

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, March 12, 1929.

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

Prayer by the Rev. Mr. Walker of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 482, S. D. 191: An act relating to bonds to be given by officials, trustees or employees of savings banks.

S. P. 483, S. D. 192: An act to re-letter paragraphs "e" and "f" of sub-division 12 of Section 27 of Chapter 144 of the Public Laws of 1923, relating to collateral loans.

S. P. 546, S. D. 225; An act relating to investments in industrial bonds by savings banks.

S. P. 657, S. D. 316; An act relating to increase of salary of County Attorney, Androscoggin county.

S. P. 658, S. D. 317: An act relating to increase of salary of Assistant County Attorney, Androscoggin county.

S. P. 659, S. D. 318, An act to increase the salary of the Register of Probate of Androscoggin county.

From the Senate: Bill an act relating to the digging of clams in Biddeford in the county of York, H. P. 894, H. D. 456, which was passed to be engrossed in the House February 27th.

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

In the House: Senate Amendment A read.

The House voted to reconsider its action whereby this bill was passed to be engrossed, and adopted Senate Amendment A in concurrence, and the bill was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Bill an act making explicit certain powers of the Park Commission of the city of Portland, H. P. 853, H. D. 215, which was recommitted to the committee on Legal Affairs in the House on March 5th.

Comes from the Senate passed to be engrossed in non-concurrence.

In the House:

Mr. ROUNDS of Portland: Mr. Speaker and ladies and gentlemen of the House: It would seem as though when anybody tried to save a few dollars to a town it was a sin. I want you to understand that this has to do with a little over a mile of road. They would not define it because they didn't want to. This boulevard has cost in the neighborhood of \$600,000 now, and they are asking more authority to pass a resolve giving them a chance to spend \$100,000 more in bonds, besides they want \$122,000 for their Park Department purposes. The Lord knows what this little piece of road will cost when they get through. It has all got to be ripped and it will cost over a million dollars before they get through. We tried to save a few dollars but somebody does not want it done. I move that we concur with the Senate.

Thereupon the House voted to concur with the Senate in the passage of this bill to be engrossed, and the bill had its third reading and was passed to be engrossed.

Orders

On motion by Mr. Clark of Winslow, it was

Ordered, that the use of the hall of the House of Representatives be granted to the committee on Inland Fisheries and Game for the afternoon and evening of Thursday, March 14.

Reports of Committees

Mr. Morse from the Committee on Salaries and Fees on bill an act relating to the salary of the Municipal Court Recorder of Sanford (H. P. 695) reported same in a new draft (H. P. 1633) under same title and that it ought to pass.

Mr. Gillespie from same Committee on bill an act relating to the compensation of Judge of Probate in Penobscot County (H. P. 890) reported same in a new draft (H. P. 1631) under same title and that it ought to pass.

Mr. Morse from same Committee on bill an act to increase the salaries of the Judge and the Recorder of Bangor Municipal Court

(H. P. 938) reported same in a new draft (H. P. 1632) under same title and that it ought to pass.

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

Mr. Hawkes from the Committee on Ways and Bridges on bill an act relating to the removal of snow from highways and town ways (H. P. 1299) (H. D. 444) reported same in a new draft (H. P. 1634) under same title and that it ought to pass.

(Tabled by Mr. Sturgis of Auburn pending acceptance of the report).

Mr. Small from the Committee on Education reported ought to pass on bill an act relating to the Bucksport Seminary. (H. P. 510)

Report read and accepted and the bill ordered printed under the Joint Rules.

Mrs. Day from the same Committee reported same on bill an act relating to teachers' pensions (H. P. 96) (H. D. 40)

Mr. Allen from same Committee reported same on bill an act to amend Section 3 of Chapter 209 relating to teachers' retirement system. (H. P. 1208) (H. D. 400)

Mr. McCart from the Committee on Judiciary reported same on bill an act relating to the Superior Court in the county of Androscoggin. (H. P. 1246) (H. D. 422)

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

First Reading of Printed Bills and Resolves

(H. P. 61) (H. D. 635) An act relative to the County Commissioners of Penobscot County.

(H. P. 521) (H. D. 637) An act to increase the compensation for clerk hire in the office of Waldo County Register of Deeds.

(H. P. 620) (H. D. 636) An act relating to the salary of the sheriff in Penobscot County.

(H. P. 674) (H. D. 638) An act relating to the salary of the Register of Probate of Washington County.

(H. P. 1622) (H. D. 640) An act relating to county jails.

(Tabled by Mr. Heath of Guilford pending second reading)

(H. P. 1626) (H. D. 644) An act

in relation to the Ellsworth Municipal Court.

(H. P. 1627) (H. D. 645) An act to regulate water flowage in North East Pond.

