

# 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 28, 1929

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

Prayer by the Rev. Mr. Bradford of Hallowell.

Journal of the previous session read and approved.

**Senate Bill in First Reading**

(S. P. 722) (S. D. 373) An act to provide for the forfeiture of lobster traps and other gear and vehicles and other contrivances used in the several branches of lobster industry.

From the Senate: Resolve in favor of the Charles H. Cutter Coal Company of Boston, H. P. 1624, H. D. 642, which was passed to be engrossed in the House March 13th.

Comes from the Senate with Senate Amendment A indefinitely postponed and the resolve passed to be engrossed as amended by Senate Amendment B in non-concurrence.

In the House, on motion by Mr. Kitchen of Presque Isle, that body voted to reconsider its action whereby this resolve was passed to be engrossed, and on further motion by the same gentleman the House concurred in the indefinite postponement of Senate Amendment A. On further motion by the same gentleman Senate Amendment B was adopted in concurrence; and on further motion by the same gentlemen the resolve as amended by Senate Amendment B was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to the removal of snow from highways and town ways, H. P. 1634, H. D. 660, which was passed to be engrossed in the House March 15th as amended by House Amendment A.

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

In the House, that body voted to reconsider its action whereby this bill was passed to be engrossed, and further voted to adopt Senate Amendment A in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

The following bill was received and upon recommendation of the committee on reference of bills was referred to the following committee:

**Appropriations and Financial Affairs**

By Mr. Rounds of Portland: Resolve in favor of Edith Bissett.

**Reports of Committees**

Mr. Thatcher from the Committee on Appropriations and Financial Affairs reported ought not to pass on bill an act relating to the State Department of Health. (H. P. 1524) (H. D. 547)

Mr. Littlefield from same committee reported same on Resolve in favor of an appropriation for the promotion of the welfare and hygiene of maternity and childhood. (H. P. 1147) (H. D. 366)

(Tabled by Miss Laughlin of Portland pending acceptance of report.)

Same gentleman from same committee reported same on resolve in favor of scientific and practical investigation of wind wheels and rotors for generation of electricity for use on farms and on sailing vessels. (H. P. 1527) (H. D. 550)

Mr. Stone from the Committee on Claims on resolve in favor of the town of Exeter for compensation (H. P. 230) (H. D. 73) reported that same be referred to the next Legislature.

Mr. King from same committee reported same on resolve in favor of O. B. Frost Company of Augusta, Maine. (H. P. 765) (H. D. 232)

Mr. Stone from same committee reported same on resolve in favor of O. B. Frost Company of Augusta, Maine. (H. P. 766) (H. D. 233)

Same gentleman from same committee reported same on resolve in favor of the town of Stetson. (H. P. 782) (H. D. 214)

Same gentleman from same committee reported same on resolve to reimburse Reed Plantation for support of D. S. Farrar, a person having no known settlement in the State. (H. P. 785) (H. D. 251)

Mrs. Day from the Committee on Public Health reported same on bill an act to provide for the payment of an annual license fee by apothecaries and for the disposition of fees received by the commissioners of pharmacy. (H. P. 1571) (H. D. 578.)

Mr. Hammond from the Committee on Taxation on bill an act to levy an excise tax upon vehicles in this and other states (H. P. 1056) (H. D. 340) reported that legislation thereon is inexpedient.

Mr. Sterling from same Committee on bill an act relating to the assessment of taxes on personal property. (H. P. 1442) (H. D. 497) reported ought not to pass as ruling by the Attorney General reports unconstitutional.

Mr. Bachelder from the Committee on Ways and Bridges on resolve in favor of the town of Farmington. (H. P. 690) reported that legislation thereon is inexpedient as same is covered by another bill.

Mr. Bachelder from same Committee reported same on resolve in favor of the town of Warren. (H. P. 1608.)

Mr. Bachelder from same Committee on bill an act relating to raising money for roads. (H. P. 1600) (H. D. 596) reported ought not to pass as it is taken care of by another bill.

Mr. Hawkes from same Committee on resolve in favor of the town of Harmony. (H. P. 495) reported that legislation thereon is inexpedient as it is covered by another bill.

Mr. Bachelder from same Committee reported same on resolve in favor of the town of Island Falls for aid in the building of bridges. (H. P. 456.)

Mr. Lowell from same Committee reported same on resolve in favor of the towns of Waterboro and Limerick for aid in the construction of a bridge. (H. P. 686.)

Mr. Stone from the Committee on Claims, reported ought not to pass on resolve in favor of the town of Leeds for reimbursement. H. P. 774) (H. D. 241.)

Mr. Littlefield from same Committee reported same on resolve in favor of E. M. Wylie, for reimbursement. (H. P. 788) (H. D. 254.)

Mr. Stone from same Committee reported same on resolve to reimburse the town of Rumford for support of James Ouillette. (H. P. 764) (H. D. 231.)

Same gentleman from same Committee reported same on resolve to reimburse the town of Rumford for

support of Edson Batchelor. (H. P. 763) (H. D. 230.)

Same gentleman from same Committee reported same on resolve to reimburse the town of Rumford for support of the family of Harry Keyo. (H. P. 762) (H. D. 229.)

Mr. Rounds from same Committee reported same on resolve in favor of the town of Pembroke for reimbursement of amount expended for the care and maintenance of Henry F. Sinclair, a State pauper. (H. P. 651) (H. D. 192.)

Mr. Perkins from same Committee reported same on resolve in favor of George H. Starret, compensating him for damages. (H. P. 769) (H. D. 236.)

Mr. Stone from same Committee reported same on resolve in favor of the town of Linneus in Aroostook County for aid in the support of Jeannette Stymest and her five minor children, the family of Phineas Stymest, a State pauper. (H. P. 786) (H. D. 252.)

Mr. Milliken from the Committee on Interior Waters reported same on bill an act to control the pollution of inland waters. (H. P. 1541) (H. D. 559.)

Mr. Blaisdell from the Committee on Legal Affairs reported same on bill an act to amend Section 4 of Chapter 211 of the Public Laws of 1921, relating to motor vehicles. (H. P. 1567) (H. D. 575.)

Same gentleman from same Committee reported same on bill an act authorizing towns to establish water districts within their territorial limits. (H. P. 1554) (H. D. 568.)

Mr. Jack from same Committee reported same on bill an act to amend Chapter 65 of the Revised Statutes relating to causes for divorce. (H. P. 1560) (H. D. 569.)

Same gentleman from same Committee reported same on bill an act relating to legal voters of municipal and village corporations. (H. P. 1563) (H. D. 602.)

Mr. Peacock from same Committee reported same on bill an act regulating the supervision of public dances (H. P. 1558) (H. D. 649.)

Mr. Sargent from same Committee reported same on bill an act relating to the registration of motor vehicles. (H. P. 857) (H. D. 280.)

Mr. Sargent from same Committee reported same on bill an act authorizing the town of Corinna to raise money for the Corinna Union Academy. (H. P. 103.)

Mr. Burkett from the Committee on Pensions reported same on bill an act to provide an old age pension. (H. P. 1570) (H. D. 576.)

(Tabled by Mr. Peacock of Readfield pending acceptance of the report)

Mr. Libby from the Committee on Public Health reported same on bill an act to define the powers of public health boards. (H. P. 1276) (H. D. 433.)

Mr. Burkett from the Committee on Revision of Statutes reported same on bill an act relative to jurisdiction of applications for naturalization (H. P. 1487) (H. D. 522.)

Mr. Williamson from same Committee reported same on bill an act relating to moose. (H. P. 1280) (H. D. 437.)

Mr. Locke from the Committee on Taxation reported same on bill an act to raise an excise tax on corporations organized for making generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes (H. P. 1492) (H. D. 527.)

Mr. Webster from same Committee reported same on bill an act to provide an excise tax on tobacco products. (H. P. 1606) (H. D. 598)

Mr. Jackson from same Committee reported same on bill an act to amend Chapter 184 of Public Laws of 1921 as amended to make the provisions of said chapter applicable to freight by motor vehicles and to impose an excise tax on motor vehicles subject to the Public Utilities Commission. (H. P. 1287) (H. D. 428)

Mr. Bachelder from same Committee reported same on bill an act relating to State and State Aid Highways. (H. P. 1444) (H. D. 499)

Reports read and accepted and sent up for concurrence.

Mr. Carleton from the Committee on Appropriations and Financial Affairs on resolve appropriating money to be used in repair and betterment of Bangor State Arsenal property in Bangor which is a

State park (H. P. 285) reported same in a new draft (H. P. 1710) under same title and that it ought to pass.

Mr. Holbrook from same Committee on resolve for pay and expenses of wardens of sea and shore fisheries (S. P. 637) (S. D. 274) reported same in a new draft (H. P. 1711) under title of resolve for pay and expenses of wardens of sea and shore fisheries and purchase of seed lobsters and that it ought to pass.

Mr. Jacobs from same Committee on resolve providing for the expenses of the contest over the election as Representative to the Legislature from the towns of Dixfield, Hebron, Hartford, Sumner, Bucksfield, Canton (H. P. 721) reported same in a new draft (H. P. 1715) under same title and that it ought to pass.

Mr. Bisbee from same Committee on resolve in favor of The Maine School for the Deaf (H. P. 284) reported same in a new draft (H. P. 1716) under same title and that it ought to pass.

Mr. Jacobs from same Committee on resolve in favor of an armory for the city of Bangor (H. P. 757) (H. D. 224) reported same in a new draft (H. P. 1717) under same title and that it ought to pass.

Mr. Thatcher from same Committee on resolve in favor of Nordica Memorial Association (H. P. 579) reported same in a new draft (H. P. 1712) under same title and that it ought to pass.

Mr. Carleton from same Committee on resolve in favor of the Bath Military and Naval Orphan Asylum (H. P. 580) reported same in a new draft (H. P. 1713) under same title and that it ought to pass.

Same gentleman from same Committee on resolve in favor of the State Board of Mothers' Aid (H. P. 1526) (H. D. 549) reported same in a new draft (H. P. 1714) under same title and that it ought to pass.

Mr. Holbrook from same Committee on the following resolves:  
Resolve in favor of St. Joseph's Orphanage. (H. P. 12)

Resolve in favor of Healy Asylum. (H. P. 14)

Resolve in favor of Maine Mis-

sion for the Deaf, Bangor. (H. P. 48)

Resolve in favor of Temporary Home for Women and Children at Portland, Maine. (H. P. 117)

Resolve appropriating money for the Bangor Anti-Tuberculosis Association, Bangor, Maine (H. P. 119)

Resolve in favor of Home for Aged Women, Belfast. (H. P. 227)

Resolve in favor of Maine Institute for the Blind for Experimental work in home teaching. (H. P. 281)

Resolve in favor of the Maine Institute for the Blind for repairs to buildings. (H. P. 282)

Resolve in favor of Good Samaritan Home, Bangor. (H. P. 378)

Resolve in favor of Waldo County General Hospital, Belfast. (H. P. 648)

Resolve in favor of the Children's Aid Society of Maine. (S. P. 44)

Resolve in favor of Home for Aged Women, Rockland. (S. P. 90)

Resolve in favor of York County Children's Aid Society, Saco. (S. P. 128)

Resolve in favor of Eastern Maine Orphans Home (S. P. 189)

Resolve in favor of St. Elizabeth's Roman Catholic Asylum and Holy Innocents' Home for Infants. (S. P. 191)

Resolve in favor of St. Louis Home and School for Boys. (S. P. 193)

Resolve in favor of Children's Heart Work Society of Maine. (S. P. 456)

Resolve in favor of Maine Children's Home Society. (S. P. 670) reported same in a new draft (H. P. 1718) under title of resolve in favor of charitable and benevolent institutions for care and support of certain persons and that it ought to pass.

