

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

Thursday, March 14, 1929.

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

Prayer by the Rev. Mr. Milligan of Randolph.

Journal of the previous session read and approved.

From the Senate: The following order:

Ordered, the Senate concurring, that bill an act to establish a Park Commission for the city of South Portland, H. P. 321, H. D. 96 be recalled from the files of the Senate and returned to the House; which was read and passed in the House March 8th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House:

On motion by Mr. Burkett of Portland, a viva voce vote being taken, the House voted to recede and concur with the Senate in the indefinite postponement of this order.

Mr. ROUNDS of Portland: Mr. Speaker, I move that we reconsider the vote just taken on this order. It shows discourtesy to the whole House of Representatives for the Senate not to concur in recalling this bill from the files; and if it would be in order I would move that we insist and ask for a committee of conference. The gentleman who was going to do this did not understand that the order had gone through.

The SPEAKER: The gentleman from Portland, Mr. Rounds, moves that the House reconsider its vote just taken whereby it receded and concurred with the Senate in the indefinite postponement of the order. As many as are in favor of such reconsideration will say aye, those opposed no.

A viva voce vote being taken, the motion to reconsider prevailed.

Mr. ROUNDS: Mr. Speaker, I now yield to the gentleman from South Portland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, this is something entirely concerning South Portland and this bill was introduced and before the new draft was presented to the commit-

tee that committee reported ought not to pass. Then there was a new order made for the Senate to return to the House our bills which they voted to indefinitely postpone. That is the reason for this motion at the present time. I believe that a committee of conference should be appointed.

The SPEAKER: The gentleman from South Portland, Mr. Richardson, moves that the House insist and that a committee of conference be appointed. Is the House ready for the question?

The question being called for, a viva voce vote was taken, and the motion to insist and ask for a committee of conference prevailed, and the Speaker appointed as such committee, Messrs. Boynton, Anderson and Richardson, all of South Portland.

Papers from the Senate disposed of in concurrence.

Senate Bills In First Reading

S. P. 547, S. D. 224: An act to amend Section 38 of Chapter 16 of the Revised Statutes relating to duties of superintending school committees.

S. P. 666, S. D. 332: An act relating to the jurisdiction of the Supreme Judicial and Superior Courts.

S. P. 688, S. D. 330: An act to incorporate The Maine Foundation.

S. P. 669, S. D. 331: An act to license and regulate private hospitals and private houses for the treatment of patients mentally deranged.

From the Senate: Report of the committee on Legal Affairs, reporting ought not to pass on bill an act relating to the Department of Public Welfare, H. P. 1157, H. D. 371, which was recommitted on Legal Affairs in the House March 6th.

Comes from the Senate the report accepted in non-concurrence.

In the House:

Mr. CHASE of Cape Elizabeth: Mr. Speaker, if in some idle moment the members of this House will read the Statute in regard to the Department of Public Welfare, which was the old State

Board of Charities and Corrections, I think many of you will be amazed at the authority which the Legislature has granted to that Department. You will not have to read more than the last sentence in the first section to see that this Department of Public Welfare indirectly has authority over the administration of every State institution in this State which could be exercised in a manner so that that Department could control the administration of the Insane Hospitals, Normal Schools or anything else. This bill was put in to correct that situation. I do not claim that any harm has been done so far; but I say that there is a section in the law there which is very dangerous.

Since it appears that there is a difference of opinion between the House and the Senate as to the desirability of doing anything now, I will move to recede and concur; but I think you will all be interested in investigating to the extent of reading in the first section the last sentence of the Public Welfare law.

Thereupon it was voted to recede and concur with the Senate in the acceptance of the ought not to pass report.

From the Senate: Bill an act relative to canning of short lobsters, H. P. 1085, H. D. 248, which was passed to be engrossed in the House March 1st.

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

In the House:

Mr. McCART of Eastport: Mr. Speaker, I move that the House concur with the Senate in the adoption of Senate Amendment A.

(Senate Amendment A read.)

On motion by Mr. McCart the House voted to reconsider its action whereby this bill was passed to be engrossed, and on further motion by the same gentleman, the House voted to concur with the Senate in the adoption of Senate Amendment A; and on further motion by the same gentleman, the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

Orders

On motion by Mr. Rogers of Yarmouth, it was

Ordered, that the Rev. A. Francis Walch of Yarmouth be invited to act as House Chaplain at the session of Tuesday, March 19.

Reports of Committees

Mr. Holman from the Committee on Judiciary on bill an act relating to deportation of criminals, paupers and insane (H. P. 1543) (H. D. 561) reported that legislation thereon is inexpedient.

Mr. Bishop from the Committee on Public Utilities and Mr. Morse from the Committee on Labor reported same on bill an act relating to provisions for safety. (H. P. 1573) (H. D. 609)

Mr. Jackson from the Committee on Taxation reported same on bill an act to provide revenue to support the Sea and Shore Fisheries Department. (H. P. 1191) (H. D. 397)

Same gentleman from same Committee reported same on bill an act to provide revenue to support the Sea and Shore Fisheries Department. (H. P. 1586) (H. D. 589)

Mr. McCart from the Committee on Judiciary on House Papers 1048, 1049, 1050 and 1051, remonstrances against the enactment of the Basic Science Law reported that same be placed on file.

Mr. Farris from same Committee reported ought not to pass on bill an act relating to the Police Commission of Lewiston requiring the Commissioners to be appointed by the Mayor, and providing a referendum to the electors of Lewiston. (H. P. 850) (H. D. 276)

(Tabled by Mr. Roy of Lewiston pending acceptance)

Mr. McCart from same Committee reported same on bill an act to amend the absent voting law. (H. P. 1544) (H. D. 562)

Mr. Farris from same Committee reported same on resolve authorizing Ralph Williams, Michael J. Williams, and Frank Sorrento to bring suit at law or in equity against the State of Maine. (H. P. 846) (H. D. 272)

(Mr. PERHAM of West Paris: Mr. Speaker, I would like to say that I presented this resolve as a matter of courtesy to several of my constituents in Paris. At this

time I would move the acceptance of the ought not to pass report)

Mr. Gagne from the Committee on Labor reported same on bill an act to amend Section 12 of Chapter 49, relating to the duties of Commissioner of Labor and Industry in factory inspection. (H. P. 1408) (H. D. 470)

Mr. Blaisdell from the Committee on Legal Affairs reported same on bill an act in relation to athletic exhibitions, creating a commission prescribing its powers and duties, providing penalties for violations of the provisions thereof and repealing sections of An act therein named. (H. P. 858) (H. D. 282)

(Mr. ROBIE of Westbrook: Mr. Speaker, I move that the House substitute the bill for the ought not to pass report.

On motion by Mr. Blaisdell of Franklin, tabled and specially assigned for Tuesday, March 19.)