(H. P. 1475) (H. D. 639) Resolve providing for a State pension for Alice M. Whitten of Albion.

(H. P. 1623) (H. D. 641) Resolve providing for a State pension for Charles R. Fish of Belfast.

(Tabled by Mr. Taylor of Belfast pending assignment for second reading)

(H. P. 1624) (H. D. 642) Resolve in favor of the Charles H. Cutter Coal Co. of Boston.

(H. P. 1625) (H. D. 643) Resolve to assist in defraying expenses for National Encampment of the Grand Army of the Republic.

Passed to be Engrossed

(S. P. 34) (S. D. 312) An act to incorporate the "New England Public Finance Co."

(S. P. 194) (S. D. 107) An act to incorporate the Eastern Loan Company, Incorporated.

(S. P. 216) (S. D. 86) An act to change the name of Westbrook Seminary; to enlarge the Board of Trustees thereof and to authorize said trustees to accept and administer gifts to said institution.

(S. P. 229) (S. D. 93) An act to incorporate the Maine Pharmaceutical Association.

(S. P. 329) (S. D. 309) An act to aid in the enforcement of statutes governing the use of vehicles on closed or restricted ways and bridges.

(S. P. 539) (S. D. 211) An act granting authority to the State Highway Commission in the reconstruction of intra-state bridges.

(S. P. 652) (S. D. 307) An act to amend Chapter 34, Section 20, of the Revised Statutes, relative to state stipends to agricultural societies.

(S. P. 653) (S. D. 308) An act to omit the word "male" from the qualification of voters.

(S. P. 654) (S. D. 313) An act to incorporate the Monroe Loan Society of Maine.

(H. P. 243) (H. D. 81) An act to provide the town manager form of government for the town of Fort Fairfield.

(H. P. 332) (H. D. 104) An act to

incorporate the Mexico Water District.

(Tabled by Mr. MacKinnon of Mexico pending third reading)

(H. P. 609) (H. D. 180) An act relating to voters in unincorporated places and on islands.

(H. P. 676) (H. D. 627) An act relating to the salary of the Register of Deeds in Piscataquis County.

(H. P. 861) (H. D. 284) An act authorizing the city of Lewiston to issue bonds.

(H. P. 864) (H. D. 287) An act to make valid copies of records of instruments affecting or conveying title to real estate in the county of Knox and recorded in other counties.

(H. P. 979) (H. D. 628) An act relating to closing of ways in winter.

(H. P. 1029) (H. D. 325) An act relating to the care of abandoned or neglected animals.

(H. P. 1228) (H. D. 415) An act relating to deposits individually and in trust in savings banks.

(H. P. 1239) (H. D. 416) An act relating to the use as part of name the words "saving," "savings," "savings banks," and kindred words.

(H. P. 1240) (H. D. 417) An act legalizing guaranteed bonds of Canadian railroads as an investment for the savings banks of Maine.

(H. P. 1241) (H. D. 418) An act relating to collateral loans by mutual savings banks.

(H. P. 1243) (H. D. 420) An act relating to the allowance of interest on certain deposits by mutual savings banks.

(H. P. 1242) (H. D. 419) An act relating to personal loans by mutual savings banks.

(H. P. 1244) (H. D. 421) An act relating to dividends; maintenance of reserve funds; declaration of dividends in mutual savings banks.

(H. P. 1278) (H. D. 435) An act relating to the appropriation for the abolishment of grade crossings.

(H. P. 1616) (H. D. 629) An act relating to service of process on non-residents involved in automobile accidents.

(H. P. 1617) (H. D. 630) An act to change the name of Cumberland Agricultural and Horticultural So-

ciety; to enlarge the Board of Directors and to increase the amount of property the Society may hold.

(H. P. 1618) (H. D. 631) An act relating to the charter of the city of Saco.

(H. P. 1619) (H. D. 632) An act relating to amount allowed for clerk hire in the office of the Register of Deeds in Piscataquis County.

(H. P. 1620) (H. D. 633) An act to increase the salary of the Treasurer of Androscoggin County.

(S. P. 651) (S. D. 303) Resolve for the general distribution of data concerning the resources of the State.

Miss LAUGHLIN of Portland: Mr. Speaker, I offer House Amendment A to Senate Paper 651, S. D. 306, and move its adoption.

House Amendment A to S. P. 651. Amend Senate Paper 651 by substituting for the word "seventy-five" in line two (2), the word "fifty" and by substituting for the word "seventy-five" in lines four and five the word "fifty."