Mrs. Folsom from the Committee on Education on resolve in favor of a teacher's pension for E. E. Colbath of Exeter (H. P. 799) reported same in a new draft (H. P. 1708) under same title and that it ought to pass.

Mr. Burkett from the Committee on Military Affairs on bill an

act amending the military law (H. P. 1436) (H. D. 503) reported same in a new draft (H. P. 1719) under same title and that it ought to pass.

Mr. Dudley from the Committee on Public Health on bill an act requiring teachers to file a health certificate (H. P. 1277) (H. D. 434) reported same in a new draft (H. P. 1709) under title of an act requiring teachers and janitors to file a health certificate and that it ought to pass.

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

Mr. Littlefield from the Committee on Appropriations and Financial Affairs reported ought to pass on bill an act providing for the distribution of national forest funds received from the United States (H. P. 1042) (H. D. 333)

Report read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

Majority Report of the Committee on Sea and Shore Fisheries on bill an act to provide a bounty on seals (H. P. 1533) (H. D. 586) reporting same in a new draft (H. P. 1720) under same title and that it ought to pass.

Report was signed by the following members:

Messrs. SLOCUM of Cumberland  
CAMPBELL of Washington

—Of the Senate

BOYNTON of So. Portland

MANSFIELD of Jonesport

BUTLER of Bath

FORD of Brooklin

KANE of Addison

ST. CLAIR of Rockland

—Of the House

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. LITTLEFIELD of York

—Of the Senate

RUMILL of Tremont

—Of the House

(On motion by Mr. Rumill of Tremont both reports tabled, pending acceptance of either, and 500 copies of the new draft ordered printed; and on further motion by the

same gentleman specially assigned for Friday, March 29.)

Majority report of the Committees on Ways and Bridges and Taxation jointly reporting ought not to pass on bill an act relating to a tax on gasoline (H. P. 1224) (H. D. 412)

Report was signed by the following members:

Messrs. BOND of Lincoln  
LELAND of Piscataquis  
DUNBAR of Hancock  
DOUGLAS of Hancock ..  
Mrs. CARTER of Androscoggin  
Messrs. NICKERSON of Waldo  
—Of the Senate  
BACHELDER of St. George  
HAWKES of Standish  
JONES of Winthrop  
MERRILL of Dover-Foxcroft  
HATHAWAY of Milo  
STERLING of Caratunk  
LOCKS of Biddeford  
MORSE of Rumford  
HAMMOND of Van Buren  
WEBSTER of Auburn  
—Of the House

Minority report of same Committees reporting ought to pass on same bill.

Report was signed by the following members:

Messrs. KITCHEN of Presque Isle  
JACKSON of Portland  
LOWELL of Lincoln  
—Of the House

On motion by Mr. Bove of Naples, both reports tabled pending acceptance of either.

#### First Reading of Printed Bills and Resolves

(H. P. 865) (H. D. 761) An act relating to Penobscot Council Incorporated, Boys Scouts of America, Bangor and Brewer, Maine.

(H. P. 1703) (H. D. 762) An act in relation to the Maine School for the Deaf.

(H. P. 1704) (H. D. 764) an act in relation to the State Military and Naval Children's Home.

(H. P. 1706) (H. D. 763) An act relating to the establishment of residence for certain purposes.

(H. P. 1705) (H. D. 765) An act to simplify procedure in municipal or police courts.

(H. P. 1698) (H. D. 766) Resolve in favor of Edward J. Carroll and Alice Janet Carroll.

(H. P. 1700) (H. D. 767) Resolve

appropriating money for the payment of expenses of Tancerede Morin, an employee of the State Highway commission.

(H. P. 1701) (H. D. 768) Resolve in favor of Frank E. Downes.

(H. P. 1702) (H. D. 769) Resolve in favor of H. H. Havey and estate of Bradbury Smith in reimbursement for loss on State Highway contract.

(H. P. 1691) (H. D. 751) An act relating to the regular sessions of County Commissioners of Hancock County.

(H. P. 1692) (H. D. 752) An act relating to the time and place of holding the Commissioners' Court in York County.

(H. P. 1693) (H. D. 753) An act relating to the consolidation of corporations.

(H. P. 1694) (H. D. 754) Resolve to modify the conditions of the gift from B. C. Jordan to the State of Maine for the purpose of encouraging cultivation of forests.

(H. P. 1695) (H. D. 755) Resolve to pay certain deficiencies.

(H. P. 1696) (H. D. 756) Resolve in favor of H. E. Houdlette, administrator of the Estate of Benjamin Owen Emmons, late of Richmond, county of Sagadahoc, deceased.

(Tabled by Mr. Burkett of Portland pending assignment for second reading and specially assigned under "Orders of the Day" today.)

(H. P. 1697) (H. D. 757) Resolve in relation to the completion of the seventh revision of the General and Public Laws and appointing a Commissioner therefor and a Commission.

(H. P. 1690) (H. D. 750) Resolve in favor of screening Whetstone Pond, or Sylvan Lake, so called.

#### Passed to be Engrossed

(S. P. 373) (S. D. 157) An act relating to damage suits brought against towns and counties on State and State Aid Highways.

(S. P. 440) ((S. D. 180) An act relating to licenses of small loan agencies by the Bank Commissioner.

(S. P. 622) (S. D. 291) An act concerning financial responsibility for damages caused by the operation of motor vehicles.

(S. P. 675) (S. D. 337) An act to re-establish the town line between the towns of Hancock and Lamoine.

(S. P. 718) (S. D. 370) An act to provide for the inspection of inter-

nal combustion engine fuel and lubricating oils.

(S. P. 719) (S. D. 377) An act relating to deposits in the names of two or more persons, in banks, institutions for savings, trust companies, or shares in loan and building associations.

(Tabled by Mr. Burkett of Portland pending third reading and specially assigned for Tuesday, April 2.

(S. P. 720) (S. D. 371) An act to amend Sections 41, 44, 45, 53 and 54 of Chapter 18 of the Revised Statutes, relating to optometry.

(Tabled by Mr. Wing of Kingfield pending third reading and specially assigned for tomorrow morning)

(S. P. 721) (S. D. 372) An act relating to lobster licenses.

(S. P. 723) (S. D. 374) An act to amend the Public Laws of 1923, Chapter 87, relating to lobster licenses.

(S. P. 724) (S. D. 378) An act to make uniform the method of computing interest on savings accounts in trust companies, savings banks and national banks.

(S. P. 726) (S. D. 379) An act relating to the protection of children.

(Tabled by Mr. Locke of Biddeford pending third reading and specially assigned for Wednesday, April 3)

(H. P. 321) (H. D. 96) An act to establish a Park Commission of the city of South Portland.

(Tabled by Mr. Burkett of Portland pending third reading, and specially assigned for tomorrow morning)

(H. P. 618) (H. D. 742) An act relating to the salary of the Judge of Probate in the Aroostook county.

(H. P. 695) (H. D. 743) An act relating to the salary of the Municipal Court Recorder of Sanford.

(H. P. 1223) (H. D. 408) An act relating to the removal of snow from highways and town ways.

(On motion by Mr. Aldrich of Topsham tabled pending passage to be engrossed and specially assigned for tomorrow morning.)

(H. P. 1433) (H. D. 494) An act defining the crime of burglary with explosives and providing the punishment therefor.

(H. P. 1441) (H. D. 744) An act increasing the salary of the county attorney of Waldo county.

(H. P. 1474) (H. D. 516) An act to authorize the city of Lewiston to issue its bonds to the amount of

\$51,000 to refund its bonds now outstanding and maturing in the year 1930.

(H. P. 1488) (H. D. 523) An act relative to attachment of property mortgaged or pledged.

(H. P. 1489) (H. D. 524) An act relative to interest and mortgages on loans on personal property.

(H. P. 1572) (H. D. 579) An act with reference to tuberculous prisoners.

(H. P. 1660) (H. D. 695) An act to amend the charter of the city of Westbrook, in reference to reducing the number of its Aldermen, and increasing the time of their office as well as that of the Mayor and Board of Assessors.

(H. P. 1683) (H. D. 745) An act making it unlawful for depositing sawdust in the limits of the highway.

(H. P. 1684) (H. D. 746) An act relating to the salary of the Sheriff of Oxford County.

(H. P. 1685) (H. D. 747) An act relating to the salary of the County Commissioners in Oxford County.

(H. P. 1686) (H. D. 748) An act relating to the salary and clerk hire of the Register of Probate in Aroostook County.

(H. P. 1687) (H. D. 749) An act relating to the Western Washington Municipal Court.

(S. P. 629) (S. D. 376) Resolve providing for a State Pension for Charles Brown of Liberty.

(S. P. 691) (S. D. 367) Resolve providing for the purchase of "Music and Musicians of Maine."

(S. P. 556) (S. D. 223) An act in relation to the rights of creditors and beneficiaries under policies of life and accident insurance and under annuity contracts.

On motion by Mrs. Gay of Waldoboro, the rules were suspended, and the members allowed to smoke.

#### Orders of the Day

The SPEAKER: The Chair presents the first matter today assigned, majority report ought to pass in new draft and minority report ought not to pass, from the committee on Legal Affairs on bill an act to create the Department of Finance, the new draft of the bill being House Paper 1666, H. D. 735, both reports having been tabled on March 22 by the gentleman from Lisbon Falls, Mr. Jack, pending the



acceptance of either; and the Chair recognizes the gentleman.

Mr. JACK. Mr. Speaker, since July 1st, 1870, the state of Maine has had what has been known as an Insurance Commissioner and a Banking Commissioner. So far as I have been able to learn, there never had been any criticism relative to the functioning of either Department. In a list that has recently been issued, I have only been able to find four states out of the forty-eight that have combined the two Departments.

Under this bill "the governor, with the advice and consent of the council, shall appoint a commissioner of finance and insurance, who shall hold his office for a term of four years, or until his successor in office has been appointed and qualified, subject to removal at any time by the appointing power and shall not, during the term of his office hold any office in any bank or any insurance company doing business within the State."

"Sect. 2. The commissioner of finance and insurance appointed in accordance with the provisions of section one hereof shall upon his appointment assume all the duties and have all the powers heretofore required of or vested in the bank commissioner and the insurance commissioner, except as hereinafter provided and the department shall be known as the department of finance and insurance. He shall appoint two deputies, one to be known as the bank deputy and one as the insurance deputy, to either of whom he may delegate any of his duties or powers, who shall hold office during his pleasure.

