

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Thursday, January 26, 1933.

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

Prayer by the Rev. Mr. Howes of Hallowell.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

The following bills, resolves and petition were received and upon recommendation of the committee on reference of bills were referred to the following committees:

**Claims**

Resolve in favor of Alta M. Brown of Rockland (H. P. No. 186) (Presented by Mr. Fogg of Rockland)

Resolve in favor of the town of Jay for the support of Arthur Chabot and family (H. P. No. 187) (Presented by Mr. Blanchard of Wilton)

Resolve in favor of Donald McIntosh of Houlton (H. P. No. 188) (Presented by Mr. Tompkins of Houlton)

Resolve in favor of Samuel Kertz of Southwest Harbor (H. P. No. 189) (Presented by Mr. Graves of Mt. Desert)

Resolve in favor of the town of Orono to assist in the support of Sarah E. Murphy (H. P. No. 190) (Presented by Mr. Fernald of Winterport)

Resolve in favor of Como Monumental Works (H. P. No. 191) (Presented by Mr. Flanders of Auburn)

Resolve to provide for the care of Mrs. Lillian Stephens an Indian (H. P. No. 192) (Presented by Mr. MacPherson of Easton)

Resolve in favor of Henry Moor of Township No. 28 (H. P. No. 193) (Presented by Mr. Leathers of Hermon)

Resolve in favor of Robert Hale of Medway (H. P. No. 194) (Presented by Mr. Nevers of Patten)

**Education**

Resolve in favor of Lebanon Academy (H. P. No. 195) (Presented by Mr. Lord of Lebanon)

Resolve in favor of Leavitt Institute (H. P. No. 196) (Presented by Mr. Mason of Mechanic Falls)

Resolve in favor of the Corinna

Union Academy (H. P. No. 197) (Presented by Mr. Soper of Newport)

Resolve in favor of Nasson Institute (H. P. No. 198) (Presented by Mr. Carignan of Sanford)

**Inland Fisheries and Game**

Bill "An Act Closing Pleasant River and tributaries to Trapping" (H. P. No. 199) (Presented by Mr. Shaw of Milbridge by request) (500 copies ordered printed.)

Petition of Selectmen of Columbia and Columbia Falls in favor of same (H. P. No. 200) (Presented by same gentleman)

Bill "An Act regulating Trapping of Wild Animals within the Counties of Waldo and Knox" (H. P. No. 201) (Presented by Mr. Hills of Northport)

Bill "An Act relative to Ice Fishing in China Lake and Mud Pond" (H. P. No. 202) (Presented by Mr. Belanger of Winslow)

Bill "An Act closing to all Fishing for a period of four years Fish River Falls" (H. P. No. 203) (Presented by Mr. Smith of Masardis)

Bill "An Act relating to Closed Season on Deer in Franklin, Oxford and Somerset Counties" (H. P. No. 204) (Presented by Mr. Ellis of Rangeley)

Bill "An Act relating to Closed Time on Deer in Penobscot County" (H. P. No. 205) (Presented by Mr. Nevers of Patten)

Bill "An Act relating to Fishing in Lake Penesseewassee and Sand Pond" (H. P. No. 211) (Presented by Mr. Knight of Waterford)

Resolve relating to Fishing in McCoslin Brook and Turtle Pond Brook (H. P. No. 206) (Presented by Mr. Devereux of Penobscot)

Resolve relating to Ice Fishing in Webber Pond and Three Mile Pond (H. P. No. 208) (Presented by Mr. Belanger of Winslow)

Resolve regulating Fishing in Long Pond or Crescent Lake (H. P. No. 209) (Presented by Mr. Ellis of Rangeley)

Resolve regulating Fishing in Round, Ross, Haley and Quimby Ponds (H. P. No. 210) (Presented by same gentleman)

(500 copies of bills and resolves ordered printed.)