Miss LAUGHLIN of Portland: Mr. Speaker, as probably every member of this House knows, this is a resolve for the appropriation of \$75,000 a year for the next two years for the collection, compilation, publication and distribution of advertising. I am not going to make any extended remarks on this, because every one of us knows what is involved here, and probably we have very definite opinions as to the amount that should be expended, but it seems to me that when a resolve comes in that is for the expenditure of such a large sum of money as \$75,000 a year for two years for the purpose of advertising, that at least this measure should come up for some discussion before the Legislature, and for at least an expression of opinion of the members on one side or the other.

Four years ago the amount that was asked for advertising was \$25,000 for each year; two years ago the amount asked for was \$75,000 for each year; and on account of the opposition that developed it was reduced to \$50,000. This year the request was for \$105,000 and was then reduced to \$75,000; so it appears that at each session of the Legislature there

is to be a request for a jump of \$25,000 a session, and it seems to me we should at least stop and consider whether we wish to progress at that rate in the expenditure of money for this purpose.

The words of the Governor in his inaugural message on this subject expressed very well my views on it. With your permission I will just read it:

"While in sympathy with the various movements to advertise and develop the State, I do not feel that the appropriation on the part of the State for such purposes should be increased over past amounts. The State may well assist, in a modest way, private enterprise and initiative, and may well coordinate publicity expenditures of those committees having funds available for such purposes. But the State is not in business. Larger expenditures for advertising might bring increased revenues to some of our citizens, but there does not seem to me sufficient assurance of such a general diffusion of profits as would warrant an increase in the burden of every taxpayer at this time."

I am quoting that in no way to suggest that is the opinion of the Governor at the present time; I am simply quoting it because it says in language better than I could say it my position on this matter. So I am simply offering this amendment that at least we may have this matter brought before us for discussion and consideration, rather than simply passing a resolve for such an amount without any discussion about it when I know there is at least some difference of opinion, and, Mr. Speaker, when this is voted on, I ask for a division.

The SPEAKER: Is the House ready for the question?

Mr. KITCHEN of Presque Isle: Mr. Speaker and Members of the Eighty-fourth Legislature: There are always two sides to every question. Individuals differ in their opinion, which is right that they should, I think, for it is only by an honest difference of opinion in expression that we are able to arrive at logical conclusions. As I listened to the remarks of the member from Portland, Miss Laughlin, the thought occurred to me "Are we as citizens of Maine

selling the idea of Maine publicity to the State of Maine to such an extent as we should, that is, are we backing them with our moral support as well as with our money?" I can only answer that by my own experience. In going back in my memory to 1923, as a member of this House, and I think there are some half dozen members of this present body who were members at that time, it was the beginning of Maine publicity. A resolve was introduced in this House by J. Sherman Douglass, who is now Senator, calling for \$20,000, I think. At that time I knew nothing about Maine publicity, but I was a willing believer; I was willing that we should help and aid in every way we could to assist the State of Maine in development. That particular resolve passed the House and Senate, it was vetoed by the Governor, and they failed to pass it over the Governor's veto.

In 1925, as the member from Portland (Miss Laughlin) intimates, another attempt was made—I do not know just the exact amount—but I personally was against that because I did not feel that the organization was properly organized and being properly managed. They were devoting their entire attention to advertising the recreational advantages of the State of Maine. I felt that they should be broader in their scope, that they should take in the agricultural and also the industrial industries of the State of Maine. I opposed that appropriation in 1925 with all the strength I was able to command, but after a stormy passage they succeeded in passing the resolve.

In 1927 it seems there was much discussion as to the way the money had been used, and there was much dissatisfaction, so that an act was passed creating the Maine Development Commission, made up of men who were at the head of different departments of this State—I think the Commissioner of Agriculture, the Forest Commissioner, the Commissioner of Labor, and the Commissioner of Inland Fisheries and Game. In addition to that, the present Commission is composed of six citizens of the State of Maine, men whose reputation is above reproach, who are giving liberally of their time and money in the interests of the development of the

State of Maine, and it seems to me that we should show our appreciation of what they are doing in supporting their work and granting them this increase so that they may expand.

Competition today is close and sharp. So many articles are manufactured today, one having equally the same value as the other, it is the industries and the businesses that advertise their goods that get their share of the trade.

I want to illustrate to you one instance of what I mean. In Aroostook County, in the growing of potatoes, we have been drifting along from year to year satisfied in the belief that we were producing the best potato that was grown in the world. We were shipping them to our New England markets in two-bushel and eleven-peck sacks, and in some cases shipping them in carload lots. We were moving along that way, thinking we were satisfying the trade and that there was no need of any change. About two years ago we discovered that Idaho was creeping into our New England markets with a brand of potato to put up in fancy boxes and cartons, carefully graded and packed, and they were attracting the eyes of the buying public. Of course we immediately decided we would have to go after that trade, and we are going after that trade by following their example, and through the assistance of the Maine Development Commission we hope to regain what we have lost, and I want to say right here that I hold in my hand a book on the agricultural resources of the State of Maine that is worth thousands of dollars to the State of Maine while we do not realize it.