Sect. 3. The annual salaries of the commissioner of finance and insurance and of the deputies hereinbefore provided shall be fixed by the governor and council but shall not exceed six thousand dollars for the commissioner nor four thousand dollars each for the deputies.

Sect. 4. Section one of chapter fifty-two, section eighty-three of chapter fifty-three and sections eighteen and nineteen of chapter one hundred and seventeen of the revised statutes and all acts amendatory thereof or additional thereto are hereby repealed.

Sect. 5. The deputy known as the insurance deputy and so designated shall perform the duties and receive the salary formerly pertain-

ing to the office of insurance commissioner as a member of the industrial accident commission and said salary shall be considered in determining his total salary as hereinbefore provided."

Now under Section two the proposed law states that "he shall appoint two deputies \* \* \* who shall hold office during his pleasure." I want to emphasize that.

Secondly, under section four there are several sections of the Revised Statutes repealed. I will comment on that later.

At the present time the salary of the Insurance Commissioner is \$3,500 and the salary of the Banking Commissioner is \$5,000, making a total expense of \$8,500. Assuming that what has happened in the past will happen in the future, we have a right to suppose that under the new bill one of the new officials will draw \$6,000 and the others \$4,000 each, which equals \$14,000, or an additional expense to the State of \$8,500.

Here is a proposition that I want to call to your attention. The insurance and banking statutes now under process of expensive revision will be complicated by confusion of powers to be conferred on such official. Secondly, it will practically double the expense for the taxpayers of the State of Maine. Thirdly, the principle is old fashioned and top-heavy as it was once tried before July 1st, 1870, and abandoned if I read the records correctly. The office will be purely political, furnishing a reward for political services and providing a means to control the highly salaried head by threat of removal or promise of special favor.

By the repeal of Section 83 of Chapter 53 of the Revised Statutes, the Insurance Commissioner is not required to keep an office at the State House. He cannot administer oaths in performance of emergency duties, and is not obligated by statute to provide a bond or account for moneys received as outlined in the new bill. At the present time, if I am correctly informed, he files a bond for ten thousand dollars. The new bill does not provide for that.

There is nothing in common in the insurance and banking departments. I assume that there are

insurance men here and I assume that there are banking men here. One may know insurance and another man may know banking, but I am quite positive, in my opinion at least, that I have never met a man yet who knew both. One regulates savings banks, trust companies and building and loan associations—purely a State function—and the other is responsible for the solvency of insurance companies—now over 500—and these companies are largely citizens of other states, subject to retaliatory civil, as well as Federal, laws.

Salaries of commissioners of departments should be fixed by the Legislature and not subject to bid or bargaining by the Governor and Council. This bill fixes only a maximum and may be reduced at any time with the effect of violating the provisions for dismissal of State officials under their constitutional rights. In other words, the maximum for the deputies is \$4,000 each. It does not say that they will have to pay that and it does not say that that sum cannot be reduced at any time and for practically any purpose.

Now I would like to call your attention to the fact that there was not a banking man who appeared before our committee neither was there an insurance man. The only party who did appear was the gentleman from Cape Elizabeth, Mr. Chase, and he admitted himself that the proposition was only an experiment; and after having had some thirty years' experience in law as well as insurance, from my viewpoint it was an experiment, and experimenting with governmental powers that have been functioning properly and satisfactorily since July 1st, 1870—a little larger undertaking than I care to assume responsibility for. Therefore, I move indefinite postponement of the bill.

The SPEAKER: The gentleman from Lisbon Falls, moves the indefinite postponement of the bill. Is the House ready for the question?

Mr. CHASE of Cape Elizabeth: Mr. Speaker, this bill is a pretty good bill as it seems to me. Pos-

sibly the effect of the argument was minimized by my knowledge that the facts presented were not facts at all. The gentleman has made several mistakes in his figures as to the expense which I would like to correct in the first instance; or rather let me say, that the new draft which he read to the House and stated that it was the original bill presented to the committee was not the original bill which was presented.

Now this bill creates a commissioner of finance and insurance who would have under him two deputies, each presumably a specialist, one a specialist in banking and one a specialist in insurance. The proposition is not presented as an economy measure, but there is one thing about it, it will not cost any more that I can see. The proposition is to make a start toward simplification of the State government and consolidation of some of these forty-five departments of the State. The Federal Department only has nine or ten departments. The State of New York has only thirty six, but this State, by constant additions, has run it up to around forty-five departments. Now every department head has to have a room, has to have clerks, and we are talking now about enlarging the State House to make room for more offices to accommodate more public officials. Men who have been for years familiar with the administration of the State government say that something should be done to bring under fewer heads these numerous activities and this proposition is a start in that direction. It is not contemplated to start in with a wholesale reform movement and that would not be right from an economic or political standpoint. It would be like sticking your nose into a hornet's nest to do that. This is just an effort to consolidate two departments which have much in common. If there is a point in this movement for simplification and consolidation, this is a start in that direction. It is not an experiment and it is perfectly easy to see that such a proposition would work out favorably.

At the present time the State has three officials who are in-

involved in this change,—not necessarily any change in personnel, but whose titles would be changed or whose salaries might be changed or who might be affected in some manner. One is the Banking Commissioner, who receives \$5,000 a year, one is the Deputy Bank Commissioner, who receives \$3,250 a year and the Insurance Commissioner, who receives \$2,500 salary from that office and \$1,000 from the Industrial Accident Commission, making a present expenditure, according to the figures furnished yesterday by the State Auditor, of \$11,750 and not \$8,500 as the gentleman (Mr. Jack) stated.

Now the maximum, if anybody is willing to assume that the Governor and Council are going to pay the maximum salaries, under this bill is six, four and four. That is \$14,000 to replace—

Mr. JACK: Mr. Speaker, do I not have a right to correct an error at this time?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Jack, may reply to the gentleman from Cape Elizabeth at the proper time, but that gentleman now has the floor.

Mr. CHASE continuing: That is a maximum of \$14,000 to replace \$11,750. Now if the Governor and Council in their wisdom should decide that they could get a Commissioner of Finance and Insurance for \$5,000, and if they could get two deputies for \$250 a year more than they are paying the Bank Deputy now, that would reduce the salary list to \$12,000.

You cut out the necessity of one office, and when you get rid of an office you get rid of all the equipment that goes with it. You afford an opportunity of bringing together two groups of clerical help. There is a possibility of eliminating one stenographer and possibly more. You bring about some common facilities all of which save expense. The item of rent alone, if you can figure it on the basis of an investment by this State, would a good deal more than make up the difference; but the proposition is to make a start at simplification and consolidation.

When the gentleman from Lisbon Falls (Mr. Jack) stated that this would cost \$8,500 additional and

that the salaries were \$8,500, he gave two figures that add up to \$17,000, and I cannot reconcile that with any figure in the world. It is impossible, therefore, to attempt to reply to it because the maximum figure considered here is \$14,000. Under this bill all the doings of the Banking Commissioner and Insurance Commissioner are passed on to the Commissioner of Finance and Insurance.

The last section says that wherever "the statutes use the words 'bank commissioner' or 'insurance commissioner'" those words shall be amended to read 'commissioner of finance and insurance,' etc.; so that so far as the bond is concerned, the insurance commissioner has to give a bond now and the new official will have to give a bond.

You will perhaps recall that in his inaugural message the Governor suggested that some steps should be taken to bring about some consolidation and simplification; I think he said something along this line as a start. It is not a proposition to create a new job and no politics are involved. You can see that because it is a proposition which makes fewer that are appointive. I think that it is a good bill and nothing which has been said has changed my mind in any manner in regard to it and I hope it will pass.

Mrs. FOLSOM of Norridgewock: Mr. Speaker, I frankly admit that I know nothing of politics, yet being one who must vote on this matter, I hope I may be forgiven for expressing an opinion. I should like to say that nine out of ten of the committee reported ought to pass on this matter and for that reason it certainly should receive favorable consideration. Also since the Governor would like us to try to make a move toward consolidation of some of these departments, why not stand behind him, particularly since he is the elected leader of our State policies, elected by a majority of our citizens. (Applause)

Mr. PERHAM of West Paris: Mr. Speaker, yesterday I spoke against the consolidation of the State Prison and the Men's and Women's Reformatories because the measure had in it clauses in regard to the transfer of inmates. I would like to say this morning that I am in

favor of this consolidation of the Departments of Banking and Insurance because I believe it is a business matter entirely, and it seems to me the simplest proposition we can consider in regard to consolidation. I believe that some start should be made somewhere and that the simplest proposition be taken first.

Mr. ALDRICH of Topsham: Mr. Speaker, may I ask the gentleman from Cape Elizabeth (Mr. Chase) what are the similarities between these two departments which it is proposed to consolidate?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, may reply to the gentleman if he desires to do so.

Mr. CHASE: Mr. Speaker, the only similarity which is entirely clear is that both are business regulation departments. There are a great many men who understand the general principles of banking, insurance and other matters of similar character. There is no reason that I can see why one man administering through deputies who are specialists cannot carry on the work of these departments, and possibly later on of other departments of the State, as well or better than they are carried on now.

Mr. STURTEVANT of East Livernore: Mr. Speaker, I fully agree with the gentleman from Cape Elizabeth (Mr. Chase) that there should be some attempt towards consolidation of some of our State departments, but it does not appear to me that this is the place in which to begin. Yesterday we refused to combine several institutions under one head that were allied. Here we are taking two separate departments that are entirely separate and have nothing whatever to do with each other and are trying to put them under one head. These are both important departments of our State and both are growing rapidly; and I submit to you that there is no more important department in our whole State make-up than the Banking Department and it should have a competent man at its head who should give his entire time to it, and I believe the State is able to maintain such a department separately.

Mr. TAYLOR of Belfast: Mr. Speaker and Members of the House:

This bill is different from some of the consolidations that have been spoken of. This is not strictly an economic measure, and I myself do not raise an objection to the salary increase. I come here with an open mind to consider whether this is a proper measure at this time. It is efficiency that concerns me more than the economy of the office itself because efficiency is the keynote of economy. I know but very little about insurance except that I carry a little myself; but insurance and banking are matters of great importance to the financial structure of the State and the administration of the same through our State department is necessary for its success. I think we should give fair consideration to what changes we should make.

In regard to the banks of our State, I have talked with some members representing the banks and some of them have informed me that they did not feel that they are getting adequate service from the Banking Department or the Bank Commissioner; not that the Bank Commissioner is not making every effort for the administration of its affairs, but, through lack of field workers and time, they are unable, as they claim, to give such examinations as the bank representatives would like to have made. Therefore, if there must be an increase in the office of either department, and it is proper that it should be so, I think it might well be along the line of assisting the bank representatives or the Bank Commissioner in the better performance of his duties. Some banks that I have learned about their failure might not have occurred, or have been so great, had they been properly examined.

Therefore in regard to the report there is a little misunderstanding in that, and I wish to voice my sentiments that unless there is some further explanation that will clarify the situation as to the efficiency of this measure, I am in favor of the indefinite postponement of the same.