Mr. Burkett from same Committee reported same on bill an act relating to lien claims on real estate. (H. P. 1253) (H. D. 425)

Mr. Lombard from the Committee on Public Health reported same on bill an act relating to vaccination of persons employed in any mill, factory, workshop or other manufacturing establishment. (H. P. 1437) (H. D. 501)

Mr. Small from same Committee reported same on bill an act relating to vaccination of teachers, employees and pupils in schools. (H. P. 1438) (H. D. 502)

Mr. Morse from the Committee on Taxation reported same on bill an act relating to the taxation of shares of stock of trust companies organized under the laws of this State and banking institutions formed under the Laws of the United States. (H. P. 1585) (H. D. 588)

Mr. Kitchen from the Committee on Ways and Bridges reported same on bill an act relating to continuous roads through three or more towns. (H. P. 1446) (H. D. 493)

Same gentleman from same committee reported same on bill an act relating to the acquisition of the Elliot Bridge, so-called. (H. P. 1596) (H. D. 594)

Reports read and accepted and sent up for concurrence.

Mr. Robie from the Committee on Manufactures on bill an act relat-

ing to fusible plugs in steam boilers (H. P. 1023) (H. D. 314) reported same in a new draft (H. P. 1637) under same title and that it ought to pass.

Mr. Wright from the Committee on Public Health on bill an act for the control and suppression of mosquitoes (H. P. 878) (H. D. 291) reported same in a new draft (H. P. 1638) under title of an act relative to the extermination of mosquitoes and that it ought to pass.

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

Mr. Boynton from the Committee on Sea and Shore Fisheries on bill an act to insure the quality of sardines packed in Maine (H. P. 1090) (H. D. 352) reported same in a new draft (H. P. 1630) under same title and that it ought to pass.

(Tabled by Mr. Carleton of Portland pending acceptance of the report, and tomorrow specially assigned.)

Mr. Holman from the Committee on Judiciary reported ought to pass on bill an act to amend Sections 44, 45 and 48 of the Revised Statutes, relating to procedure before Public Utilities Commission (H. P. 1214) (H. D. 405)

Mr. Wing from same committee reported same on bill an act relating to the establishment of the Lewiston Municipal Court. (H. P. 842) (H. D. 268)

Mr. White from the Committee on Labor reported same on bill an act to amend Section 15 of Chapter 49, relating to certain reports to the Commissioner of Labor and Industry. (H. P. 1407) (H. D. 469)

Mr. Jackson from the Committee on Pownal State School reported same on bill an act providing for committee of visitors to Pownal State School. (H. P. 1406) (H. D. 468)

Mr. Kitchen from the Committee on Ways and Bridges reported same on bill an act regarding disposition of motor vehicle fees. (H. P. 1595) (H. D. 593)

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. F. 1634) (H. D. 660) An act relating to the removal of snow from highways and town ways.

(H. P. 1365) (H. D. 659) An act to set off certain land from the town of Hudson to be annexed to the city of Old Town.

(H. P. 1636) (H. D. 658) An act to prohibit lobster fishing in certain waters of Winter Harbor and Gouldsboro.

Passed to be Engrossed

(S. P. 67) (S. D. 37) An act relating to suspension or revocation of lobster license.

(Tabled by Mr. Blaisdell of Franklin pending third reading and specially assigned for Wednesday, March 20)

(S. P. 444) (S. D. 178) An act relating to York County Law Library.

(S. P. 662) (S. D. 324) An act relating to administration upon estates of persons who have disappeared and not been heard from for a period of at least seven years from the date of disappearance.

(S. P. 663) (S. D. 328) An act relating to the extradition of persons charged with crime, and to make uniform the law with reference thereto.

(H. P. 510) (H. D. 650) An act relating to the Bucksport Seminary.

(H. P. 1631) (H. D. 654) An act relating to the compensation of Judge of Probate in Penobscot County.

(Tabled by Mr. Clifford of Garland pending third reading.)

(S. P. 93) (S. D. 322) Resolve appropriating money for the expenses of the Electoral College.

(S. P. 154) (S. D. 311) Resolve providing for State pension for Mabel Paul Ferrow of Belfast.

(S. P. 192) (S. D. 320) Resolve in favor of the Commissioners of Pharmacy.

(Tabled by Mr. McCart of Eastport pending second reading)

(S. P. 564) (S. D. 319) Resolve in favor of Newell Lewey, Representative of the Passamaquoddy tribe of Indians.

(S. P. 661) (S. D. 321) Resolve appropriating money to restore the early records in the office of the Register of Deeds for York County.

(H. P. 1609) (H. D. 651) Resolve for the purchase of 100 copies of "The Beginnings of Education in Maine."

(H. P. 1614) (H. D. 653) Resolve for the purchase of "Embden Town of Yore".

(H. P. 1610) (H. D. 652) Resolve for the purchase of 100 copies of "Sketches of Brooks History."

Passed to be Enacted

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

An act relating to a tax upon gasoline. (H. P. 63) (H. D. 30)

An act making explicit certain powers of the Park Commission of the city of Portland. (H. P. 853) (H. D. 215)

Finally Passed

Resolve in favor of the town of Orono to assist in the support of pauper. (H. P. 1203) (H. D. 396)

Resolve for the general distribution of data concerning the resources of the State. (S. P. 651) (S. D. 306)

(Tabled by Mr. Crawford of Houlton pending final passage and specially assigned for Tuesday, March 19)

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair presents the first matter tabled and today assigned, the majority report ought to pass in new draft and the minority report ought not to pass from the committee on Judiciary on bill an act relating to the relicensing the registrations of undertakers, the new draft being printed as House Document 648, both having been tabled on March 8 by the gentleman from Kingfield, Mr. Wing, the pending question being acceptance of either report, and the Chair recognizes the gentleman.

Mr. WING: Mr. Speaker, I move the acceptance of the minority report, and in support of that motion would like to state some of the facts in the case.

At the present time, under the undertakers law, they have a board of examiners whose duty it is to examine all those applying who wish to practice the profession of undertaking in the State of Maine, and this board is an examining board, the same as practically all other boards in the State of Maine. There are four members. There are 51 practicing undertakers in the State of Maine, thirty of whom were undertakers at the time this bill was passed, the rest of them paying one dollar a year for the support of the Board. The thirty

who were undertakers at the passage of the bill are paying no fee whatever. At the present time the Board is doing all the legitimate work which the law calls for, and has some \$2800 above expenses. There is an association of undertakers, I believe, with a membership of some one hundred and seventy, but this association has dues of \$10 a year beside the annual renewal fee of one dollar. This Board, its executive officers, had a lawyer who drafted a new bill for this incoming Legislature, in which they set out the matter to all the undertakers in the State of Maine in this letter a part of which I will read:

"Following up the explanatory letter and copy of the amendment to the law, would advise that at a meeting of the Executive Board of the Maine Funeral Directors' Association, Incorporated, it was voted that at the next meeting of our Association, they would recommend that our dues be placed back to \$5." That, you see, is cutting the association dues right in two.