There is an old saying which may have been true years ago, "that if a man builds a better mouse trap than the rest, though he lives in the wilderness, the public will have a beaten path to his door." That, of course, may have been true years ago, but today, as I said before, with the keen competition, if we are to hope to receive our share of the business of this Nation, we must go out and hustle for it, and it is through the Maine Development Commission that we expect to grow and increase the demand for the products which we have to supply. I always believe in

economies—that is a fine word—but I want to say to you members that I believe there are two kinds of economy—there is the profitable saving of money and the profitable spending of it. This particular bill, I believe, comes under the category of profitable spending, and I sincerely hope this House will not consider this amendment reducing the amount of the resolve. (Applause.)

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I am in favor of this bill for this reason: The proposed expenditure of this money is not for the purpose of bombastic booming, advertising of the things that will not be found when visitors come in response to such advertising. It is not to be misleading, it is to be based upon the report of a fact-finding committee, and these facts are to be the things advertised. The total expenditure of this money is not to be in advertising, in magazines or newspapers, it is simply the setting forth before the eyes of the world what we actually have and what they will find in response to such advertising. I believe that all the money that we can possibly afford—and there comes in possibly the chance for argument as to what we can afford—but I believe all that we can possibly afford should be put into such a proposition. We cannot expect to attract people to the substantial realities in our State without we make known to the world what we have, therefore I am in favor of the increased appropriation, and for the further reason that the administration of the advertising and the expenditure of that money is to be placed in the hands of men whose business acumen is above question, and I am satisfied to trust any amount that this Legislature may see fit to vote in such hands for the purpose of bettering conditions in Maine. (Applause.)

Mr. LOCKE of Biddeford: Mr. Speaker, centuries ago King Solomon said "Where there is no vision, the people perish." A short time ago in our State a body of men assembled, and they were looked upon as visionary men. These men conceived the idea of selling Maine to the world. How well they have

succeeded, we know. They have succeeded, to my mind, far beyond their expectations, because I know, and every member here knows, they had something to sell, and when you compare the advantages of the State of Maine to what our southern states have been doing and their advantages, you will readily see that we were far behind in the matter of publicity.

Now the State of Maine cannot stand still, it must either go forward or go back, and the State of Maine has been going forward to a great extent since the advent of the Maine Development Commission. Right now we are laboring under such publicity of the adverse kind—and I am not going to discuss the pros and cons of that matter—that to my mind any amount of money in the millions even would be required to offset the adverse publicity that the State of Maine has received. As I said, we are not concerned with that here. In accordance with what was said by the representative from Presque Isle (Mr. Kitchen) I will say that when this proposition was first proposed I was against it because I did not believe we were in a position to go as strong as the amount of money that was requested, but after hearing what had been done for the State of Maine before the Committee on Appropriations and Financial Affairs, and knowing that that committee is the watchdog of the State Treasury, I feel that their recommendations should be adopted.

Right in the city of Biddeford we have a cotton mill known as the Pepperell Manufacturing Company. A few years ago they started out manufacturing a product, and with the skill of their advertising organization and with the skill of their workmen they were unable to get their product before the market until the State of Maine Development Commission took it up, and now you see everywhere emblazoned Lady Pepperell Sheets. I am not getting any money for saying that here. (Laughter.)

Now the success of the Pepperell mills depended, to my mind, to a great extent on the advertising that was given them. As I said

before, they were unable to reach the different people through their own organization; the Development Commission took it up, and now, instead of the Pepperell Manufacturing Company working two and a half days a week, they are working four and a half and five days a week, and the mill operatives in my town are getting the benefit in increased wages and better living conditions brought about by the activity of the Maine Development Commission, and what has helped in Biddeford has helped everybody in the State of Maine, if not directly, then indirectly. I want to go on record as being in favor of standing by the report of your committee on Appropriations for the amount that they request. (Applause.)

The SPEAKER: Is the House ready for the question?

Miss LAUGHLIN: Mr. Speaker, I would like to comment on one or two things that have been said. When the member from Biddeford (Mr. Locke) who has just spoken spoke of the adverse advertising because of certain conditions in the State of Maine, I think he touched on the important thing, that the way to advertise Maine is to have the right kind of conditions in Maine, and we will get the million dollars' worth of advertising from good things, as he spoke of. He spoke of a particular business in Maine that had been advertised by the money of the taxpayers of Maine. I think he touched again on the important thing here, and that is that when a private business can be advertised by money supplied by the taxpayers of Maine, if that is so then every business man in the State should come up here and have his advertising paid for by money paid out of the public treasury of the State of Maine.