Mr. PEACOCK of Readfield: Mr. Speaker, I take this opportunity to correct an error. The original bill came before our committee for hearing and the only gentleman who appeared in its behalf was the

gentleman from Cape Elizabeth, Mr. Chase. He said at that time that he thought it was only an experiment and he could not say that it was in the interests of economy. That bill was not reported to this House. Subsequently this new draft was reported and I found that my name was attached to a majority report. It was written on the report but not by me nor by anyone authorized by me. Hence the member from Norridgewock (Mrs. Folsom) is laboring under a misapprehension as to the fact that nine favored and one opposed.

I am not going to discuss the merits of the bill. They have been discussed already. I simply leave it with this explanation of how my name got on to the report.

Mr. BLAISDELL of Franklin: Mr. Speaker, I am not an insurance man and I am not a banker, and how I should vote on this matter I must learn from insurance men and from bankers who are speaking now in this House. One of the men who has spoken this morning I am informed is a prominent banker of this State, the gentleman from East Livermore, Mr. Sturtevant; and, through the Speaker, I would like to ask that gentleman if, from his knowledge of banking, the department of insurance and the department of banking are so closely allied with one another that he is familiar with men throughout the State who are proficient in both of those departments. Through the Speaker I ask the question.

The SPEAKER: The gentleman from East Livermore, Mr. Sturtevant, may reply to the gentleman if he desires.

Mr. STURTEVANT: In reply to the gentleman from Franklin, I will say that I do not know of any such man whom I feel would be acquainted with both of those departments except in an executive way.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I would like to ask the gentleman from East Livermore whether, in his opinion, in the office of the Banking Commissioner today the Deputy Commissioner is doing the work of the Banking Commissioner.

The SPEAKER: The gentleman

from East Livermore may reply if he desires.

Mr. STURTEVANT: Mr. Speaker, in reply to the gentleman from Cape Elizabeth I would say that we have a very efficient deputy and I have no doubt he is doing a very large part of the work.

Mr. INGRAHAM of Bangor: Mr. Speaker, it is obvious that this proposition is a start in the right direction to cut down the heads of our departments; but I cannot see why we should begin with two of the most important departments in the State. There is plenty of opportunity to consolidate and try the experiment on minor offices here which clutter up the State House and take up the rooms. If you want to figure on the basis of rentals, why not start your experiment on the lesser of the two evils? I am certainly against consolidation of this kind at this time.

Mr. CRAWFORD of Houlton: Mr. Speaker, having had something to do with insurance for some time as a director of an insurance company, we feel that from our standpoint the insurance department and the banking department are functioning very satisfactorily as they are, and we feel that it would be in the best interests of both departments to have them continue as they are.

Mr. ALLEN of Camden: Mr. Speaker, I think this is the first time that I have had the temerity, I will call it, to address you and take a few minutes of your time.

I know that this is a measure that has the sanction of the Governor, at least I presume it has. I believe it would be a great mistake to combine these two departments. I have had to do with the insurance department for the past thirty-five years and I want to say that everything has always been very satisfactory and what you are going to gain by combining this with the banking department is beyond my comprehension. We are now trying to investigate one of the departments of the State and we are in quite a bad fix. It reminds me very much of the undesirable gentleman in one of our Southern States who got so obnoxious that the citizens of his

town went out one night and hung him to a tree and on one of his pant legs they put this placard: "To remain in statu quo until next Thursday morning, at which time a committee will be here to dispose of the body." A gang of workmen came along the next morning and one of them tried to read the placard, but it was too much for him. Then another tried to read it. By and by the leader of the gang looked at it and said "Don't you know what that means? That means that this guy is in a hell of a fix." (Laughter and applause) Now it looks to me as though, until this Grand Jury of ours reports, we are in that sort of a fix. Now what is the use of trying to white-wash some more of these fellows out of office. This is an administration matter in my opinion and I stand with the Governor ordinarily and think he is ninety nine per cent right, but there is a chance for any man to fall down on some things; and I believe that it would be a great mistake, as I said before, to combine these two departments. I think the personal touch with the Insurance Department will be lost if we should do that and I have had opportunity to know what has been going on for the past ten years in the Insurance Department.

There is a statement on your desks this morning headed "Growth of Insurance Department Five years under present Commissioner, compared with previous five years administration."

The receipts of the Department following 1920, for the five years previous to 1923,

Fees .....	\$ 169,971.21
Taxes .....	1,312,197.80
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Total .....	1,482,169.01
Receipts to 1923-28, under present commissioner	
Fees .....	\$ 226,741.78
Taxes .....	2,024,459.91
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Total .....	2,251,201.69
Number of companies in Maine in 1923 .....	379
Number of companies in Maine in 1928 .....	451
Casualty premiums collected in 1923 .....	\$3,460,961.73
Casualty premiums collected in 1928 .....	\$5,276,022.07
Life Insurance which originated in	

1923 .....	\$329,085,137.06
Life Insurance at risk 1928 .....	\$471,612,209.98

(At this point the Honorable William L. Bonney, former Speaker of the House took his seat at the right of the Speaker, the House rising and applauding).

Mr. ALLEN continuing: I am just reading this to show you how the department is growing. It is one of our important departments in the State of Maine.

Fire risks written in 1923 .....	\$824,812,736.17
Fire risks written in 1928 .....	\$916,345,924.39
Expenditures by former commissioners, five years to 1923 .....	\$82,167.19
Expenditures by present commissioner, five years to 1928 .....	58,778.36

Making a reduction in cost to the State of .....	\$23,388.83
Commissioner's salary for five years .....	\$12,500.00

Making a saving of present commissioner above salary .....	\$10,888.83
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Last year there was taken in something like \$502,000 for taxes and different things to this Department for the small expense of \$11,000. and different things to this Department for the small expense of \$11,000. The department is run very economically, and I hope that the motion to indefinitely postpone will prevail. (Applause)

Mr. JACK: Mr. Speaker, I first wish to correct a mistake, I hope not an intentional one, made by the gentleman from Cape Elizabeth (Mr. Chase) I stated that the Banking Commissioner and the Insurance Commissioner received a salary for the two offices of \$8,500. He stated I was incorrect. In his proposition he added another official. I still insist that I am correct, unless I have been misinformed by the parties who hold the offices because I asked them personally and I only mentioned two offices. When the vote is taken I ask for a division of the House.

Mr. ROBBIE of Westbrook: Mr. Speaker, I would like to go on record as being in favor of the proposition of the gentleman from Cape Elizabeth, Mr. Chase, on the op-

position to the motion for the indefinite postponement. The State Auditor's Report, a copy of which we have on our desks, making a compilation of the total figures, shows an annual expense of both departments equivalent to \$35,000 a year. Under the proposed arrangement, with the maximum salary as stated, that total cost will be \$33,000, which will be an increase of \$3,000. In my opinion there is an excellent opportunity right there to reduce that considerably. Therefore I wish to go on record as opposing the motion of the gentleman to indefinitely postpone.

The SPEAKER: Is the House ready for the question

The question was called for.

The SPEAKER: The question is on the motion of the gentleman from Lisbon Falls, Mr. Jack, that this bill, being in its new draft H. P. 1666, H. D. 735, be indefinitely postponed. As many as are in favor of the gentleman's motion will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

Seventy-nine voting in the affirmative and 48 in the negative the motion to indefinitely postpone prevailed.

Mr. INGRAHAM of Bangor: Mr. Speaker, I wish to reconsider the vote just taken and I hope that my motion will not prevail.

Thereupon, on motion by Mr. Ingraham, a viva voce vote being taken, the motion for reconsideration failed of passage.

The SPEAKER: The Chair presents the second matter today assigned, resolve in favor of the State School for Boys, S. P. 121, S. D. 56, tabled on March 27th by the gentleman from Farmingdale, Mr. Littlefield, the pending question being final passage, and the Chair recognizes the gentleman.

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

The SPEAKER: The Chair presents the third matter today assigned, resolve in favor of the Western Maine Sanatorium for the maintenance, personal services, repairs and equipment, S. P. 163, S. D. 73, tabled on March 27th by the gentleman from Farmingdale, Mr. Littlefield, the pending question being final passage, and the Chair

recognizes the gentleman.

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

The SPEAKER: The Chair presents the fourth matter today assigned, resolve in favor of the State Reformatory for Men, S. P. 328, S. D. 120, tabled on March 27th by the gentleman from Farmingdale, Mr. Littlefield, the pending question being final passage, and the Chair recognizes the gentleman.

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

The SPEAKER: The Chair presents the fifth matter today assigned, resolve in favor of State School for Girls, S. P. 414, S. D. 166, tabled on March 27th by the gentleman from Farmingdale, Mr. Littlefield, the pending question being final passage, and the Chair recognizes the gentleman.

Mr. LITTLEFIELD: Mr. Speaker, owing to some difference in the wording on this paper, I would like to have this retabled.

Thereupon, the resolve was retabled pending final passage.

The SPEAKER: The Chair presents the sixth matter today assigned, resolve in favor of the Reformatory for Women for maintenance and other purposes, H. P. 84, H. D. 530, tabled on March 27th by the gentleman from Farmingdale, Mr. Littlefield, the pending question being final passage, and the Chair recognizes the gentleman.

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

The SPEAKER: The Chair presents the seventh matter today assigned, bill an act to amend chapter 162 of the Public Laws of 1927 as applied to the War Bond Sinking Fund, H. P. 1523, H. D. 546, tabled on March 27th by the gentleman from Farmingdale, Mr. Littlefield, the pending question being third reading, and the Chair recognizes the gentleman.

On motion by Mr. Littlefield, the bill received its third reading and was passed to be engrossed.

On motion by Mr. Jack of Lisbon Falls, the House voted to reconsider its action taken earlier in the session whereby it voted to accept the ought not to pass report on H. P. 1492, H. D. 527, bill an act to

raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing, or mechanical purposes; and on further motion by the same gentleman the bill was retabled pending acceptance of report.

On motion by Mr. Blaisdell of Franklin, the House voted to reconsider its action taken earlier in the session whereby it passed to be engrossed S. P. 556, S. D. 223, bill an act in relation to the rights of creditors and beneficiaries under policies of Life and Accident Insurance and under Annuity Contracts; and the same gentleman offered House Amendment A and moved its adoption.

House Amendment A to bill an act in relation to the rights of creditors and beneficiaries under policies of Life and Accident Insurance and under Annuity Contracts.

Senate Paper 556, Senate Document 223, is hereby amended by striking out section 3.

Mr. BLAISDELL: Mr. Speaker, I might say, for the benefit of the members, that the bill involved was drawn by an out-of-state attorney, who did not understand our method whereby the law becomes effective. Section 3 says the law becomes effective when signed by the Governor.

The SPEAKER: Is it the pleasure of the House to adopt House Amendment A?

Mr. BURKETT of Portland: Mr. Speaker, I think it will be found, on examination of the bill, that that matter was taken care of yesterday by a Senate Amendment which put in some words in the body of the bill and struck out that section.

The SPEAKER: The gentleman from Franklin is informed that Senate Amendment A to said Senate Paper 556 did strike out Section 3 thereof.