"That would make your total cost, if the new bill is passed, \$5 association fees and \$5 renewal fees, a total of \$10 to the association members. At the present time you are paying \$10 dues and \$1 renewal fee, making a total expense of \$11 to the association members. Therefore, by the passage of this new bill, it will cost you \$1 less than you are paying at the present time for your association fees and renewal fee." Now the next clause is apparently what they had in mind to copy when this proposed amendment was started:

"The Texas law provides a \$5 renewal fee and makes the attendance at the lectures provided by the law mandatory and unless a certain percentage of attendance is maintained, that is deemed sufficient cause for the revocation of the license. Several states et cetera"

Now that law provides, in other words, the Legislature of the State of Texas passed a law saying that all those who practice undertaking in the State of Texas must pay a \$5 renewal fee for the purpose of providing lectures, and, more than that, they must attend those lectures or lose their licenses. Now that is the proposition which it

seems to me the Association is trying to put upon the rest of the undertakers in the State of Maine, as close as they dare to. In the first place, the bill which they brought forth provided for the \$5 renewal fee for the purpose of giving lectures in the several places in the State of Maine. You can perhaps see from what I have read the reason for this. They have an association of 170 or less out of 451 practicing licensed undertakers. Their attendance, their membership, is falling off. Their dues are so high that the association is dissatisfied.

In order to carry on the purposes of the association something must be done so they come to the Legislature and ask us to make it compulsory upon every licensed undertaker in the State of Maine, that they pay \$5 each year for the renewal, being for the purpose of, in the first place, conducting lectures, and that is their purpose at the present time, but in the new draft they have changed it to "for educational purposes."

Now I want to just state this: I said they had 170 members. They sent out this questionnaire, and there are practically 170 answers yes with thirty no.

Now the opposition are at a great disadvantage in this case. This association is the only organization they have, and anyone who opposes it must go out individually at their own expense to work against it. Now there are two undertakers in Lewiston very much opposed, and it was told me, although I have never met either one of them that they brought in a petition here signed by some thirty odd members which they claimed that the two of them, in about an hour and a half, in two cities of this State, obtained, remonstrating against the passage of this act. In that number there are ten who have answered yes. One of them made the statement that if he had time to go among the undertakers of the State of Maine he believed that when they understood the situation that 400 out of the 451 would be opposed to this bill. The only other feature about the bill—I have tried to show you that to my mind the bill is unfair—but there is also the question of constitution-

ality. I do not believe that any law passed by this Legislature imposing upon every member of the profession dues for the purpose of education would ever be declared constitutional if brought before the courts of this State.

Mr. JACOBS of Auburn: Mr. Speaker, I realize that when we mention undertakers and their business, it rather casts a gloom over most of us, but these men and women who are actively engaged in this profession I find are human, and are rather above the average intelligence of mankind, and they come here asking us, as members of this House, the Legislature, for an enlarged license fee for their own business. The law is already on the statute books in regard to this group of individuals, and they simply want to raise the license fee a nominal raise in order that they may become more enlightened in the field of their activity, and I feel, Mr. Speaker and Members of the House, that it is a laudable ambition for this group of individuals in our State who have to perform the last services that can be rendered to the dead, that they be enlightened, that they may be informed upon progress in their line of activity.

The last speaker mentioned the fact that these men from Lewiston, if they had the time to convince these 400 members of this organization, if they could meet them face to face, that they would be opposed to this bill. It seems they went to this committee on Judiciary and did not convince the majority of those men of intelligence as to their standing upon this question.

Now coming down to the analysis of the situation more closely, these opponents have a personal feeling in this matter, and I do not believe that personal feelings and personal ideas on the subject should have weight with the majority of these men and women who are anxious to have this bill passed in order that they may become more enlightened in their field of service. It is planned by this group to have men come into the State of Maine annually and divide the State into four sections, so that every undertaker in the field may have an opportunity to know the advance-

ment that has been put in progress in matters of this kind, and I think it is up to them, as citizens of the State of Maine, that they obtain all the information necessary to carry on their work successfully.

In these days of progress and rush the automobile plays an important part in the affairs of the community. More accidents and more deaths accrue from the automobile than in any other field. There has been called to my mind just recently an accident in the State of Maine involving the death of three of our citizens. They were injured and maimed beyond recognition, and those funerals were held in closed caskets, and I am informed by men who have the authority to inform me that had those undertakers had the information obtainable by these conferences which are proposed by this group of individuals, had they had the opportunity to know facial surgery as they should know it, that could not have happened. It is a sad and tragic thing to have death, and still more so for the friends and relatives of the deceased not to see them in the last service performed.

Now I believe it is up to us, to these men who are coming here asking to tax themselves, not us—the law being already on the statute books for \$1, and they ask to raise it to \$2—I hope the motion of the gentleman who has just spoken will not prevail, and that the majority report of the committee on Judiciary will prevail.

Mr. FARRIS of Augusta: Mr. Speaker, I wish to speak briefly in support of this bill because I introduced the bill and signed the majority report. This bill was heard before the Judiciary committee, and it has been in that committee six weeks under consideration. The only opponents of that bill were two undertakers from Lewiston, one of whom belongs to the association. They were heard and their opposition was met by a new draft. They opposed the fee of \$5, which was in the old bill, and finally we made a new draft, and in that way eliminated what we thought was the objectionable

feature, where the members of the association would be compelled to attend the National Conference.

This is a very simple bill, and I believe it is constitutional, because other states have it. I do not believe any fair-minded member of this House will vote against this bill because its legal effect does not apply to their special line of business. This is a bill for the benefit of the undertakers of Maine. They have asked for something from this Legislature, and I do not believe that their demands are unreasonable—I believe they are very reasonable—and this bill, as it is now drafted, meets those demands. The bill is House Document 648, and is in a new draft. This proposed law seeks to amend Sections 30 and 31 of the old law passed twenty years ago, under which all of the practicing undertakers and embalmers are not annually licensed, so that all may be licensed alike, and to increase the annual license fee from one to two dollars. This is for the purpose that the well recognized requirements of this profession may be properly carried out and all in accordance with requirements, not only recognized as needed by the State Association of Undertakers, the National Undertakers' Association, and the State Embalming Board, but as shown by laws passed in most of the other States of the Union. Now I will read Section 31:

"The money thus received shall constitute a permanent fund for carrying on the work of the board and the compensation of its members, and for such expenses as may be necessarily incurred from time to time by said board on account of investigations which said board may be required to make by reason of this act; and for such educational purposes as said board may deem for the best interests and advantage to the embalmers and undertakers of the State of Maine, provided always, that none of the expenses designated hereunder shall reduce the fund hereby created under the sum of one thousand dollars."