There is advertising in other states. We have heard a lot about the State of California but I have never heard of them taking the public money for it. California asks for voluntary contributions, and it does its advertising in that way. Now I want to mention one or two things about how to advertise Maine in the right way. I have been in a good many states and I must say I never even heard or seen these little pamph-

lets that have been put out, but I do know this, that from San Francisco I could not check my trunk directly to Portland; I had to re-check it at Boston. I know too, from tourists speaking of it, that if they go down to the station in Portland they cannot check their trunks to San Francisco or even New York without getting a special tag from the baggage department. I did take up that matter of the checking trunks with the Chamber of Commerce, and it was changed. I believe these are some of the things along this line of work. We are beginning to get these pamphlets from every state in the Union, representing every state of the Union as the Switzerland of America, so it has come to just that kind of competition. I believe in spending money that will really develop the resources of the State of Maine and will bring permanent residents here.

Now I hesitate to mention one matter, but something has been said as to the way the money has been spent. I have no doubt the gentlemen of the Maine Development Commission are high-minded gentlemen, and I do not wish to criticise them, but I believe in the old saying "Come easy, go easy," and I think the easiness with which this money has been coming in perhaps has made them a little more careless, otherwise we would not in that report on power have had the sort of statement we had in it which was admitted at the hearing to be absolutely incorrect, by taking a portion of the Senate report and leaving out a portion of the same page. I am not in any way expressing my views as to the value of the report otherwise, but it seems to me there was an example which reflected the fact that when you get money too easily you are not careful about the spending of it. It seems to me that the best way of advertising the State of Maine is to make the best conditions in this State, and then people will come to our door instead of simply reading advertising pamphlets. (Applause)

Mr. PEACOCK of Readfield: Mr. Speaker, I am a native of Maine. I never realized what a wonderful State Maine was until I managed to get money enough three years

ago and took a trip down to Florida. In Florida I sold the State of Maine to myself, and I realized another thing, that in order to sell to others what you have you must go to it in a business-like way.

I was out driving last summer, and passed a farmhouse on the Winthrop road advertising sweet corn for sale. I called and bought some and I asked the man if he sold much that way, and he said "Yes, I have sold three hundred dollars' worth of sweet corn from one-third of an acre, right out of my dooryard," which indicates that the people coming to Maine are a benefit to the rural sections. Now while we are making Maine conditions good for ourselves, it is our business to let people outside of Maine know what we are and what we are doing, and in order that we may ascertain what other people think of it just let me read you a few short clippings taken from the Marshalltown, Iowa, Republican, so you will see what they think of the people here in Maine and Maine's climate.

"Dog sled races are becoming very popular in Maine, the coldest of the frozen States of America.

"The races are run by tying a flock of dogs together and making them dash from one blizzard to another.

"It is so cold that when a dog team stops for breath the officials have to wait until spring to thaw it out.

"The only way folks in Maine can tell trees from the icicles hanging on them is that the icicles are bigger.

"When there is a snow fall only two feet deep they know spring is here.

"August is a hot month in forty-seven States, but in Maine it's just a fellow's first name.

"But we've got to hand it to Maine. The natives never get cold—they are born that way.

"An engineer for the Sherman Corporation who came here from Cleveland for the first time recently was told in Ohio that he would have difficulty in 'getting north of Portland' except by dog teams. A traveling salesman for Mack Trucks who arrived in Lewiston a year or two ago, from Illinois, was advised to leave his wife in Boston, because

as he was told, there were no hotels 'north of Portland.'

"We overheard, as we have often related, a conversation on a sleeping-car to Chicago, wherein a Baron Munchausen-traveler was telling about being in Maine. A credulous person in the seat with him said: 'I suppose there are no traveled roads at all in Maine.' 'O, yes,' said the traveler, 'there are a few, between some of the larger towns; but mostly they go by blazed trails.'"

I believe the \$75,000 asked for and expended under the Maine Development Commission is a wise thing and will enable the people of Maine to sell people outside of Maine the business of our beautiful State.

The SPEAKER: Is the House ready for the question? The question is on the adoption of House Amendment A to Senate Paper 651, a resolve for the general distribution of data concerning the resources of the State, the effect of the amendment being to cut down the appropriation from \$75,000 to \$50,000. A vote of yes is in favor of the amendment and in favor of decreasing the appropriation. A vote of no is in favor of the resolve as it stands. The member from Portland, Miss Laughlin, has asked that when the vote is taken it be taken by the yeas and nays.

Miss LAUGHLIN: Mr. Speaker, I simply asked for a division.