Mr. BLAISDELL: Mr. Speaker, then I will withdraw my amendment.

Thereupon, Mr. Blaisdell was given permission to withdraw the amendment; and on further motion by the same gentleman the bill was passed to be engrossed.

On motion by Mr. Hawkes of

Standish, the House voted to reconsider its action taken earlier in the session whereby it voted to accept the ought not to pass report on H. P. 1600, H. D. 596, bill an act relating to raising money for roads; and on further motion by the same gentleman the bill was recommended to the Committee on Ways and Bridges.

On motion by Mr. Campbell of Leeds, the House voted to reconsider its action taken earlier in the session whereby it voted to accept the ought not to pass report on resolve in favor of the town of Leeds for reimbursement, H. P. 774, H. D. 241.

The SPEAKER: It would be very helpful if the members would stop these as they are going by, instead of reverting to them later.

On further motion by the gentleman from Leeds, Mr. Campbell, the resolve was retabled pending acceptance of report and specially assigned for Tuesday next.

Mr. BURKETT of Union: Mr. Speaker, I move the House reconsider its vote of yesterday whereby it indefinitely postponed Senate Amendment A to Senate Paper 675, Senate Document 337, bill an act to re-establish the town line between the towns of Hancock and Lamoine.

Mr. BURKETT of Portland: Mr. Speaker, this matter was very thoroughly discussed in the House yesterday by the two gentlemen representing the respective towns involved. I think their presentation of the facts was a very fair one and covered the ground very thoroughly. They could not agree.

In the discussion certain facts stood out, as I remember it. It appeared that the town of Hancock, one of the towns involved, was not a unit in favor of this bill without referendum, as evidenced by the letters that the gentleman from Bar Harbor read; and that the town of Lamoine was in the same situation, as evidenced by the telegrams read from their Selectmen.

A computation which he had, and which I saw, showed that fourteen out of twenty legal voters in the hamlet of Marlboro were opposed to the bill having passage without



the referendum which was put on it by the committee on Towns unanimously, as I understand it, after a full hearing at which all parties were represented.

Now if this town is to be divided, it would seem to me that these people who are now not a unit should be the ones to decide whether it should be done or not. It seems to me that for this Legislature to pass the bill without giving them a chance to vote upon it would be a very arbitrary exercise of the powers of this Legislature. I hope the motion of the gentleman from Union (Mr. Burkett) will not prevail. (Applause).

Mr. BURKETT of Union: Mr. Speaker, I always did let my son have his own rights, but since he gets over with these people, he gets away from me. (Laughter) The reason I made this motion was that I understand several gentlemen of this House would like to vote again on the question.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Union, Mr. Burkett, that the House reconsider its action whereby it voted to indefinitely postpone yesterday Senate Amendment A to Senate Paper 675, an act to reestablish the town line between the towns of Hancock and Lamoine. As many as are in favor of reconsideration will rise and stand in their places until counted and the monitors have returned the count.

A division was had,

Fifty-six having voted in the affirmative and 55 in the negative, the motion for reconsideration prevailed. (Applause)

The SPEAKER: The gentleman from Union, Mr. Burkett, having been successful in procuring the reconsideration of the matter, now moves that Senate Amendment A, which by vote of the House yesterday was indefinitely postponed, be now adopted in concurrence with the Senate. Is the House ready for the question?

Mr. ALDRICH of Topsham: Mr. Speaker, this is all a little confusing and I want to ask if I understand the matter correctly. Senate Amendment A, if I recall it, cut out the referendum from the original bill?

The SPEAKER: The gentleman is correct.

Mr. FARRIS: Mr. Speaker, I move that the matter lie upon the table and be specially assigned for tomorrow morning.

(Cries of "No" "No")

The SPEAKER: The gentleman from Augusta, Mr. Farris, asks that the matter lie upon the table and be specially assigned for tomorrow morning. 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 had, the motion was lost.

The SPEAKER: The motion now before the House is the motion of the gentleman from Union, Mr. Burkett, that Senate Amendment A be adopted in concurrence, the effect of which would be the reversal of the action of the House of yesterday. As many as are in favor of the adoption of Senate Amendment A in concurrence will rise and stand in their places until counted and the monitors have returned the count.

A division was had,

Sixty-six having voted in the affirmative and 61 in the negative, the motion prevailed.

Mr. BURKETT of Union: I now move, Mr. Speaker, that the bill as amended by Senate Amendment A, be passed to be engrossed.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I want to clear this up in my mind a little. As I get the story around here, this bill was referred to the committee on Towns, and the proponents of the measure appeared before the committee, and the committee agreed they would report it ought to pass with this referendum clause on it, and without the referendum clause on it, they would not. That has not been thrashed out in the debate. I may be wrong, but I have heard it from several members of the committee. I do not know whether that was the unanimous opinion or not.

Now this is a very serious proposition to one of our members, and the vote should show the full membership. I do not believe it has had a thorough consideration. I believe the gentleman from Bar Harbor (Mr. McLean), is entitled to

further time in this matter. I am familiar with the location down there, and I know this is a very much mixed up mess. I have had letters from people down there who know about the situation. I think we ought to hear from this committee on Towns on it. They know what the situation is, and they know under what conditions they reported that bill ought to pass, and if it is true that they would not have reported it without the referendum, we ought to hear about it.

The SPEAKER: The Chair will state that the question of the amendment is no longer before the House. The only question which is now before the House is the question as to whether this bill as amended by Senate Amendment A in concurrence, the effect of which is to leave out the referendum,—whether this bill as so amended shall be passed to be engrossed.

Mr. ROBIE of Westbrook: Would I be out of order, Mr. Speaker, in replying to the gentleman from Cape Elizabeth?

The SPEAKER: The Chair permitted the gentleman from Cape Elizabeth, Mr. Chase, some latitude. The only question, as just stated by the Chair, is on the passage of the bill in its present amended form to be engrossed, and if the gentleman from Westbrook desires to debate that issue, he is entirely at liberty to do so, as is the whole House.

Mr. ROBIE: Mr. Speaker, under suspension of the rules would it be possible for me to state the attitude of the committee on Towns, being House Chairman.

The SPEAKER: It is not necessary for the rules to be suspended for the gentleman to state the position of the committee, the pending question being passage to be engrossed.

Mr. ROBIE: As House Chairman of the committee on Towns, I will state that the gentleman from Cape Elizabeth, Mr. Chase, has the situation very clearly. Our committee was unanimous in reporting the bill out the way we did. The only way we reported it out ought to pass was with the referendum attached. We could not seem to get anything definite from either side as to just how this thing should be taken care of. Both sides seemed to have a logical argument, and we were all of

the opinion that it should be decided by the people who live there and know the situation.

Mr. CHASE: Mr. Speaker, I move the matter lie upon the table and be specially assigned for tomorrow morning.

A viva voce vote being taken, the motion prevailed.

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 fourth unassigned matter S. P. 683, S. D. 351 an act to prohibit the erection of any dam on the public waters in the State unless and until all bushes, trees and stumps within the area to be flowed shall have been removed, tabled by that gentleman March 26th, pending passage to be enacted.

And on further motion by the same gentleman, the bill was passed to be enacted.

On motion by Mr. Foster of Ellsworth, it was voted to take from the table the second unassigned matter, S. P. 680, S. D. 348, resolve providing for moving pictures of Maine Wild Life for recreational and advertising purposes, tabled by that gentleman March 26th, pending final passage.

Mr. FOSTER: Mr. Speaker, just a word in explanation of this resolve. It carries an appropriation of five thousand dollars, \$2500 for each 1930 and 1931. The resolve has been given considerable thought by the appropriations committee and they feel that, if this is necessary, the money should be taken out of the \$75,000 publicity fund already voted by this Legislature; and I would not move the indefinite postponement of this resolve.

The motion prevailed and the resolve was indefinitely postponed.

#### Order, Out of Order

On motion of Mr. Kitchen of Presque Isle, it was

Ordered, that when the House recess this morning, it recess until four o'clock this afternoon.

The SPEAKER: Is there any further business under orders of the day? There are still some twelve unassigned matters on the calendar.

On motion by Mr. Burkett of Portland, it was voted to take from the table H. P. 1696, H. D. 756, resolve in favor of H. E. Houdlette, administrator of the estate of Benjamin Owen Emmons, late of Richmond, county of Sagadahoc, State of Maine, deceased, tabled by that gentleman earlier in this session.

Mr. BURKETT of Portland: Mr. Speaker, taking the chance of precipitating another division I do feel that there are certain facts in connection with this resolve that should be brought to the attention of the House. The gentleman from Portland (Mr. Rounds) apparently is not in the House, and I understand he has something he wishes to say about it; so I think perhaps I will have to retable it at this time, to be taken up later; and I so move.

Thereupon the resolve was retabled until later in the day.

Mr. RUMILL of Tremont: House Paper 1720, tabled and assigned for tomorrow morning, I would like to have assigned for Tuesday morning owing to the printing of the new draft which will not be printed in time to be distributed and looked over by tomorrow morning.

The SPEAKER: The gentleman is advised that the new draft will be printed and in readiness tomorrow morning.

MR. RUMILL: Mr. Speaker, not having time to look it over, I would like to have it assigned for Tuesday morning instead of tomorrow morning.

Thereupon the House voted to reconsider its action whereby its assigned House Paper 1720, an act to provide a bounty on seals, for tomorrow morning; and on further motion by the same gentleman the bill was specially assigned for consideration on Tuesday, April 2.

On motion by Mr. McKnight of Poland, it was voted to take from the table the thirteenth unassigned matter, bill an act relating to equal school privileges for all pupils, H. P. 1383, H. D. 463, tabled by that gentleman on March 27th, the pending question being third reading

Mr. McKNIGHT: Mr. Speaker and Ladies and Gentleman of the House: I am going to move the indefinite postponement of this bill. I believe that this bill is too drastic. I believe that it is taking away the powers of these little country towns in regard to their school privileges.

In beginning my argument, I wish to say to the members of this House that I am not opposed to education, I am not opposed to the State Board of Education, and I am looking at this from a purely rural viewpoint. I realize that it is desirable for everyone to have all the education that it is possible for them to have, and it is not in my mind to deny anyone, or anyone's children, from getting all the education they can get.

Now to go back into a little ancient history. I want to tell the members of this House that two years ago this bill came into the House,—the same bill practically, only in a different dress,—and it called for a jump from thirty weeks, which is the standard now maintained by the State of Maine, to thirty-two; next year it was going to be thirty-four weeks, and the next year thirty-six weeks. That bill was defeated in the House. It went to the Senate, and it came back in an amended form, for thirty-two weeks. It was defeated here in the House again; and if I remember rightly, they called a committee of conference, with the Senate, and the House adhered to its former position.

As I look at this situation in regard to the school business, and especially this particular bill, it is purely and simply rural conditions. We all know that in the cities they have better schools, and they have longer length of schools, which they do not have in the country.