Now this fund is created by the undertakers themselves; it is not by taxation, it is their own money paid into this association for their

examination, and this raises the license fee from one to two dollars. Now I will quote from the list of states I have here which have a similar law:

"Louisiana requires a renewal fee of \$5.; Mississippi, \$2.; Colorado, \$2.; North Carolina, \$2.; Oregon, \$5.; Virginia, \$5.; Georgia, \$2.; North Dakota, \$3.; Arkansas, \$2.; California, \$2.; Arizona, \$2.; Missouri, \$3.; New Mexico, \$2.; Kansas, \$2.; Massachusetts, \$2.; and New Jersey, \$5."

All of these are renewal fees for the purpose of carrying on the objects of the Board.

Now the laws of the different states vary as to the fund being used for educational purposes, and taking two states at random, I quote the following provisions of the statute of Virginia, Chapter 72, Section 1719:

"The Board may conduct, or aid in the conducting of, schools for teaching embalming, and scientific branches relating thereto, out of its own funds; but shall not thereby reduce the funds in the treasury of said Board below the sum of three hundred dollars."

That is similar to the law we here ask to be enacted, which provides that the sum shall not be reduced under one thousand dollars. I cite from the Oregon laws of 1921, Chapter 102, Section 13:

"The remainder of any such payments when so made shall constitute and be considered as, and are hereby made, an appropriation of such sums, or amounts, from the general fund for the purpose of education of embalmers."

I have not heard that any of these laws have been declared unconstitutional; they have been on the Oregon statute books for eight years, and I challenge the gentleman from Kingfield, Mr. Wing, to produce any decision that this law may be unconstitutional.

This goes for the purpose of the education of these embalmers, so that they may be better qualified to perform their duties. We may not be concerned here today but the time will come when we may have to deal with by undertakers, and it will be much better to have our friends, when they gather around our bier for the last time, say those familiar words "Doesn't

he look familiar!" than to have them say "Doesn't he look terrible!"

As the gentleman from Auburn (Mr. Jacobs) has said, we have automobile accidents every day, and these people want to educate themselves so they can prepare bodies so they will look presentable. I say, "Give them this bill." I respect the opinion of every member of this House, and I believe we all should have our own opinion, but I believe that when you come to vote on this proposition and after considering the fact that three Senators and five Representatives signed this majority report, that you will accept the majority report.

Mr. ALDRICH of Topsham: Mr. Speaker, as a member of the Judiciary Committee who signed the majority report I would simply like to say as to the matter being dealt with that the only question involved here, as I see it, is whether or not the law already on the statute books, and thereby the policy of our State as has been determined, shall be amended to the effect that there shall be assessed an additional sum of \$1 for the purposes of enabling this body of undertakers, who undoubtedly are engaged in a business which affects the public welfare, to acquire educational advantages which the profession would seem to demand. And it is solely upon that ground, that it is something desirable from the standpoint of public welfare, and therefore from the standpoint of all of us, that I, as a member of the Judiciary Committee, signed the majority report.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Kingfield, Mr. Wing, to accept the minority report ought not to pass on House Paper 316, House Document 91 (New Draft H. P. 1629, H. D. 648) an act relating to the relicensing and registration of undertakers. As many as are in favor of the gentleman's motion will say aye; as many as are opposed will say no.

A viva voce vote being taken, the motion was lost.

On motion by Mr. Farris of Augusta, a viva voce vote being taken, majority report ought to pass in a new draft, was accepted.

Mr. WING: Mr. Speaker, I wish to state to the gentleman from Au-

burn (Mr. Jacobs) that I absolutely have no personal feeling in this matter. There are several things I would like to reply to, but I believe no one who knows the situation will think that I will be specially affected by this bill.

Mr. JACOBS: Mr. Speaker, I did not refer to the gentleman personally—it was somebody else—not him. I want it clearly understood; it was the man who appeared before the Judiciary Committee.

On further motion by Mr. Farris, this being a printed bill, the rules were suspended and the bill was given its two several readings at this time and tomorrow assigned.

The SPEAKER: The Chair presents to the House the second matter today assigned, majority report, ought to pass, and minority report, ought not to pass, from the committee on Legal Affairs on bill an act relating to pilots for the Port of Portland, H. P. 862, H. D. 285, tabled by the member from Portland, Miss Laughlin, March 12, pending acceptance of either report; and the Chair recognizes the member from Portland.

Miss LAUGHLIN: Mr. Speaker, I move that the minority report, ought not to pass, be accepted. In support of that motion I would like to say, in the first place, that the bill as it appears here, H. D. 285, is a bill striking out the whole law as it now exists and substituting another for it. That, of course, in itself, so far as the bill appears, does not give us the information of what is done. As a matter of fact what this bill does is to strike out of that law an amendment which was put into it by the last Legislature in 1927 so that if this bill passes, the effect of it would be to put the law back exactly where it was before it was amended two years ago; in other words, to repeal what the Eighty-third Legislature did in respect to piloting.

Now that provision which it proposes to strike out, and which was passed in 1927—and this is in the laws of the State—provided that "Every inward bound vessel, drawing nine feet of water and upwards, except coasting and fishing

vessels, shall be held to pay such pilots the regular fees for pilotage, whether their services are accepted or not, provided a pilot boat is on her station and prepared to furnish a pilot to such vessel." This was adopted by the Legislature two years ago as a measure of safety for the ships and crews coming into the port of Portland, a measure which prevails in every port in the United States and in Canada. I say "port". The United States recognizes a port as a port only those places where vessels come in where there are licensed pilots, and every port in the United States and Canada has this provision, it thereby being the consensus of opinion of all persons in touch with matters pertaining to the sea that this is a necessary provision for the safety of ships and crews sailing into a port.

There has been some criticism of the fact that the ship does not take a pilot but still has to pay the pilotage fees; but any law is dull and void unless there is some provision in it by which the person piloting the ship gets some sort of advantage from it. That is what we did in all our laws. When we say that one cannot steal, it would not amount to anything if we did not have a penalty for it, so when we say that they must have pilots, there must be something that puts them at a disadvantage. Instead of making penalties, it simply says that if they do not observe this rule of safety, they shall not get any benefit from it because they have to pay the pilotage fees just the same. Of course that makes it obligatory on the part of the pilots that they should be on the station in storm as well as in calm.

Now you will note from the section that I read that this does not apply to fishing vessels and does not apply to coastwise vessels. By coastwise vessels we mean American vessels sailing from an American port to an American port. The reason that these classes of vessels are not included is because the captains of those vessels have to pass an examination and they get a United States inspector's license, practically a pilot license, so they

are competent to bring the vessels into port. Therefore those vessels are excepted. The vessels that are obliged to pay a pilotage fee are vessels coming into the Port of Portland from a foreign port, and foreign vessels coming into the port of Portland even though they come from an American port.