The SPEAKER: The Chair was in error. As many as are in favor of the adoption of the amendment will rise and stand in their places until counted and the monitors have returned the count.

A division being had,

Thirty-three voting in the affirmative and 95 in the negative, the amendment failed of adoption.

Thereupon the resolve had its second reading and was passed to be engrossed.

Passed to be Engrossed Continued

Resolve in favor of the Maine Institution for the Blind for experimental work in home teaching. (H. P. 281) (H. D. 625)

Resolve in favor of the Maine Institution for the Blind for repairs to building. (H. P. 282) (H. D. 626)

Resolve to improve the road to

Fort William Henry. (H. P. 1621) (H. D. 634)

Orders of the Day

The SPEAKER: Under tabled and today assigned the Chair presents the first matter there scheduled, being majority report, ought not to pass, and the minority report, ought to pass, of the committee on Legal Affairs on bill an act providing for the appointment of Clerks of Courts, S. P. 53, S. D. 34, both reports having been tabled on March 8 by the gentleman from Readfield, Mr. Peacock, pending the acceptance of either report; and the Chair recognizes the gentleman.

Mr. PEACOCK: Mr. Speaker and Members of the House: I will not detain you but just a few moments. Personally I have no interest in this bill except to present the facts to the House as they are.

Under the present law Clerks of Courts are elected by the people. Under the proposed change they would be appointed by the Governor and confirmed by the Council. As I understand it and am advised, the Supreme Court recommends and advises the passage of this bill for the reason that it is in the interest of efficiency. There is no more important office in any county than that of the Clerk of Courts. He is the Clerk of the Supreme Judicial Court, and, if there be a Superior Court, he is the Clerk of that Court, and also clerk of the County Commissioner. His duties are multifarious, and the longer he remains in office the more efficient he becomes so long as he has good mentality. This simply changes the method of selecting the Clerk of Courts. There have been some instances where Clerks of Courts have been elected who were not competent to carry out the duties of the office and old Clerks have had to be called in to assist them. The object of this bill, as I say, is to help the courts and I have no interest in it except to present these facts clearly to the House.

I desire to say as to this divided report which has come from our committee that we have as fine a committee as there is to be found in the Legislature; and although we do not agree, yet our disagreements are made with the utmost

candor and utmost good will. I move the adoption of the minority report.

The SPEAKER: The gentleman from Readfield, Mr. Peacock, moves the adoption of the minority report, ought to pass.

Mr. SARGENT of Brewer: Mr. Speaker and Members of the 84th Legislature: As a member of the committee, and as one who signed the majority report, ought not to pass, on this bill, I consider it my duty to lay before the members of this House some reasons for my signing the majority report.

In the consideration of the many varied and oftentimes puzzling matters that come before the committee on Legal Affairs, especially those which amend the Public Laws of the State, it has always been my policy to determine, if possible, whether there is any popular demand for the contemplated change, or if a material benefit would be conferred upon a large number of our citizens. In the consideration of the bill before us, "an act providing for the appointment of Clerks of Courts", Senate Document 34, I wish to call to your attention those who appeared before the committee as the proponents of this act. In the hearing before the committee, there appeared two persons, both of whom, I understand, are at the present time Clerks of Courts of their respective counties; and I believe it was stated, in presenting their case, that the act had the approval of the other Clerks of Courts throughout the State, a total of 16 persons, every one of whom, I submit, might reasonably expect to be materially benefited by the passage of this act. But I ask of you Representatives, is this a popular demand for a change in our Public Laws? Is this a sufficient endorsement to change the Public Laws of our State?

It probably will be argued by some members of this House that no person appeared before the committee in opposition to this measure, and therefore it should pass; but I wish to say that it was admitted by one of the proponents that a practically similar bill had been presented at a previous session of the Legislature and that it failed of passage.

I further submit that the election

of the Clerks of Courts by the people has been approved by an overwhelming majority of the voters of this State, less than a score of years ago, in the adoption of the Direct Primary Law, and it has been recently affirmed by the voters in the recent attempt to repeal the primary law.

There is only one argument that I ever heard in favor of the passage of this act that seemed to me reasonable, and that is that it might raise the standard of the men who would serve as Clerks of Courts. Let us see if the experience of the past proves this statement; and I will take as my authority the argument of one of the members of this committee who signed the minority report, ought to pass. I quote from the stenographic report, as published in the Kennebec Journal, the speech of the Honorable Senator from Penobscot County, Senator Crosby, delivered in the Senate February 21st:

"Over in Penobscot County for many years was a very fine and estimable gentleman, clerk of courts, the late Charles F. Sweet, on whom be prayer and peace, who during the many years that he served there, loved by every member of the Bar, had seen generations of lawyers come into the Bar and go out into the Great Beyond.