In discussing this bill, I can anticipate what the proponents of this bill are going to say, having been here two years ago, and having listened to them. They are coming in here and they are going to talk along sympathetic lines. They are going to say that the poor scholars from the country haven't the opportunities that the city scholars have, and they want them to have these opportunities. Well, I do. I agree with them. I am

going to argue this question purely from the rural viewpoint, as I look at it, and also from the financial viewpoint. Finances enter into these school propositions the same as they do in everything else.

This bill, which I imagine is an administration proposition, — they claim that these scholars that leave the country schools at thirty weeks' of school and go to the high schools and academies, that they are not prepared. The proponents of this measure will get up here and tell you of many instances where these scholars have fallen down when they get into high schools and academies. If I wished to argue along that line I would tell you of many scholars I know of who leave the country schools and go to the high schools and academies and do not fall down; but I am willing to admit that when they leave the eighth in these country schools and go to the city schools, they have to study hard, and in some cases they do fall down. But the proponents of this measure do not tell you how many scholars in the city schools have to stay in the same grade because they did not get promoted to the next grade.

Now this discussion of school business is a big proposition for anyone to discuss. It runs into a great many millions of dollars. In the last year the State of Maine spent, according to this book that I have here, from the School Department, a total of \$11,026,642. I find that the roads in the State of Maine cost the State of Maine \$10,895,000. The road program, the expenditures of the road money, and the schools seem to be running right along parallel with each other. They do in my home town. We raise about the same for schools and roads,—not exactly, but about the same.

One reason why I am opposed to this bill is this: According to these figures that I have taken from the figures prepared by the State Board of Education, I find here, if I am correct, and I think I am, that out of the total number of schools or towns in the State of Maine which have only 30 weeks of school we find 84 towns, and then I find that there are nine towns

in the State of Maine that have 31 weeks of school. That makes a total of 93 towns that are below this limit of 32 weeks of school which the State Board of Education and proponents of this measure wish to bring about. And they go on further to say, in their statement, that these poor towns which cannot afford to raise this extra two weeks of schooling, that they will help them out on this equalization fund.

Two years ago, when this bill was discussed, they never mentioned the equalization fund in any way. It was just along the matter of sympathy one way or the other. This equalization fund, you will find, if you have had anything to do with schools, and read these reports, was a very peculiar proposition. As I understand, they had \$100,000 last year, and they have got to stretch that over 520 towns in the State of Maine. Some of these towns do not get a cent from that equalization fund simply because of the fact that they do not raise enough school money. And really those towns are just as much in need of it, and should have it just as much as the rest of the towns, but they do not get it under that rule.

Now, schools and roads revert right back to taxation. There is a limit to taxation; you cannot get away from that. Although they say that these extra two weeks of school are only going to cost a few thousand dollars, and they are going to help them out with this equalization fund—I wish they were—all of them, I wish they could stretch that equalization fund so they could do it; but they cannot do it now under the present rules.

In talking about schools in the country,—I am talking about rural schools—and there are several things that enter into rural schools, and one of the problems is consolidation, and that brings you up to the point of transportation. Those are the two most difficult things they have to contend with in these country schools. There seems to be an idea that all of these country schools should be consolidated. Well, in some cases, that is fine. The theory of the thing is all right,

but it does not always work in practice. The country people, as a general thing, are opposed to consolidation for various reasons. One of the reasons is transportation.

Now I notice in one of these books here it says it is desirable to transport scholars with automobiles. It is. On the other hand, they tell us the towns are raising too much money for roads, and that they should raise more for schools. Well, they have got to have good roads in the country towns, especially this time of year, if they are going to transport these scholars by automobile.

Now the towns of the State of Maine are between the devil and the deep sea. They have got to follow these road programs which everybody wants, and they have got to follow these schools programs, which everybody wants, and it means taxation. When you get right down to these country towns, it has been my experience in my town that there is not anyone over and above anxious to pay taxes. While I am willing to admit, perhaps, it would be a great deal better to raise more money for schools than it would be for roads, you have got to raise it for both of them in order to run your schools.

In regard to this rural situation, this school fund, the big cities help out these little country towns; of course everybody knows that without going into that. I wonder if there is not going to be a limit to that sometime when these big cities are going to get sick and tired of lugging along these little country towns. They have got to do it under the present rules and regulations.

I say to you, members of the House, while it would be all right to raise this length of schooling up to 32 weeks and above, 34 and even 36 weeks, there is always a point of safety somewhere in everything that you do, not only in life but mechanically.

Under the present situation of 30 weeks of school, if the towns should get to that point where they could not maintain 32 or 34 weeks, they could receive help, but if this law is put into effect, they are bound up a little tighter. The thing I object to on this particular bill here is the same thing that happened to this bill two years ago. They are coming in to this Legis-

lature now with this bill for 32 weeks, which is, we will say, asking very little. Two years from now they are coming in for 34 weeks, and in four years from now they are coming back for 36 weeks. One of the members of the committee told me that.

Another thing they put up: The proponents will tell you they cannot get as good teachers in the country as they do in the city. Well, that is so. I will admit it. They pay more money in the cities; they have more money to pay. One of these proponents will say that the teachers do want to teach in the country only thirty weeks of school.

If he will look at the other side—have the country towns got to maintain thirty-six or thirty-four weeks of school so the teachers can have a job?

Now I do not believe at this time, in the history of Maine—and this State has been a State for about 108 years, and when it was set off from Massachusetts, it had a valuation of \$20,000,000, and, if I am correct, it is somewhere around \$750,000,000 at the present time, having gained an average of \$7,000,000 a year during all these years—I do not believe it is just the time to start in on a program here of increasing expenditures all over this State when some of these small towns are in this peculiar condition, where they are apt to have to recede. They cannot continue forever on this increased taxation.

I want to say a word in regard to where these towns are which have these 30 weeks of schooling, and where those are that have more. Now in this list I find that in the sixteen counties in the State of Maine—this is significant—as they are listed here, which I took from one of these school books, all of the schools in Androscoggin have above 30 weeks; Aroostook, nine have 30 weeks; Cumberland, all above 30 weeks; Franklin, two have 30 weeks; Hancock, 12 have 30 weeks; Kennebec, six have 30 weeks; Knox, two have 30 weeks; Lincoln, three have 30 weeks; Oxford, three have 30 weeks; Penobscot, 10 have 30 weeks; Piscataquis, five have 30 weeks; Sagadahoc, one has 30 weeks; Somerset, six have 30 weeks; Waldo, 13 have 30 weeks; Washington, 12 have 30

weeks; York, all above 30 weeks.

Now, out of the sixteen counties in this State there are thirteen of them at the present time which will fall below unless they increase their length of school term—there are thirteen out of the sixteen counties that will fall below that. The significant thing in this is that Androscoggin, Cumberland, and York, the three counties over here in the western part of the State—the most prosperous counties in the State of Maine—which have got most of the wealth—these counties are all about the thirty weeks. For instance, under this equalization fund—I am not going through this whole list of counties—but I find in the total, if I am correct, there are about 300 towns that did not get anything on that and there are a little over 200 towns that did. The thing is not equally balanced. I find, in one district here, 27 towns that did not receive anything under this elastic fund called the equalization fund. On the other hand, there are 49 that did.

I feel, as this is a rural proposition, that perhaps it is a good deal like the members of this House, the gentlemen members, getting up and discussing the ladies' barber bill, and vice versa. I feel this is a rural proposition, and I feel the rural people know their own conditions in regard to the length of school they should have. While it is an admitted advantage to have these schools lengthened, I believe each town should work out its own determination. Therefore I move that this bill be indefinitely postponed.

Mr. HOLMAN of Farmington: Mr. Speaker, I move that we recess.

The SPEAKER: The gentleman from Farmington, Mr. Holman, moves that the House recess until 4 o'clock this afternoon. As many are in favor of the gentleman's motion will say aye; as many as are opposed will say no.

A viva voce vote being doubted, A division was had,

Forty-eight having voted in affirmative and 60 in the negative, the motion was lost.

Mr. JACOBS of Auburn: Mr. Speaker, I think the last speaker has spoken both for and against this proposition. He has argued on both sides, but I intend to argue on but one.

The most of us throughout the State of Maine are interested in all the major propositions that come before us. We have had discussed the road question and the school question, but to my mind the school question predominates above all other questions that come before us for consideration. The bill says equal privileges to all, and I believe that is the right proposition to maintain.

I realize that the gentleman Mr. McKnight from Poland, claims that I come from the city of Auburn. I do. I represent that city in this Legislature; but permit me to say, if I may refer to myself personally, that I have also represented in this House two different districts in the State of Maine previously, and they are from country towns, and my experience largely and wholly in school matters has been in country towns in Somerset county. I have had the privilege, and the rare privilege, I will say, of being on three school boards in three different towns in Somerset county, aggregating 14 years' experience along the line of school work; and I was a member of the Skowhegan school board when I moved to Auburn six years ago.

These problems have confronted us from time immemorial. I recall in my early days, when I taught school, thirty-five years ago, that only 20 weeks of school were allowed us in the country towns. But we are living in an age of progression today, ladies and gentlemen; we do not want to go back to antiquated times. We are progressing, and I believe we have an efficient educational institution in the State of Maine in our Department of Education of the State of Maine that is functioning properly, and I believe it is in the interest of every member in this whole House that we give every person, every child, an equal opportunity for educational advantages.

Mr. McKnight's home town in Poland has 34 weeks of school. He does not complain about that; but he is coming in here and prejudicing your minds against an advance to 32 weeks.

This is in the line of progress, and I believe we should take no backward step in the school propo-

sition, and I hope that when you vote upon this, you will grant to these people in the country towns,—as he says, the rural districts,—an equal opportunity with the larger towns.

We have in the State of Maine today 519 towns. Four hundred and forty-two towns are enjoying 32 weeks or more of school privileges; 75 are enjoying but 30 weeks of school privileges.

Now to speak of the equalization fund. We have already passed a resolve in this House adding \$25,000 to the \$100,000 which we have to devote entirely to these towns which have a higher tax rate than some which do not. Some towns maintain a restrictive policy in their school program as well as in other things in those towns. In other words, it is a narrow policy they pursue, and not one that is progressive. That is the particular point I want to bring out here today: That these towns can afford to raise their standard to 32 weeks. If this law passes, the entire amount is only \$15,900 to the State of Maine, a small sum of money in proportion to the vast area that is covered; and we already have passed a resolve of \$25,000 in this Legislature to apply upon this school proposition, and it is not going to be a burden to any town.

I know if six towns in my own county of Somerset that can well afford to have 32 weeks, but the restrictive policy, the narrow policy, which they pursue, I have no doubt prevents them from having what they ought to have. I believe you should have equal privileges for all.

Mr. DAY of Gorham: Mr. Speaker and Members of the Eighty-fourth Legislature: The passage of this act I believe would be of great advantage to the children in the rural schools. In Massachusetts the school year is 38 weeks; in Rhode Island, 40 weeks; a fair average for the school year is 36 weeks. In 75 towns in Maine the school year is only 30 weeks. The loss to the pupil in school weeks during eight years in the primary grades is 48 weeks or one and one-third years. In view of this fact, to raise the number of school

weeks per year from 30 to 32 seems a progressive step in favor of the child.