Resolve in favor of the town of Frankfort for a Fishway (H. P. No. 207) (Presented by Mr. Fernald of Winterport)

**Judiciary**

Bill "An Act creating a Lien on Potatoes" (H. P. No. 212) (Presented by Mr. Michaud of Van Buren)

Bill "An Act relating to Costs in Municipal Courts" (H. P. No. 213) (Presented by Mr. Goudy of South Portland)

Bill "An Act relating to Liability to Guest Riders" (H. P. No. 214) (Presented by Mr. MacPherson of Easton)

Bill "An Act relating to Contributory Negligence" (H. P. No. 215) (Presented by same gentleman)

(500 copies of each ordered printed.)

Bill "An Act relating to the Odd Fellows' Home of Maine" (H. P. No. 216) (Presented by Mr. Viles of Madison)

**Labor**

Bill "An Act relating to Disposition of Fines collected for violations of Labor Laws" (H. P. No. 257) (Presented by Mr. Chase of Baring)

(500 copies ordered printed.)

**Legal Affairs**

Bill "An Act relating to the Practice of Vivisection in Schools supported wholly or in part by Public Money." (H. P. No. 217). (Presented by Mr. Quine of Bangor).

Bill "An Act relating to the Charter of the city of Bangor." (H. P. No. 218). (Presented by same gentleman).

(500 copies of each ordered printed.)

(On motion by Mr. Quine of Bangor, the House voted to reconsider its action whereby this bill was referred to the committee on Legal Affairs and ordered printed; and on further motion by the same gentleman the bill was tabled, pending reference to a committee and 500 copies ordered printed).

Bill "An Act relating to Elections in the city of Biddeford." (H. P. No. 219). (Presented by Mr. Stern of Biddeford).

Bill "An Act relating to the Incorporation of Cousins and Littlejohns Islands Village Corporation." (H. P. No. 220). (Presented by Mr. Dunn of No. Yarmouth).

Bill "An Act relating to the Certificate to be given by the Clerk of Towns or Cities to those declaring Intention of Marriage." (H. P. No. 258). (Presented by Miss Martin of Bangor).

Bill "An Act relating to the Counting and Sealing of Ballots." (H. P. No. 259). (Presented by same member).

(500 copies of each ordered printed.)

**Pensions**

Bill "An Act relating to Pensions for Crippled Citizens." (H. P. No. 221). (Presented by Mr. Russ of Woodstock).

(500 copies ordered printed).

Resolve in favor of James W. Kendall. (H. P. No. 222). (Presented by Mr. Ward of Thorndike).

Resolve providing for a State Pension for Georgia M Sproul of Liberty. (H. P. No. 223). (Presented by Mr. Hills of Northport).

Resolve providing for a Pension for Jennie Lane. (H. P. No. 224). (Presented by Mr. Norris of Wayne).

Resolve providing for a State Pension for Eleanor C. Ryder of Newport. (H. P. No. 225). (Presented by Mr. Rea of LaGrange by request).

**Public Health**

Bill "An Act relating to Quarantine of Indigent Cases." (H. P. No. 226). (Presented by Mr. Littlefield of Bluehill).

(500 copies ordered printed.)

**Public Utilities**

Bill "An Act to extend the rights, powers and privileges of the Sabattus Water and Sewer District." (H. P. No. 227). (Presented by Mr. Holden of Webster).

**Taxation**

Bill "An Act repealing the law relating to Auxiliary State Forests." (H. P. No. 228). (Presented by Mr. Rea of LaGrange).

(500 copies ordered printed.)

**Ways and Bridges**

Bill "An Act relating to Registration Fees for Vinalhaven and North Haven Inhabitants." (H. P. No. 229). (Presented by Mr. Smith of Vinalhaven).

(500 copies ordered printed).

Resolve in favor of the town of Monmouth. (H. P. No. 230). (Presented by Mr. Jones of Winthrop).

Resolve in favor of the town of Mars Hill (H. P. No. 231). (Presented by Mr. Tompkins of Bridgewater).

Resolve in favor of the town of Bridgewater. (H. P. No. 232). (Presented by same gentleman).

Resolve in favor of the town of Lubec. (H. P. No. 233). (Presented by Mr. Peacock of Lubec).

Resolve in favor of Stacyville Plantation (H. P. No. 234). (Presented by Mr. Nevers of Patten).

Resolve in favor of the town of Patten. (H. P. No. 235). (Presented by same gentleman)

Resolve in favor of the town of Fayette. (H. P. No. 236). (Presented by Mr. Norris of Wayne).