Now the opposition to this measure which was adopted two years ago after their discussion and hearing, so far as we may judge, comes solely from the importers of pulpwood from the foreign ports of Canada, because, coming from a foreign port, they have to pay the pilotage fee. Now if we should cut pulpwood in Maine and send it to Canada, there is not a port in Canada in which we would not have to pay that pilotage fee. How much does this fee amount to in proportion to the value of the cargo? Well the average amount of the pilotage fee on pulpwood brought in was about four cents a cord or one-third of one per cent of the value. The pulpwood comes free into this State in competition with the pulpwood of this State. The imposition of four cents a cord would be,—if we take it purely on a business basis, and forget the safety part of it—would be in the nature of a little protection to the pulpwood of Maine to the extent of four cents a cord which certainly is not very much nor a great burden on these importers of pulpwood. Some of these importers who appeared before the committee do not have their stock listed on the Exchange and we do not know its value; but one of these companies does have its stock listed, not on the New York Exchange but reported by brokers, and in the last two years it has gone up from seventy-five to two hundred dollars per share, and this since this law has been in force. So apparently this terrible burden of four cents a cord did not very seriously affect the business of that paper company, but it is of great importance on the matter of safety and therefore the standing of the port of Portland which, as I said, is only in line with all the other ports of the United States and Canada in requiring this pilotage fee.

There is another side to be considered on the business side apart

from safety. Before this law was passed it sometimes happened that a foreign ship coming to the port of Portland would bring its coastwise pilot from Boston to pilot the ship into Portland Harbor. Now no Portland pilot would have been permitted to take any ship into the port of Boston because Boston has accepted the same provision which we put into the law here two years ago for the port of Portland; but in that way they could take away from the business of our licensed pilots in Portland by bringing, as I have said, some coastwise pilot down with them.

As I have said, on the business side there is every reason to leave the matter as it is; but, as I also have said, the really important feature is the matter of safety. I happened to speak with the wife of a sea captain last evening, and she said to me "I wish those opposed to it could know how the Captain feels when he comes in on a dark and stormy night with no pilot out there." The answer is, of course, that we cannot have a pilot there on a dark and stormy night and not on other nights and at other times. Every port in the United States and Canada has the same law. It is endorsed by the underwriters, the shipping agents and the captains. I talked with a good many of them two years ago and I have talked with some of them this year, and I find them exactly of the same opinion; and it is the most natural thing in the world that the captains should want this law, because, if repealed, it would put on them the burden and responsibility of determining when they must take on a pilot,—putting on them the burden and responsibility of deciding whether the storm is bad enough or the fog thick enough to justify them in so taking on a pilot. So they sometimes take a chance. A good illustration of this is the loss of the steamer Vestris not so very long ago. I read an interview with a man who was in touch with the situation. He said he thought the radio had been a curse to shipping because he said by reason of the radio the owners of the Vestris got in touch with the captain and told him not to risk the salvage expense until the last moment. By the owners being in touch with the captain that made him delay so long that it became

too late to get aid and the vessel went down with more than 120 persons who lost their lives.

There have been vessels lost even in Portland Harbor. Of course cargo owners get their insurance so they are all right. The United States Government has to clear the channel and so they do not have that expense. As to the lives that are lost, what can we do about those? They are just simply gone. So I come back to this, that by the consensus of opinion in every port in the world of persons in touch with maritime affairs, that this is a measure necessary for the safety of ship and crew, and the mere saving of four cents a cord on pulpwood should hardly be balanced against that principle of safety.

It seems to me, on this business matter, that the Legislature of 1927 believed that Maine had been long enough an easy mark for the ports of Boston and Canada, letting their pilots come in here when our pilots could not go there. We believed, also, that the time had come when the port of Portland should give to crew and ship the same guaranty of safety that every other port in the country and in the world gives to ships and crews by putting this amendment into the bill two years ago; and I believe that this Legislature will agree with the Legislature of 1927 that this guaranty of safety should be continued to ships and crews and vote against the repeal of that provision, and therefore against the enactment of this bill. (Applause)

The SPEAKER: Is the House ready for the question?

Mr. FOSTER of Ellsworth: Mr. Speaker, I believe that this compulsory pilotage act for the port of Portland is one which should have the most serious consideration of this Legislature for it affects primarily one of the few remaining large industries in our State.

We are expending a great deal of money yearly in advertising Maine and trying to attract new business. There is a bill before this House now carrying an appropriation of \$75,000 yearly for this purpose. The pulp and paper industries must stand no small portion of this tax, and I have never heard a protest from them; but it does seem to me that they should have some consideration at least in the way of legislation that would not

add to the already very high cost of production.

The member from Portland, Miss Laughlin, quoted to you the act of 1927 partially, but she did not go through with it. I would like to read it. "Every inward bound vessel drawing nine feet of water and upwards, except coasting and fishing vessels, shall be held to pay such pilots, the regular fees for pilotage, whether their services are accepted or not, provided a pilot boat is on her station and prepared to furnish a pilot to such vessel; a pilot boat shall not be obliged to remain on her station at all times; every outward bound vessel," and this is what she left out, "every outward bound vessel, except as above provided, shall, whether their services are accepted or not, be held to pay the regular fees to the pilot who brought her in, or if no such pilot then to the pilot first offering his services; a pilot shall have a lien for his pilotage fees on all vessels liable therefor".

If there is no pilot boat on the pilot ground, and if the captain elects to run his vessel into the anchorage to where a tow boat picks him up to dock, and when cargoes are discharged to take him out, we do not feel that it will be necessary to license a pilot to go alongside and offer services which have not been performed nor necessary to be performed, because we do not believe it is necessary for a captain to have the services of a tow boat and also a pilot to get him out of the harbor safely.

Here is a telegram from Ralph P. Bell, Halifax, Nova Scotia, one of the most responsible shipping agents I know of, in response to a wire from S. D. Warren and Company, the former telegram reading as follows: "Please wire information regarding pilotage at Yarmouth, Nova Scotia," (a good sized port) "What is rate? Is pilotage compulsory? How based?"

Here is the reply: "Pilotage Yarmouth not compulsory. On boat similar Susanna averages about twelve dollars per trip when used if on contract basis for say two or more trips. A single trip without any arrangement in advance would cost approximately twelve dollars in and twelve dollars out."

I have here a statement from the Hollingsworth & Whitney Company of Waterville showing that

the steamer Dagfin made eleven trips into Portland harbor last year; the steamer Hansen made eleven trips, the steamer Ada five trips, a total of pilotage of \$2,230, which was an average of about \$80 a boat. I have a statement from the S. D. Warren Company showing that their total pilotage last year averaged 11.9 cents per cord for pilotage alone. This may seem a small amount but the aggregate is considerable.