As has been stated, this change would cost less than \$16,000 and would not materially alter the cost to the town, even in transportation. Since the education of a child completing the primary grades in eight years of a 32 weeks per year school would be no more expensive than that of the same child completing the work in nine years of the thirty weeks per year school. The country child is entitled to much credit for what he is able to do under his handicap.

I would like to compare the country child's opportunity with that of the city child. The country child—school 30 weeks; the city child—school 36 weeks; the country child—teacher with a high school education; the city child—teacher a normal school graduate; teacher's salary, \$450 a year as compared with teacher's salary, \$1,000 a year; no supervision of music, art or penmanship; special supervisors of music and art; length of recitation—ten minutes; length of recitation—twenty-five minutes; schoolhouse of one room; schoolhouse of ten rooms; no library; library of 500 volumes; not enough playmates for games; ball team; no high school at home; high school at home.

It has been said that the child from the rural school is able to compete with the child from the city school and maintain an equal standard of scholarship, but it has been proven by educational tests that the child from the rural schools who accomplishes this is able to do so only in cases of exceptional ability. I hope the unanimous report of the committee, ought to pass, will prevail. (Applause)

Mr. WING of Kingfield: Mr. Speaker, I assume that the purpose of this increased two weeks in schools is for the help of the rural scholars. Now without taking up the whole question, I want to suggest this: Up until Christmas of this year one of the teachers in the schools of Kingfield made the statement that at that time they had had two weeks of holidays. That means that the

town of Kingfield, and probably every other town in the State of Maine had paid the teachers their salaries and the other bills that went along in regard to the schools, and that the students had received nothing as a substitution for these holidays. In fact, the holidays were simply a closing of the schools.

Now I simply suggest that instead of bringing bills here to increase the school year, increase the general expense, increase the salaries of teachers, that we bring in a bill here that says if teachers wish the holidays, and substitute nothing for the scholars in place of these, their salary will be cut down accordingly. Otherwise you might put on two extra weeks of school without any further remuneration to the teacher, if we are bound to keep the holidays and not increase the expense of these people, who are obliged to keep up the rural schools.

Mrs. FOLSOM of Norridgewock: Mr. Speaker, as a member of the teaching profession for many years, I should like to say something in answer to Mr. Wing's remarks about holidays, etc., and tell you what the teacher's viewpoint is in regard to that. That I consider has nothing to do with the matter in hand now, which is increasing the required school year in the State of Maine to 32 weeks instead of 30 weeks.

Now I do not know whether Norridgewock is a smaller or larger place than Poland or some other places, but I know it is a rural community so I can speak from a thoroughly rural point of view. Moreover, I can speak from another point of view, and that is the professional point of view. Now professionally or educationally, because Maine requires a school year of only 30 weeks, Maine is almost at the foot of the 48 states in the educational work, and I will tell you frankly that it hurts my State pride when I go back to Massachusetts and talk with my friends who are mostly in the profession of education, and we talk over our educational affairs, and I cannot stand up for my State. Now how would you bankers and lawyers and medical men like to feel that the State of Maine is way down in your

profession? That is the way I feel about it.

Now, two weeks is not awfully drastic. That is not an awfully big amount of time to add to the school year, and it will do something for Maine in the educational world; it will raise her a little bit in the ranks of the profession.

What Mr. Knight said about the 83rd Legislature was perhaps all true, but if the 83rd Legislature made a bad mistake, why does the 84th Legislature repeat it? I hope the motion for indefinite postponement will not prevail, and I hope you will consider this point and have a little pride in your State. You cannot do it professionally, because I think there is no other professional teacher here, but try to put yourself in the place of one to whom this means a great deal professionally. (Applause)

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I wish to add just one thought which is a little at variance from those that have been expressed. I am heartily in favor of the extended school year, not only for the reasons that have been so ably put forth, but for an added reason, and it is this: Personally, for the good of the child, so far as health is concerned, because of regularity of habits, because of control that is beneficial over the child's life during the school period. I believe, not only from a strictly educational standpoint, but for the standpoint of the establishment of character and the increased tendency towards good health, good morals, and the making of our young men and women, —personally I would like to see the school, perhaps with shorter daily sessions, continuous.

More harm comes to our children through vacations than at any other time in the year. The nearer that we can approach to a continuous school year, the better I shall be satisfied from an educational standpoint, from a health standpoint, and from the standpoint of the development of character.

Mr. McKNIGHT: Mr. Speaker, one of the gentleman here says that I talked on both sides of this question. Now I want to assure the members of this House that I have been in debates enough in different places so I know when I am



talking on both sides of a question, and I know when I am talking in strict line on a question. He also said he had had experience in schools; I have had, too, in a way. I have had experience in going to school in four different States—city schools. I went to four different schools in the city of Lewiston. While that does not amount to anything, it gives a man a good idea of this school business.

We can stand here and argue from now to the close of this session, and we will not get anywhere on this school question in regard to what we ought to do and all those things. If I were going to make a suggestion, I would suggest that in these rural schools they continue the grades up until the ninth grade, and then the proponents would not say "Keep these scholars another year in school; they are a year behind when they start out in life." Undoubtedly that is true, but I am honestly of the belief that scholars are graduated from school too young in these days. They get through high school when they are sixteen years old, in many cases. When I was a boy I was just going to high school at that time, and didn't consider it any disgrace, either.

Now the gentleman alluded to the fact that I made a mistake in the number of these towns. Now I do not want to make a mistake in my figures, but I want to say in one of these books it says 92 towns and in another pamphlet here it says 75 towns. They have increased it. They told me there were 84 towns, and I can figure out here where there are 84 towns. So I say to the members of this House now there are 84 towns in the State that only maintain an average of 30 weeks, and then you add on nine more that only have 31 weeks, and that makes 93 towns, actually 93 towns that have not got 32 weeks of school that this bill is going to affect.

I want to say to the members of this House that when I start in to argue on both sides of the question, I know when I am stepping over the line, and my reason for arguing on both sides of this question is because I believe in some phases of it. I am not against anybody's children having all the education they can get. I think it is

desirable to give these children all of the schooling they can get. I say to you now, you members of this House, that this is purely a rural condition and when they start in here to take the rights and privileges away from 93 towns in this State, it is going a little too far. When this vote is called, I ask for a division.

Mr. JACOBS: Mr. Speaker, I think we have discussed this plenty; I think the members of the House know the facts, but I wish simply to correct an error. I do not know where Mr. McKnight got his statistics.

This was handed to me by Mr. Thomas, Chairman of the Educational Department, and it says here that 75 towns and plantations in the State of Maine have a standard of 30 weeks, and that includes 11 plantations which are taken care of by the tax on wild lands, so it does not affect the citizens in these plantations. I just wanted to correct this, because this was given to me by Mr. Thomas, at my request, and I want it thoroughly understood I have tried not to make any mistakes in my statements.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Poland, Mr. McKnight, that H. P. 1383, H. D. 463, bill an act relating to equal school privileges for all pupils be indefinitely postponed. As many as are in favor of the motion will rise and stand in their places until counted and the monitors have returned the count.

A division was had.

Seventeen having voted in the affirmative and 72 in the negative, the motion for indefinite postponement was lost.

On motion by Mr. Jacobs, the bill received its third reading and was passed to be engrossed.

Mr. CAMPBELL of Leeds: Mr. Speaker, I move that the House reconsider its action taken earlier this morning on House Paper 774, House Document 241, resolve in favor of the town of Leeds, whereby this resolve was assigned for Tuesday next. My reason for this is that I have just been called outside by three members of that committee and they admit there was a

mistake; and on further motion by the same gentleman the resolve was recommitted to the committee on Claims.

Mr. KITCHEN of Presque Isle: Mr. Speaker, I move that the House now recess until 4 o'clock.

The SPEAKER: The gentleman from Presque Isle, Mr. Kitchen, moves that the House recess until 4 o'clock. As many as are in favor of the House recessing will say aye; as many as are opposed will say no.

A viva vice voce vote being had the motion prevailed and the House recessed until 4 P. M.

#### After Recess 4 P. M.

Papers from the Senate were taken up out of order, under suspension of the rules, and disposed of in concurrence

#### Senate Bills in First Reading

S. P. 728, S. D. 383: An act to establish the territorial limits of the South Paris Village Corporation.

S. P. 729, S. D. 381: An act to amend Section 31 of Chapter 117 of the Revised Statutes relating to salaries of public officers and the compensation of members of the government.

S. P. 157, S. D. 382: An act to increase the salary of the County Commissioners of the County of Washington.

From the Senate: Resolve in favor of the Jackman-Rockwood road, H. P. 1669, H. D. 702, which was passed to be engrossed in the House March 25th.

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

In the House, the vote was reconsidered whereby this resolve was passed to be engrossed; and the House concurred with the Senate in the adoption of Senate Amendment A, and the resolve as so amended was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Judiciary on bill an act relating to the powers of the State Highway Police, S. P. 360, S. D. 143, reporting same in a new

draft, S. P. 674, S. D. 365, under same title and that it ought to pass.

Comes from the Senate report read and accepted, Senate Amendment B rejected, and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, the report was read and accepted in concurrence. Senate Amendment A read and adopted in concurrence.

Senate Amendment B was also read and rejected in concurrence.

Thereupon the bill had its two several readings and tomorrow assigned.

From the Senate: Bill an act to revise, arrange and simplify the Mill Tax Highway Fund laws, H. P. 1445, H. D. 500, which was passed to be engrossed in the House March 18th.

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

In the House, that body voted to reconsider its action whereby this bill was passed to be engrossed.

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

#### Reports of Committees

The following Reports of Committees were taken up out of order under suspension of the rules:

Mr. Rackliff from the Committee on Inland Fisheries and Game reported "ought not to pass" on bill an act relative to disposal of slabs and refuse in waters of the State. (H. P. 725)

Same gentleman from same committee reported same on bill an act to regulate fishing in the brooks and streams in Androscoggin County. (H. P. 393) (H. D. 116)

Mr. MacKinnon from same committee reported same on bill an act to repeal Chapter 91 of the Public Laws of 1927, relating to Mount Bigelow Game Preserve (H. P. 52) (H. D. 24) together with petition.

Same gentleman from same committee reported same on bill an act relating to the protection of fur bearing animals. (H. P. 666) (H. D. 203)

Mr. White from same committee reported same on bill an act relating to smelts. (H. P. 1209) (H. D. 401)

Mr. McLean from same committee

reported same on bill an act to permit the residents of Readfield, Kennebec County, to fish through the ice in that part of Lake Maranacook lying north of the line between Readfield and Winthrop in said county. (H. P. 806) (H. D. 257)

Reports read and accepted and sent up for concurrence.

Mrs. Gay from the Committee on Education on resolve in favor of Jennie E Smith of Teacher's pension (H. P. 800) reported same in a new draft (H. P. 1722) under same title and that it ought to pass.

Report read and accepted and the new draft ordered printed under the Joint Rules.

Majority report of the Committee on Legal Affairs on bill an act to grant a new charter to the city of Portland (H. P. 851) (H. D. 354) reporting same in a new draft (H. P. 1723) under same title and that it ought to pass.