Resolve in favor of the town of Freeport. (H. P. No. 237). (Presented by Mr. Stover of Pownall).

Resolve in favor of a Road leading from Sidney to Oakland. (H. P. No. 238). (Presented by Mr. Tillson of Belgrade).

Resolve in favor of the town of South Thomaston. (H. P. No. 239). (Presented by Mr. Whitney of Friendship).

Resolve in favor of the town of Cushing. (H. P. No. 240). (Presented by same gentleman).

Resolve in favor of the town of Owl's Head. (H. P. No. 241). (Presented by same gentleman).

Resolve in favor of the town of Eddington. (H. P. No. 242). (Presented by Mr. Mack of Veazie).

Resolve in favor of the town of Orrington. (H. P. No. 243). (Presented by same gentleman).

Resolve in favor of the town of Steuben. (H. P. No. 244). (Presented by Mr. Shaw of Milbridge).

Resolve in favor of the town of Milbridge. (H. P. No. 245). (Presented by same gentleman).

Resolve in favor of the town of Cherryfield. (H. P. No. 246). (Presented by same gentleman).

Resolve in favor of the town of Newport. (H. P. No. 247). (Presented by Mr. Soper of Newport).

Resolve in favor of the town of Exeter. (H. P. No. 248). (Presented by same gentleman).

Resolve in favor of the town of Bancroft. (H. P. No. 249). (Presented by Mr. Crowell of Weston).

Resolve in favor of the town of Haynesville. (H. P. No. 250). (Presented by same gentleman).

Resolve in favor of the town of Webster. (H. P. No. 251). (Presented by Mr. Holden of Webster).

Resolve in favor of the town of Durham. (H. P. No. 252). (Presented by same gentleman).

Resolve in favor of the town of Leeds. (H. P. No. 253). (Presented by same gentleman).

Resolve in favor of the town of Perry. (H. P. No. 254). (Presented by Mr. Clarke of Cooper).

Resolve in favor of the town of Charlotte. (H. P. No. 255). (Presented by same gentleman).

Resolve in favor of the town of Pembroke. (H. P. No. 256). (Presented by same gentleman).

Resolve in favor of the town of Industry for a Road. (H. P. No. 260)

(Presented by Mr. Sanborn of Weld)

Resolve in favor of the town of New Vineyard for a Road. (H. P. No. 261). (Presented by same gentleman)

Resolve in favor of Perkins Plantation. (H. P. No. 262). (Presented by same gentleman)

At this point a communication was received from the Senate, through its Secretary, proposing a Joint Convention of the two branches of the Legislature to be held in the hall of the House of Representatives forthwith for the purpose of extending an invitation to His Excellency, the Governor, to attend and transmit the budget and to make such communication relative thereto as he sees fit.

The SPEAKER: The House hears the message.

#### Orders

On motion by Mr. Tompkins of Bridgewater, it was

Ordered, that the use of the hall of the House of Representatives be granted to the committee on Temperance for the purpose of a public hearing on the afternoon of Thursday, February 9th, beginning at 1.30 P. M.

On motion by Mr. Wentworth of Kennebunk, it was

Ordered, that the use of the hall of the House be granted to the committee on Towns in the afternoon of Wednesday, February 8th, commencing at 1.30 P. M.

On motion by Mr. Stern of Biddeford, it was

Ordered, that there be printed 500 copies of H. P. 156, Memorial to Congress of the United States urging it to establish a Federal system of unemployment insurance.

On motion by Mr. Stern of Biddeford, it was

Ordered, that there be printed 500 copies of H. P. 157, Memorial to Congress of the United States urging it to regulate the hours of labor.

On motion by Mr. Lord of Lebanon, it was

Ordered, that fountain pens be supplied to all members of the Legislature. (Laughter)

Mr. Farris of Augusta presented

the following order and moved its passage:

Ordered, that 500 copies be printed of H. P. No. 32, bill an act relative to the trial terms of the Superior Court.