Now just a word as to how these pilots are appointed. The Commissioners of the Harbor of Portland feel that four pilots are about all that can get a comfortable living, and so far no other men, no matter how well qualified, have been able to get a license. You may call this class legislation, you may call it discrimination or good judgment; but to my mind it is a fine privilege to enjoy. You might as well give Aroostook county the privilege of raising all the potatoes in Maine, or appoint some attorney in Portland or Cumberland county to make all the deeds to be executed in that county. To be sure, the business in Portland is falling off. You do not see the ship chandlers down here asking the Legislature to subsidize them. There were approximately 190 ships that entered Portland Harbor last year and 83 of these were pulp wood boats. The pilots acknowledge more than \$15,000 as their income and nearly \$5,500 of this came from the pulp wood carriers alone, and these pulp wood boats operate only four or five months in the summer.

The statement has been made that if this act is repealed Portland harbor would be without pilots. I believe this most absurd and unfair. There are dozens of men in Portland and South Portland today who would jump at the opportunity to get a pilot's license and they would take a chance of getting a living the same as we do to sell our goods in a competitive market. Portland Harbor has had no trouble in getting good pilots; but two years ago some one saw an opportunity to levy a little more tax on the paper industry. That was in 1927 and we have not heard of any casualties in Portland harbor.

Reference has been made to the fact that this is the only port in the States or Canada that is not licensed. That is not so; but if we

have any natural advantages in Portland, why not take advantage of them.

There has been a statement made by Albert P. Hall, who is one of the Harbor Commissioners, that if this bill were repealed there would be plenty of pilots in Portland. There always had been.

In no way that I can see does the act of 1927 protect the harbor of Portland. This bill was very carefully drawn and designed to protect the pilots of the harbor of Portland. It does not say that they are compelled to take a pilot, but if Portland is on the pilot ground they must take one. If the pilot is not there the captain can go in if he cares to. In no way that I can see does this protect property or lives entering the port of Portland.

If the paper mills in the central and western part of the State are to continue operations, they have got to go outside of the State of Maine for their wood supply. The nearby wood for all of these western and central mills is practically exhausted. All pulp wood from Canadian shipping points carries an almost prohibitive freight rate. The logical place and the places that the most of these mills are now turning to are Newfoundland and Nova Scotia. Portland harbor has the best facilities that we know of for discharging this wood. If the pilots will be a little patient and give this business an opportunity to become stable, I believe they will soon find their income increased materially in this territory.

There is just one more matter I would like to draw your attention to. Miss Laughlin has mentioned that the pilots must go out in storms and stay upon the station, and so forth. I just want to tell you this to correct that—that boats coming from abroad, foreign bottoms coming from Nova Scotia or wherever it may be, are almost all equipped with wireless. The pilots come down to the steamship offices and this is about the conversation that occurs: "What time is the 'Fram' coming in tonight?" "She will be here at four o'clock." "All right." The pilot gets into the pilot boat and runs down the five or six miles in a few minutes, gets on the ground and picks up the Fram and gets his fee. Now there is not very much of a hazard to that.

I want to correct a statement that you will find on the slip on your desks this morning: "The principal steamship owners and managers doing business in Portland, are in favor of the present law and have so publicly expressed themselves." The reason of this is that for every port charge, every towing charge, every pilot charge to be paid, they are entitled to a five per cent commission. Why wouldn't they be in favor of it?

Again: "Captains are always glad to have a pilot come on board and relieve them of responsibility and many owners, especially owners of regular transatlantic liners, which use the same port year after year, require their captains to take pilots." If that is so, it does not seem necessary to subsidize this pilots' association.

This slip further says:

"The importers of pulp wood from the provinces, who charter the vessels by the month, have agreed to pay the port charges themselves." They do in some cases, four cases out of five.

The member from Portland attaches little importance to the price per cord of wood. There is a concern that has been trading with a New York Steamship outfit the last week or ten days; in fact they sent a captain down to Nova Scotia to take the depth of water. After his return they got these figures: On boats carrying from 1800 to 2,000 cords, \$2.25; 1500 to 1600 cords, \$2.30; making a difference of five cents per cord. By this you can see that every five cents a cord of wood makes a difference in the price of paper. That is a pretty small amount but it might mean the business going somewhere else.

I will not take any more of your time, but I hope that the motion of the member from Portland (Miss Laughlin) will not prevail.

Mr. BUTLER of Bath: Mr. Speaker and Members of the Legislature: Now I know a little something about pilots. I had thirty-six years as master of a vessel, and I have seen the time when I have been pretty glad to get a pilot. Now the gentleman from Ellsworth (Mr. Foster) thinks piloting is all fun. Well, he wants to go out off Cape Elizabeth light ship in a good

gale of wind and board a ship that is rolling at forty-five degrees and bring that ship into Portland Harbor. He wants to go out some morning when the thermometer is down to zero and the vapor is so thick that you couldn't see across this room, and see a pilot climb up the side of that ship. I tell you, that is a picnic, isn't it? You do not know anything about it, and I do. (Laughter and applause.)

I have been in a good many foreign ports, I have been from Portland to Galveston, Texas, and down to Tampico, Mexico, and I never got clear of a pilot. The pilots are almost as thick down there as mosquitoes here, but you never heard a man say "Repeal the pilot law." We want them, and that is what we want in Portland, and that is what we are going to have. (Laughter and applause.)

I never made a speech in my life before, and I do not think I am going to make much of a one now, but I will tell you the facts. Now the whole sum and substance of this bill is to take dollars and cents from the poor fellow and give them to the big corporations in the State here. If you want to save money, cut down some of the salaries of their big high salaried men. That is what I claim. (Laughter and applause.)

The poor pilot is making \$2300 a year. How much is that? I cannot live on \$2300 a year and I have only got one wife. (Laughter and applause.)

I am going to tell you gentlemen, don't repeal the pilot bill. This is a bill of safety. It is all right to say, as this man over here says, a man can go two or three times out of Portland Harbor and take a ship in. Can he take the ship in when the fog is so thick you cannot see one hundred feet? That is where you want your pilot. Does he know the tide? Does he know how the current runs? No, Sir, he doesn't, and he is not competent to be a pilot into Portland Harbor. That is what I believe in—I believe in compulsory piloting. I have had it all the days of my life. I have been in different parts of the world, and I always took a pilot, was glad to take a pilot. Don't you suppose a man that comes on this coast in the winter

time, the Captain of a ship, don't you suppose he is glad to get the pilot when he has been out days and days in bad weather and sees a storm coming on and wants to get into Portland before he gets caught? Wouldn't he take a pilot?

The gentleman from Ellsworth (Mr. Foster) says the pilot isn't on the grounds. I have been in Portland Harbor more times than any other man in this House, hundreds of times; I sailed out of there for twenty years in coastwise trade, making trips,—sometimes two trips in twenty-seven days. I have got a summer place, and I can take my glasses and see the pilot just as plain as if I were in Portland, and then the gentleman says the pilots are not out there. I know they are. I know they have been, and I don't believe they have changed since I have been going to sea, and that is only eleven years ago. (Laughter) Now, gentlemen, I hope you will vote right on this bill. (Applause.)

