of Washington, it was

ORDERED, the House concurring, it is hereby ordered that the Governor be requested to return to this body An Act to render unlawful all disturbances to the reception

of radio waves used for radiotelephony, the same being Senate Document No. 363.

On motion by Mr. CASE of Washington, it was

ORDERED, that there be returned to the Senate H. D. 580, "Resolve in favor of Forest City International Bridge over St. Croix River between the Township of Forest City, Washington County, Maine, and the Parish of North Lake, York County, New Brunswick," for the purpose of amendment, said resolve having been presented to the Governor April 12.

#### Bills in First Reading

(Out of order and under suspension of the rules)

An Act to Amend the Workmen's Compensation Act. (S. D. 383)

An Act Validating Acts and Deeds Valid Except for Certain Irregularities and Omissions. (S. D. 384)

An Act Relating to Marketmen's Licenses. (S. D. 385)

Resolve, in Favor of Several Academies, Institutes, Seminaries and Colleges for Maintenance, Repairs and Improvements. (S. D. 386)

Mr. SPEIRS of Cumberland: Mr. President, I move the second reading.

The PRESIDENT: Does the Senator move to reconsider the vote whereby this matter was assigned.

Mr. SPEIRS: Yes, Mr. President, I move the second reading.

The PRESIDENT: The Chair will state for the benefit of the Senator from Cumberland, Senator Speirs, that while the motion is in order and the Chair recognizes it the fact remains that the bill is more or less intricate and carries many figures and has never yet been to the Committee on Second Reading for correction.

Mr. SPEIRS: Mr. President, I withdraw my motion.

#### Reports of Committees

(Out of order and under suspension of the rules.)

Mr. BOND, from the Committee on Ways and Bridges, on Resolve to aid the town of Hope in the construction of a bridge (S. P. 316) reported the same in a new draft, under the same title (S. P. 660) and that it ought to pass.

The same Senator, from the same Committee, on Resolve in favor of

the town of Skowhegan to repair a road (S. P. 73) reported the same in a new draft, under the title of Resolve in favor of the town of Skowhegan (S. P. 661) and that it ought to pass.

Mr. CASE, from the same Committee, on Resolve in favor of the town of Starks for a bridge (S. P. 70) reported the same in a new draft, under the same title (S. P. 662) and that it ought to pass.

The same Senator, from the same Committee, on Resolve in favor of Lower Village Bridge in the town of Phillips, Franklin County (S. P. 270) reported the same in a new draft, under the same title (S. P. 663) and that it ought to pass.

Mr. SMITH, from the same Committee, on Resolve in favor of Stanley Bridge in the town of Hampden, Penobscot County (S. P. 203) reported the same in a new draft, under the same title (S. P. 664) and that it ought to pass.

The reports were severally read and accepted, and the resolves laid upon the table for printing under the joint rules.

Mr. SPEIRS, from the Committee on Education, submitted its final report.

The report was read and accepted.

#### Passed to be Enacted

(Out of order and under suspension of the rules.)

An Act Relating to Compensation of Judge of Probate of Cumberland County. (H. D. 590)

An Act Relating to Compensation for Injuries Received by State Employees. (H. D. 612)

An Act for the Protection of Black Bass in the Inland Waters of the State. (H. D. 613)

An Act to increase the salary of the register of deeds, Oxford County, Western District (H. D. 560)

An Act to provide for compensation for Justices of the Superior Courts (H. D. 551)

An Act Granting the Right of Eminent Domain to Electric Power Companies Doing a Public Utility Business. (H. D. 614)

An Act relating to the grading of apples (H. D. 618)

An Act Relating to Advertising Signs upon Public Highways (S. D. 347)

An Act to Amend Section Five of Chapter Ninety-five of the Revised Statutes of Nineteen Hundred and

Sixteen, in Relation to Mortgages of Real Estate. (S. D. 372)

An Act Relating to the Compensation of the Judge of Probate for Sagadahoc County. (S. D. 376)

An Act Conferring Authority Upon Municipal Officers to Enforce the Laws and the Rules and Regulations Relating to Trucks Upon the Highway. (S. D. 377)

"An Act Relating to Licensing Operators of Motor Vehicles, Tractors or Trailers." (H. P. 956) (H. D. 293)

"An Act Relating to Compensation of Members of the Legislature." (H. P. 240) (H. D. 450)

"An Act Relating to the Mill Tax Highway Fund." (H. P. 1268) (H. D. 592)

(On motion by Mr. Holmes of Androscoggin, tabled pending enactment and tomorrow assigned.)

An Act relative to the war bond shrinking fund (H. D. 611).

(On motion by Mr. Holmes of Androscoggin, tabled pending enactment and tomorrow assigned.)

"An Act to Regulate the Trapping of Fur-Bearing Animals." (H. P. 1283) (H. D. 607)

An Act relating to front lights on motor vehicles and tractors (H. D. 621)

#### Finally Passed

(Out of order and under suspension of the rules.)