"It was unthinkable to the members of the Penobscot County Bar that the office of Clerk of Courts then held by Brother Sweet could be upset by any political turmoil, but some years ago opposition suddenly developed in the Primaries and Mr. Sweet, who had held office for some twenty-odd years was turned out, and the Bar and the community stood aghast at the situation. At the expiration of his successor's term he was returned to office where he served until he died, sitting in his chair in his office, going down like a ship under full sail. On his death a very unfortunate condition arose again in Penobscot County. Where the present incumbent dies in office, the statute provides that the court shall appoint a successor to fill out the unexpired term. This was done. The Court appointed a layman, a fine fellow, a man of unquestioned ability, but the transition from the background of a layman to the intricacies of legal procedure wrought havoc to the ad-

ministration of justice in Penobscot County. It was a long time before he was in a position to have matters at the end of his finger tips."

I endorse every word that the Senator spoke in reference to the character and ability of the late Charles F. Sweet. He was a man of exceptional clerical ability, of imposing appearance, had a pleasing voice, was painstaking in the performance of his duties, and by his long years of experience established a standard that will probably never be surpassed, if ever equalled by any Clerk of Courts within this State. There is one statement, however, in the Senator's speech that I would like to correct because it gives a false impression which might lead to a wrong conclusion. The statement is this: "but some years ago opposition suddenly developed in the Primaries, and Mr. Sweet, who had held the office for some twenty-odd years, was turned out." The truth of the matter is this—that Mr. Sweet, like many other Republican office holders, lost his office in the Democratic landslide which swept the State in 1911.

The new Clerk of Courts, elected by the people, I became very well acquainted with, and although a Democrat I am pleased to state that he was a very capable Clerk from the beginning, and within a short time became a very popular and efficient Clerk.

Now in the paragraph which I have quoted the Senator proves beyond a reasonable doubt that the people recognized the ability of Mr. Sweet, for he indirectly shows, and it is a fact, that when the Primary Law came into effect, Mr. Sweet received the Republican nomination and when the Republican party was united after the Bull Moose diversion, he was elected and re-elected to the office of Clerk of Courts of Penobscot County until removed by death.

Now let us continue with the Senator's argument. On the death of Mr. Sweet what did actually happen over in Penobscot County? The court, if you please, the court, whom the sponsors of this bill would have you believe would prevent the possibility of any in-

efficiency in this office, appointed a layman, a fine fellow, a man of unquestioned ability; but the transition from the background of a layman to the intricacies of legal procedure wrought havoc with the administration of justice in Penobscot county; and the Senator continues "It was a long time before he was in a position to have matters at the end of his finger tips."

Now does the statement of these facts prove that the appointment of a Clerk of Court by the Chief Justice produces more efficiency than the choice of Mr. Sweet who was elected and re-elected by the people? Let us suppose for the sake of argument that this act became the law of the State. I ask you to what school for the training of Clerks of Courts in efficiency could the Chief Justice turn to fill the vacancy. I submit that it is a fair argument that he would probably base his opinion on the weight of evidence submitted, and we as reasonable men may well reason that the school of practical political experience would furnish the preponderance of evidence. Efficiency might be lost sight of and politics reign supreme, and there would probably be another appointment of a member of some political committee, as was done in Penobscot county.

I certainly believe that it would be better to keep our courts out of the turmoil of politics and preserve for posterity the reputation of the judiciary of the State of Maine by keeping their hands unsoiled, their reputation untarnished and the garments which they wear unpoluted by the stench which too often is caused by the duty of political appointment.

As further proof of the ability of the people to elect efficient Clerk of Courts, let me again quote from the Senator's speech:

"That office, I submit to the members of the honorable Senate should be non-political. Now, in the State of Maine, in our sixteen counties, we have a good many veteran clerks of courts who have held office for a great many years, giving eminent satisfaction, efficient, friends, close associates,

members of the Bar throughout the State."

The fact that they have become veterans in their respective offices proves conclusively to my mind that the people in the past have elected men of ability to this office, and that only inefficiency or death will cause their removal. I believe that the record of the people, of more than one hundred years, is exceptionally good, and I cannot believe that the members of this House will change it for fear of something that may happen; and I doubt that very many members of this Legislature, on such a record, will have the audacity to return to their neighbors and friends and admit that they were parties to taking from their hands the yet un-abused privilege of electing their Clerks of Courts.

Mr. ALDRICH of Topsham: Mr. Speaker, I move that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Topsham, Mr. Aldrich, has moved the indefinite postponement of the bill to make the office of Clerk of Courts an appointive office; and the motion for indefinite postponement would have the same effect as the acceptance of the majority report, ought not to pass. Is the House ready for the question? As many as are in favor of the indefinite postponement of the bill will say aye; those opposed will say no.