Report was signed by the following members:

Messrs. CROSBY of Penobscot  
 MURCHE of Washington  
 —Of the Senate  
 BLAISDELL of Franklin  
 SARGENT of Brewer  
 TAYLOR of Belfast  
 PEACOCK of Readfield  
 BURKETT of Portland  
 BELLEAU of Lewiston

—Of the House

Minority report of same committee reporting "ought not to pass" on same bill.

Report was signed by the following members:

Messrs. DWINAL of Knox  
 —Of the Senate  
 JACK of Lisbon  
 —Of the House

(On motion by Mr. Rounds of Portland, both reports tabled pending acceptance of either, and 500 copies of the new draft ordered printed.)

The following bill was taken up for its first reading was taken up out of order under suspension of the rules:

(H. P. 1707) (H. D. 770) An act relating to the appointment of public administrators.

The following bills on their passage to be enacted and resolves on their final passage were taken up out of order under suspension of the rules.

**Passed to Be Enacted**

(S. P. 571) (S. D. 238) An act with reference to the Attorney Gen-

eral and to the arrest and apprehension of criminals.

(S. P. 610) (S. D. 305) An act with reference to the permanent funds of the State.

(H. P. 770) (H. D. 237) An act to reimburse the Judge of the Caribou Municipal Court for clerk hire.

(H. P. 882) (H. D. 294) An act confirming the construction of the ferry wings at Peaks Island.

(H. P. 1518) (H. D. 599) An act relating to the capturing of bees.

(H. P. 1588) (H. D. 591) An act to annex Cow Island to the town of Bremen.

(H. P. 1655) (H. D. 686) An act relating to the sterilization of milk utensils.

(H. P. 1659) (H. D. 690) An act relating to a State Geologist.

(H. P. 1661) (H. D. 691) An act to extend the charter granted to the Sandy River and Rangeley Lakes Railroad Company.

**Finally Passed**

(S. P. 365) (S. D. 141) Resolve in favor of D. B. Cornish to reimburse him for road construction in Phippsburg, Maine.

(S. P. 327) (S. D. 119) Resolve for the construction and equipment of an industrial building at the State Reformatory for Men.

(S. P. 628) (S. D. 303) Resolve providing for a State pension for Frances J. Libby of Augusta.

(H. P. 867) (H. D. 689) Resolve providing for the purchase of "Minstrely of Maine."

**Emergency Measure**

(S. P. 526) (S. D. 214) Resolve to appropriate moneys for the payment of certain claims for which no legislative appropriation has been made and to provide for carrying on the activities of departments and institutions for the remaining months of the fiscal years ending June 30th, 1929, and for other purposes.

The SPEAKER: This being an emergency measure, it is necessary under the Constitution that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the final passage of this resolve will rise and stand until counted, and the monitors have returned the count.

A division being had,

One hundred and eighteen voting in the affirmative and none in the negative, the resolve was finally passed.

The SPEAKER: Returning to orders of the day, is there any business which any member may bring before the House?

On motion by Mr. Wing of Kingfield, the House voted to reconsider its action whereby it assigned for tomorrow morning S. P. 720, S. D. 371, an act relating to optometry, and on further motion by the same gentleman it was voted to take the bill from the table.

Mr. WING: Mr. Speaker, I offer House Amendment A and move its adoption.

The SPEAKER: The Clerk will read the amendment.

House Amendment A to Senate Paper 720, entitled an act relating to optometry.

Amend section three by adding after the word "Maine" in the fifth line thereof the following "nor to resident merchants so long as they shall sell spectacles only that do not contain ophthalmic lenses."

House Amendment A was adopted, and on motion the bill as amended had its third reading.

On motion by Mr. Rodolphe Hamel of Lewiston the bill was tabled, pending passage to be engrossed, and specially assigned for Wednesday, April 3.

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

On motion by Mr. Burkett of Portland it was voted to take from the table H. P. 1696, H. D. 756, resolve in favor of H. E. Houdlette, administrator of the estate of Benjamin Owen Emmons, late of Richmond, county of Sagadahoc, State of Maine, deceased, tabled by that gentleman earlier today.

Mr. BURKETT: Mr. Speaker, some facts in connection with this resolve I think should be called to the attention of the members of the House. In the new draft, which is House Document 756, there is no statement of facts. There is statement of facts in House Document No. 188. It is quite a long and somewhat elaborate statement of facts that I will not read but I think I can give you the gist of it in a few words.

Between Richmond, in Sagadahoc county, and Dresden, in Lincoln county, a man named Emmons in 1923 owning his own boat, was licensed as a ferryman and author-

ized by the County Commissioners to conduct a ferry, the rates of toll being fixed by the county commissioners of the county of Sagadahoc. In August, 1923, an automobile containing several persons drove on to the ferry. While the ferry was on its passage from one side of the river to the other, according to the statement of facts, the brakes not being properly set, the automobile went off the ferry and four people were drowned. Suits were brought against Mr. Emmons, two in Kennebec county and two in Sagadahoc county, and various judgments were procured against him totaling \$3622.27. He has since died, having before his death given his note to his bank which note was endorsed by his wife and three other individuals. He reduced the note somewhat during his lifetime until now there is a balance due in excess of \$1500. That, in brief, is the statement of facts. His estate now comes before this Legislature asking to be reimbursed to the extent of \$3622.27.

Being interested to discover, if I could, any basis for legal liability for the payment of this claim, and being somewhat afraid of my own judgment on it because of the various bills without merit we have been hearing in the Legal Affairs committee, as evidenced by the reports we have been putting in recently, I consulted, I think, all of the attorneys in the House and Senate. Nowhere could I find any explanation of any legal liability on the part of the State of Maine for the payment of this amount or any other amount in connection with this claim. It seems to me that the fact that the county of Sagadahoc reserved the right to fix the rates for this ferry does not of itself constitute that ferry, or that ferryman, an agency of the State. If so, the fact that the State licenses and charters corporations and individuals to engage in the business of railroading, operating telephone companies or electric light companies would fall in the same category, and any person injured while traveling on any of those utilities, injured by the negligence of any employee, would have just as good a claim against the State of Maine.

I then went around and talked with some members on the Committee on Claims, some of the attorneys on the committee and some

of the other members, asking them to tell me, if they could, where there was any legal liability on this State to pay the claim, and up to the present time no one has given me no such explanation. It is, of course, a pathetic state of affairs; but I had supposed up to the time I interested myself in this claim that the Committee on Claims was for the purpose of hearing claims of people who had just and legal claims against the State, claims which they would be barred from bring suit on against the State by reason of the provisions of our Statute, familiar to all of you, which require that no man can sue the State of Maine except expressed assent having been previously given for that action by the Legislature. As I say, no member of the Committee on Claims has been able to show any reason for paying this claim except on the basis of a charitable gift from this State to these people. It is hard to oppose it, but it seems to me it would open the door to the introduction of a good many claims along the same line if we did pay it, and that this Legislature is not justified in taking money raised by taxation to give to people who have no legal claim against the State. I therefore move, Mr. Speaker, that this resolve be indefinitely postponed.

Mr. ROUNDS of Portland: Mr. Speaker, this claim was heard before the Committee on Claims, and the gentleman from Portland (Mr. Burkett) seems very much interested and very much exercised over this small claim against the State of Maine to the extent that he has come on here and found out that there is no legal right to pay it. The Committee on Claims is not a legal committee. The Committee on Claims is a committee of justice, not legality, if they had, they would have sent it to the legal committee on their wisdom, but they did not see fit to send it there and they sent it to the Committee on Claims.

I want to say that a ferry is nothing but a floating bridge. It has been so decided by an eminent jurist in the State of Maine, although the gentleman from Portland (Mr. Burkett) is one of the legal fraternity,—but it has been decided by an eminent jurist that a ferry is a floating bridge.

They go down on a road to the river and start for the other side. This bridge, though floating, is not a pontoon. They were being carried across to the other side. If this claim had been put into the United States court, where it ought to have been, the claim would have been thrown out. I have had the same thing happen myself so I know about it. I did not have to ask any legal man, either. A legal man came and told me. I wanted to pay something and he said "Don't pay a cent" and the consequence was they threw it out of court.

Now what happened here? This man had four automobiles, as I understand, go on to his ferry and they were very anxious to get across. I don't know whether the chains were up or not. I have seen some of our good motorists go right over the top of the chains on my own boat. I could not say whether he had chocks on it or not; we never put them on ours. We put chains up and sometimes they go over them, these good, fast runners. We heard this claim and what was the consequence. This man was defeated, you might say, in our State court, and as I have said the action should have been in the United States court. There was a verdict against him and while he lived he tried to pay that verdict. He worked hard night and day but what was the consequence? One day he passed away. Therefore, they came to this House. Oh, I will say this, that this ferryman was put under bond and he had to go according to the laws of the State of Maine; but what was the consequence? He, as I say, passed away. The bondsmen came on and the widow was trying to get along, but what was the consequence? Their house would have to be sold, the children would have to be put on the town. We did give them a part payment and the bondsmen are going to take part of their losses themselves, as I have been told, and the widow will have a roof over her head and the children will have schooling. Therefore, I hope the gentleman's motion will not prevail.

Mr. HAWKES of Richmond: Mr. Speaker, ladies and gentlemen of the Eighty-fourth Legislature: I do not feel competent to reply to the honorable gentleman of the

legal profession (Mr. Burkett), but as I understand the committee on Claims is not a legal committee but is a committee to present to this body what is just and equitable for people to receive who cannot receive those claims by law. I feel that if ever there was a just claim that demanded your consideration, this is the one. This widow and her five children will become town paupers if the State does not reimburse them for what their father suffered while he was alive, and I feel that if this is not done we will be lacking in our duty as legislators. This man gave his bond as Brother Rounds has said, and if he had lived he would have worked and paid every dollar involved; but unfortunately the worry and strain of this action caused his death and he left five dependent children. The bank holds a mortgage on that woman's property and every dollar will be paid to the bank, but when that money is so paid that widow and those children become town paupers and the State that the man had faithfully served for thirty years will not pay what it ought to pay if this resolve does not pass. The committee considered it, and while this gentleman (Mr. Burkett) raises legal claims, there were lawyers on that committee who also considered it from a legal point of view and

they reported unanimously that this claim should be paid. If that is the case, you members who serve on different committees in this House and consider the different things that enter into it,—you do not report a claim unanimously unless you have given it careful consideration and unless you feel that it is a just claim. That is what this committee did, and I believe ladies and gentlemen that we are justified in passing this resolve.

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Mr. KITCHEN of Presque Isle: Mr. Speaker, I, myself, am in doubt as to this question and I really do not know how to vote. I am very sure that we would not wish to do any injustice to anyone who has a legal claim against the State of Maine; and for the purpose of gaining more information on this matter I should like to have this tabled and specially assigned for tomorrow morning.

Thereupon, on motion by Mr. Kitchen, the resolve was tabled, pending the motion of the gentleman from Portland, Mr. Burkett, to indefinitely postpone.

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On motion by Mr. Jackson of Bath,

Adjourned until 9.30 tomorrow morning.