Mr. VARNUM of Westbrook: Mr. Speaker, we have all had a good laugh. Now I have enjoyed the remarks of the gentleman from Bath, (Mr. Butler) and the information, but I just simply want to supplement a little what Mr. Foster has said in regard to the paper business. As you know, business is dull in the State of Maine—I suppose it is in other parts of the country—but we in Maine know more about our own business than that of other states. The fine book paper business, as many of you that have bought fine book paper know, meets with sharp competition. An addition of approximately twelve cents a cord upon the cost of the wood to the mill—with this fact in mind that it takes two cords of that wood to make a ton of paper—you arrive at very nearly twenty-five cents a ton increase in the cost of your paper. Now twenty-five cents a ton may not mean much to the average man, but when you get into sharp competition, as Mr. Foster stated, in other lines, you figure down closer than that, and that twenty-five cents a ton may mean the losing or the gaining of a big order for the mills and we are in need of all the business in Maine we can get.

Now the mills importing through the Port of Portland this pulpwood are employing approximately eight thousand people, and this touches

not only the people employed in the mills, but it touches their families. I am figuring it conservatively at two and a half members. That is a very conservative statement. The United States census takes about four to a family. You see that with two and a half members to a family, you are affecting about twenty thousand people, and it may have a great deal to do with those eight thousand employees in regard to the adjustment of wages. The mills are not all unionized. This may have a more far-reaching effect than they think of. I sincerely trust the majority report will be accepted.

Mr. JACOBS of Auburn: Mr. Speaker, I will be very brief in this matter. I just simply want to call your attention to the fact that many of the agencies that are employed in the operation of steamships throughout the country are in favor of retaining this law as passed in 1927. I hold in my hand twelve communications representing forty-two steamships and shippers who operate on the Atlantic coast, and every one of them are in favor of retaining this law.

I quote one of the prominent citizens of Portland, Two years ago he worked against this law thinking that it would drive all the shipping out of Portland. The result has been an increase, not perhaps on account of this law, but shipping has increased in the past two years over the previous two years. I would like to own some stock in these companies that are paying large dividends. I don't think it would affect one person in the State of Maine if this law was retained on the statute books.

Mr. JACKSON of Portland: Mr. Speaker, when I want my watch repaired I go to a repairer of watches; when I want a question of law talked of by an intelligent man, I go to a lawyer; and when I want to know regarding matters of the sea, I would rather take the splendid statement of Captain Butler, who has been to sea all his life, regarding the expediency of keeping the present law than I would the statement of a few pulp dealers and a few paper manufacturers whose sole purpose in coming to this Legislature and asking for the repeal of the present law seems to be that they may add to their pockets a few more dollars in the shape of a

few cents saved on a cord of pulpwood. I do not believe that I need to say any more. I am in favor of the motion of the Representative, Miss Laughlin, for the acceptance of the minority report.

Mr. STURGIS of Auburn: Mr. Speaker, as you know, I am a landsman, but I sometimes, as you all realize, get to sea before I know it. I followed the remarks of Captain Butler who has given his whole life to seafaring as a Captain, and I am willing to stake my reputation and vote with Captain Butler.

The SPEAKER: Is the House ready for the question?

Mr. JACK of Lisbon Falls: Mr. Speaker, the gentleman from Portland, Mr. Jackson, stated that when he wanted to find out something, he went to an authority. I think that is the proper procedure. The gentleman from Bath, Captain Butler, has stated that he cannot keep one wife on \$2300, but he did not say how much it would cost to keep two. I wish that information had been brought to the surface, assuming, perhaps, he is an authority on the subject.

Now as a member of the Legal Affairs Committee, having signed the majority report ought to pass, we were brought to that conclusion after a careful analysis of the evidence presented to us. Now there is a principle at stake in this proposition which had to do with causing a majority of that committee to come to the decision that it did. Now the proposition of safety was not argued. Portland is a very easy port to come in to. There has never been any complaint about the number of pilots on hand under the old system prior to 1927. One speaker alluded to the fact that there had been one vessel lost, and I might say that was a coastwise vessel, and did not need to have a pilot under the law.

Now I happen to come from a town that has a pulp mill in it—I happen to come from a town where that pulp mill is down about one-third of the time because it cannot compete with the Canadian markets with the result of a great loss in wages to the town of Lisbon. Now anything that adds to the cost of newspaper is reflected in a company's ability to manufacture or not to manufacture.

I hope you get that clearly. It is not all profit in the paper mill business in the State of Maine. I speak advisedly. The principle involved, however, is, are we in favor of creating a monopoly? Now there is a proposition that is going to confront us and is confronting the membership of this House today. Are we in favor of creating a monopoly, whether it is in the interests of capital or labor? Personally, I am not in favor of creating a monopoly on either side of that proposition. Now if a man wants a pilot, he can get one in the Port of Portland, whether this law goes through or does not go through—there is no question about that—but it has been so phrased that it limits the number of pilots there to four, and no more.

Now I assume that there are business men here, I assume that there are doctors here and lawyers. As far as I am concerned in my practice, and as far as the physicians are concerned, we face the field with no monopoly. Ten thousand lawyers can come into my town and practice law and I cannot help it, and I am not asking for help. When I cannot function properly in my department, so that I can get business enough to live and pay my bills, I shall assume some other vocation. I thank you.

The SPEAKER: Is the House ready for the question?

Mr. VARNUM: Mr. Speaker, I would ask for a division of the House.

Mr. PEACOCK of Readfield: Mr. Speaker and members of the Legislature: As I am a member of that same Legal Affairs Committee, I desire to take just a few minutes and inform the House how I analyze the same facts directly opposite to my friend who has just spoken. I come from a country place which has neither port nor mill, and I approach this subject in a fair open-minded way. The evidence that was presented to the committee for a change in the present law, going back to the old law, was this: Only one man beside an attorney, as I recall it, appeared before that committee, the gentleman from Ellsworth. There was no fault found that a pilot boat was not on this station when it should have been, and therefore that cannot be considered. The only objection

found was that these boats were charging a small pilot fee, and in that committee hearing, if my memory serves me correctly, those who were in favor of the repeal of the present law stated that the increased cost per cord for pilotage was approximately four cents a cord. Now it has jumped since the time of that hearing to eleven cents.

Now that hearing was advertised for a long time before it was held, and I assume that all people interested had an opportunity to present all the evidence in the case at that meeting, if they desired to do so, but they did not do so, as I have said.