Resolve on the pay roll of the Senate of the 83rd Legislature (S. P. 624)

Resolve, for Screening Certain Lakes and Ponds in the State. (S. D. 370)

Resolve, in Favor of the Commissioners of Pharmacy of the State of Maine. (S. D. 373)

Resolve, to Celebrate the Two Hundredth Anniversary of the Battle of Lovewells Pond. (S. D. 374)

Resolve, in Favor of General Mark L. Hersey. (S. D. 375)

Resolve, in Favor of Simon Sotomah, Representative of the Passamaquoddy Indians to the Eighty-third Legislature. (H. P. 1292)

Resolve, in Favor of Laurence Mitchell, Representative of the Penobscot Indians to the Eighty-third Legislature. (H. P. 1294)

Resolve, in Favor of the Chaplains of the House of the Eighty-third Legislature. (H. P. 1295)

Resolve, in Favor of the State Park Commission. (H. D. 548)

Resolve, in Favor of the Town of

Caribou, for Reimbursement of Monies Expended in Defending Five Actions at Law. (H. D. 553)

Resolve, in Favor of the Town of New Vineyard, for Reimbursement for Damage Done by Bears in Killing Sheep. (H. D. 554)

Resolve, to Reimburse the Town of Webster for Support of Paul Pomeroy and Wife, State Paupers. (H. D. 556)

Resolve, in Favor of the Town of Hiram for Refund of Taxes Erroneously Paid. (H. D. 557)

Resolve, in Favor of the Town of Robbinston, for Reimbursement for Money Expended on Road. (H. D. 561)

Resolve, in Favor of the Town of Kennebunkport, for Reimbursement for Services and Money Expended in Caring for James Ford. (H. D. 562)

Resolve, in Favor of B. E. Lurchin, Compensating Him for Storage of Dynamite and Exploders in His Building. (H. D. 563)

Resolve, in Favor of the Town of Leeds, for Reimbursement for Money Expended in Rebuilding a Bridge. (H. D. 565)

Resolve, in Favor of George Grant of Bangor, Compensating Him for Personal Injuries Received in a Collision with a Moose. (H. D. 566)

Resolve, to Appropriate Funds for the Construction of and Preparation for the Use as an Air Port a Portion of Muster Field, Camp Keyes, Augusta, Kennebec County, Maine. (H. D. 567)

Resolve, to Provide for the Payment of Interest on Kennebec Bridge Bonds during the Period of Construction of Said Bridge and until Tolls and Rentals of said Bridge Shall Become Available Therefor. (H. D. 610)

Resolve, in Favor of a Fish Screen at the Outlet of Messalonskee Lake, in the Town of Oakland, County of Kennebec. (H. D. 619)

Resolve, in Favor of the Bangor State Hospital. (S. D. 152)

Resolve, in Favor of the Augusta State Hospital. (S. D. 153)

Resolve, in Favor of the Central Maine Sanatorium for the Construction and Equipment of a Nurses' Home. (S. D. 211)

Resolve, in Favor of a Feeding Station for Fish at the Outlet of Sebago Lake, in the County of Cumberland. (S. D. 369)

Resolve, to Provide for a Revision of the Statutes. (H. D. 622)

### (Emergency Measure)

An Act to apply surplus funds toward state construction (S. P. 647).

The PRESIDENT: This bill being an emergency measure requires the affirmative vote of two-thirds of the membership of the Senate.

Mr. HOLMES of Androscoggin: Mr. President, may I ask a question for information?

The PRESIDENT: The Senator may.

Mr. HOLMES: Is this the bill, Mr. President, that was introduced this week which was not printed and which was read at my request and not referred to a committee?

The PRESIDENT: It is the bill.

Mr. HOLMES: Mr. President, I should like to have an opportunity to discuss it.

The PRESIDENT: The Senator shall have the opportunity.

Thereupon, on motion by Mr. Holmes of Androscoggin, the bill was tabled pending consideration and tomorrow assigned.

Mr. DRAKE of Sagadahoc: Mr. President, I move that we reconsider our vote whereby we passed to be engrossed House Document 577, resolve in favor of the town of Hiram for refund of taxes erroneously paid and in explanation will say that it is for the purpose of offering an amendment changing one word from "may" to "shall."

The PRESIDENT: It is just a clerical error?

Mr. DRAKE: That is all, Mr. President.

The motion to reconsider prevailed and the same senator offered Senate Amendment A and moved its adoption:

"Senate Amendment A to House Document 577. Amend House Document 577 by striking from the first line of Section 1 thereof the word "may" and substituting therefor the word "shall."

Thereupon, Senate Amendment A was adopted and on further motion by the same senator the resolve as so amended was passed to be engrossed.

Mr. SPEAR of Cumberland: Mr. President, I think that I tabled earlier in today's session Senate Document No. 1, Resolve to appropriate money for compiling and advertising the agricultural, industrial, and recreational resources of the state.

The PRESIDENT: The Senator is correct.

Mr. SPEAR: I now ask, Mr. President, for the permission of the Senate to withdraw this resolve.

Permission was thereupon granted to the Senator to withdraw the resolve.

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The Committee of Conference, on the disagreeing action of the two branches of the Legislature on bill An Act to provide for the completion of the vital records of the State (H. D. 568) reported that a majority of each committee is in favor of the passage of the act providing the House Amendment "A" to House Document No. 568 is adopted.

The report was read and accepted.

Mr. DRAKE of Sagadahoc: Mr. President, what is the standing of that report now? Just where does this leave us?

The PRESIDENT: The Chair will state that the Senate has automatically receded and concurred with the House in accepting the report. Is that plain to the Senator?

Mr. DRAKE: It is, Mr. President.

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On motion by Mr. Dunbar of Hancock,

Adjourned until tomorrow morning at ten o'clock.