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

The SPEAKER: The Chair presents the second matter today assigned, majority report ought to pass and minority report ought not to pass from the committee on Legal Affairs on H. P. 862, H. D. 285, an act relating to pilots for the Port of Portland, tabled on March 8 by the member from Portland, Miss Laughlin, the pending question being the acceptance of either report; and the Chair recognizes the member from Portland.

Miss LAUGHLIN: Mr. Speaker, I move that this matter be retabled and specially assigned for Thursday morning at ten o'clock. I am making this motion to suit the convenience of some members of the Legislature who can better attend to it at that time.

Thereupon the bill and reports

were re-tabled and specially assigned for Thursday, March 14.

On motion by Mr. Littlefield of Farmingdale, it was voted to take from the table the seventh unassigned matter, H. P. 245, H. D. 363, resolve for the purchase of one hundred copies of the "History of the Town of Lincoln", tabled by that gentleman on March 6, the pending question being final passage.

Mr. LITTLEFIELD: Mr. Speaker, I now yield to the gentleman from Lincoln, Mr. Lowell.

The SPEAKER: The gentleman from Farmingdale, Mr. Littlefield, yields to the gentleman from Lincoln, Mr. Lowell.

On motion by Mr. Lowell, the resolve was finally passed.

On motion by Mr. Littlefield of Farmingdale, it was voted to take from the table the eighth unassigned matter, H. P. 175, H. D. 362, resolve for the purchase of "A History of Pemaquid", tabled by that gentleman on March 6, the pending question being final passage.

Mr. LITTLEFIELD: Mr. Speaker, in the absence of the gentleman from Boothbay Harbor, Mr. Bishop, I now move that the resolve be finally passed.

Thereupon, the resolve received its final passage.

The SPEAKER: Is there any further business under Orders of the Day?

On motion by Mr. Taylor of Belfast, it was voted to take from the table H. P. 1623, H. D. 641, resolve providing for a State pension for Charles R. Fish of Belfast; and on further motion by the same gentleman the resolve was indefinitely postponed.

The SPEAKER: Is there any further business under Orders of the Day?

On motion by Mr. Foster of Ellsworth, it was voted to take from the table the first unassigned matter, being House Report of the committee on Library on resolve for the purchase of 150 copies of "The Beginnings of Education in Maine", H. P. 1609, tabled by that gentleman March 5th pending acceptance of the report; and on further motion by the same gentle-

man the report ought to pass was accepted and the new draft ordered printed under the joint rules.

On motion by Mr. Foster of Ellsworth, it was voted to take from the table the second unassigned matter, being House Report of the committee on Library on resolve for the purchase of 100 copies of "Sketches of Brooks History," H. P. 1610, tabled by that gentleman March 5 pending acceptance of the report; and on further motion by the same gentleman the report ought to pass was accepted and the new draft ordered printed under the joint rules.

On motion by Mr. Foster of Ellsworth, it was voted to take from the table the third unassigned matter, being House Report of the committee on Library, on resolve for the purchase of "Embden town of Yore," tabled by that gentleman on March 5 pending acceptance of the report; and on further motion by the same gentleman the report ought to pass was accepted and the new draft ordered printed under the joint rules.

The SPEAKER: Is there any further business under Orders of the Day?

On motion by Mr. Rounds of Portland, it was voted to take from the table the twelfth unassigned matter, tabled by that gentleman on March 8, being a report of the committee on County Estimates on two resolves for the

laying of county taxes for the years 1929 and 1930, respectively, tabled by that gentleman on March 8 pending acceptance of the report; and on further motion by the same gentleman ought to pass report was accepted; and on further motion by the same gentleman, the rules were suspended and the resolves, having already been printed, received their first readings at the present time and tomorrow assigned.

The SPEAKER: Is there any further business under Orders of the Day?

Mrs. GAY of Waldoboro: Mr. Speaker, I ask leave to withdraw the recalled matter in the hands of the Clerk, the last item on the calendar, resolve in favor of Roxie A. Benner for Mother's Aid, H. P. 871, H. D. 289; and I will explain that I am asking leave to withdraw this matter because it is being taken care of in another way.

The SPEAKER: The member from Waldoboro, Mrs. Gay, asks the unanimous consent of the House to withdraw House Paper 871, House Document 289, resolve in favor of Roxie A. Benner for Mother's Aid. Is there any objection to the member's request? The Chair hears no objection and the resolve is withdrawn.

On motion by Mr. Quint of Limerick,

Adjourned until 10 o'clock tomorrow morning.