It was also stated at the hearing that this was a monopoly, because there were only four pilots, and one of the gentlemen cited the fact that Captain McGuire, I think it was, in Portland, had applied for a license and been refused. I do not doubt but what that was true, but as a matter of fact in two or three days, this same Captain who had been refused a license to go upon this boat as a pilot wrote a letter to the committee, or some member of it, in which he stated that he was in favor of the present pilot law; so it seems to me that that objection must fail.

Now I cannot see why this is creating a monopoly. I am absolutely against monopoly. When the Legislature, the Legal Affairs Committee, was put on wheels and shipped down to Portland to interview those regarding the city charter, I went, and not only did I take opportunity to listen to that evidence but I took opportunity to investigate something about this pilot bill, because I wanted to know about it. I had an idea that the pilots had a magnificent boat down there, that they were living in the lap of luxury, and when I saw that pilot boat in which those pilots go out to sea in all kinds of weather I was simply astonished. It is not worth more than \$1500. Now those pilots do not have pink teas all the time, as some of the gentlemen have inferred. It is far from it; and when they take their lives in their hands and go out there to meet those boats in those storms, I believe that they should be reasonably paid for their services.

Now what does it cost, then, to

operate those boats? And what large salaries are they getting from these monopolies? They submitted to our committee a statement showing the cost of the boat and the income received, and it averages for those four men about \$2400 or \$2500 a year. Now is that a large sum of money for the services which they perform? The only people interested in this are the paper mills which desire a few cents more to put into their pockets. Go out and try to buy any shares in these mills that have already been spoken of, and see if you can buy them, and if you can buy them, how much you have got to pay for them.

Now I am not going to inflict a long speech on you, but I am going to say this: I hold in my hand a tabulation of the pilot law throughout all the coasts of the United States, and every one of these has a law very similar to this, which confirms the statement made to you by the gentleman from Bath, Mr. Butler.

It seems to me, Members of this House, that the ground has been well covered, and the evidence sustains the fact that the minority report should be accepted by this House, and those pilots who offer themselves there in times of storm should be reasonably protected. Only two or three days before that hearing was held, in a blinding storm, a ship in distress, a man sick on board, and that pilot went out in that storm and brought the sick man to the city of Portland and placed him in a hospital. Gentlemen and Members of this House, shall we turn down this pilot bill and go back to that old law. I do not believe you will.

Mr. HATHAWAY of Milo: Mr. Speaker, I have an invitation for lunch with Bob Hale at twelve o'clock—

The SPEAKER: The gentleman's allusion to his social engagement is out of order.

Mr. HATHAWAY: Then, Mr. Speaker, I move that we proceed with the question.

The SPEAKER: As many as are in favor of the Chair entertaining the previous question will rise and stand in their places until counted. A sufficient number arose.

The SPEAKER: The question is shall the main question be now put? As many as are in favor of

this motion will say aye; those opposed no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

Mr. KITCHEN of Presque Isle: Mr. Speaker, when the vote is taken I move that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, moves that when the vote is taken it be taken by the yeas and nays. As many as are in favor of this motion will rise and stand in their places until counted, and the monitors will return the count.

Mr. INGRAHAM of Bangor: Mr. Speaker, we have a motion for a division.

The SPEAKER: The motion for the yeas and nays is in order. As many as are in favor of taking the vote by the yeas and nays will rise and stand until counted, and the monitors have returned the count.

A division being had, a sufficient number arose, and the motion for the yeas and nays prevailed.

The SPEAKER: The question before the House is on the motion of the member from Portland, Miss Laughlin, that the House accept the minority report of the committee on Legal Affairs ought not to pass on H. P. 862, H. D. 285, an act relating to pilots for the Port of Portland. A vote of yes in favor of the minority report against the passage of the bill. A vote of no is for the passage of the bill.

The Clerk will call the roll.

YEA—Adams, Aldrich, Allen of Camden, Anderson of New Sweden, Anderson of South Portland, Angell, Ashby, Bisbee, Bissett, Blaisdell, Boynton, Briggs, Burr, Butler, Buzzell, Campbell, Carleton of Portland, Comins, Crawford, Daigle, Fogg, Gay, Hamel (George), Hatch, Hathaway, Hawkes of Richmond, Heath, Hubbard, Hunt, Hurd, Ingraham, Jackson of Bath, Jackson of Portland, Jacobs of Auburn, Jones of Corinna, Laughlin, Leonard, Libby, Lombard, Mansfield, McCart, Milliken, Morin, O'Connell, Palmer, Patterson, Peacock, Perham, Perkins, Potter, Powers, Pratt, Quint, Rea, Richardson, Roach, Rogers of Greenville, Roy, St. Clair, Sargent, Saucier, Small of Freedom, Sterling of Kittery, Stetson, Stone, Sturgis, Towne, Ward, Webster of Buxton, Williamson, Wing—71.

NAY—Allen of Sanford, Bachelder, Bailey, Belleau, Blanchard, Blodgett, Boston, Bove, Burkett of Portland, Burkett of Union, Burns, Carleton of Winterport, Chase, Clark, Clifford,

Day, Dudley, Eaton, Farris, Folsom, Ford, Foster, Gagne, Gillespie, Hamel (Rodolphe), Hammond, Harrington, Hill, Holbrook, Holman, Hughes, Jack, Jones of Windsor, Jones of Winthrop, Kane, King, Kitchen, Lewis, Littlefield of Farmingdale, Littlefield of Moaroe, Locke, Lowell, MacKinnon, McKnight, McLean, Melcher, Morse of Oakland, Morse of Rumford, Picher, Robie, Rogers of Yarmouth, Rounds, Seavey, Sterling of Caratunk Pl., Stuart, Sturtevant, Taylor, Thatcher, Tucker, Varnum, Vose, Webster of Auburn, White of Dyer Brook, Wight of Newry, Wright—65.

ABSENT—Bishop, Couture, Friend, Hawkes of Standish, Jacobs of Wells, Jones of Waterville, Lenfest, Merrill, Pike, Rackliff, Rumill, Small of East Machias, Stanley—13.

Seventy-one having voted in the affirmative and 65 in the negative the motion for the acceptance of the minority report, ought not to pass, prevailed. (Applause)

The SPEAKER: The Chair presents the third matter tabled and today assigned, S. P. 368, S. D. 218,

an act to incorporate the Big Black River Dam Company, tabled on March 13th by the gentleman from Van Buren, Mr. Hammond, the pending question being passage to be enacted; and the Chair recognizes the gentleman.

On motion by Mr. Hammond it was voted to retable this bill.

On motion by Mr. Farris of Augusta, the House voted to reconsider its action whereby it accepted the report of the committee on Legal Affairs on H. P. 1253, H. D. 425, an act relating to lien claims on real estate, report having been an ought not to pass report; and on further motion by the same gentleman the bill and report were tabled and specially assigned for Wednesday, March 20.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I move that we adjourn until tomorrow morning at ten o'clock.

A viva voce vote being taken, the motion prevailed, and the House adjourned until ten o'clock tomorrow morning.