Mr. FARRIS: Mr. Speaker, I wish to explain in regard to these two bills and their printing. They were referred to the Judiciary committee, one relating to change of trial terms in all the counties in the State, the other relating to waiving of jury trial by persons accused of crime. They are very important bills and many of the lawyers of the State do not know anything about them. There have been many inquiries at the various court houses for copies of the bill which cannot be supplied. The Judiciary committee deemed it wise to have these printed as there is a further hearing next week on these two bills.

The order received passage.

On motion by Mr. Farris of Augusta, it was

Ordered, that 500 copies be printed of H. P. No. 33, bill an act providing for waiver of jury trials by persons accused of crime.

On motion by Mr. Farris of Augusta, it was voted that the House signify to the Senate its concurrence in the proposal of the Senate that a Joint Convention of both branches be held to listen to a message from His Excellency, the Governor, on the budget, and that the House, through its Clerk, signify to the Senate such concurrence.

Thereupon the Clerk conveyed to the Senate the concurrence of the House, subsequently reporting that he had performed the duty with which he was charged, which report was accepted.

Paper from the Senate, out of order.

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 31, 1933 at 4.30 o'clock in the afternoon.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

### Reports of Committees

Mr. Soper from the committee on

Public Utilities reported ought to pass on bill an act to extend the charter granted to the Sandy River and Rangeley Lake Railroad Co. (H. P. 78)

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

At this point the Senate came in and a Joint Convention was formed.

### In Convention

The President of the Senate in the Chair.

On motion by Senator Viles of Kennebec, the rules were suspended and it was ordered that a committee be appointed to wait upon the Honorable Louis J. Brann, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the hall of the House of Representatives and extend to him an invitation to attend and transmit the budget, and to make such communication in connection therewith as pleases him.

The Chairman thereupon appointed as members of that committee on the part of the Senate: Senators Viles of Kennebec, Robie of Cumberland and Cooper of Waldo; and on the part of the House: Representatives Carleton of Portland, Plouff of Dexter, Wright of Bath, Hussey of Augusta, Fenlason of Anson, Tupper of Calais and Thompson of Belfast.

Subsequently, Senator Viles for the committee reported that the committee had discharged the duty assigned it, and that the Governor was pleased to say that he would attend forthwith.

The report was accepted and the committee discharged.

Thereupon the Honorable Louis J. Brann, Governor, attended by his Council, entered the hall, the audience rising and applauding, and the Governor addressed the convention as follows:

Mr. President and Members of the Eighty-Sixth Legislature:

In accordance with the Code Act, I respectfully submit herewith the biennial State Budget for the fiscal years:

July 1, 1933-June 30, 1934.

July 1, 1934-June 30, 1935.

By direction of the Code Act, it contains:

Part I: The financial policy of the ensuing biennium.

A general budget summary show-

ing the relation between total proposed expenditures, and the total anticipated revenues, with the means of financing the budget for each fiscal year, showing also contrasting figures for the last completed fiscal year, and the fiscal year in progress.

Part II: Detailed budget estimate of expenditures and revenues.

Bonded indebtedness of State Government.

The debt redemption requirements.

The debt authorized and unissued. Condition of sinking funds.

Part III: Complete draft of budget bills.

Repeal and suspending acts to make effective proposed budget savings and economies.

In the preparation of the budget the following factors were considered:

First: The decrease in valuation of more than sixty million dollars.

Second: The estimated decrease in indirect State income of more than two million dollars.

Third: The inability of the cities and towns, especially the larger and more prosperous units of Government to pay the State tax seasonably.

Fourth: The impaired ability of our citizens to bear the cost of government.

Fifth: The fact that the State has no further borrowing capacity.

Sixth: The fact that the State has not been able to pay its temporary indebtedness.

Seventh: The disorganized conditions of the cities and the towns of the State.

Eighth: That more than three million dollars in State taxes are unpaid, though due.

The history of Maine does not disclose a parallel condition.

The loss of indirect income places a greater and more disproportionate burden on the real and the personal estates.

Making every possible economy, the real and the personal estates will bear at least two-thirds of the burden of appropriations.

As a practical proposition, if cities and towns cannot pay now, how can they pay in the future if we increase the State Tax?

Before any appropriation is passed, money should be available to meet its requirements.

It is useless to appropriate against an exhausted treasury.

If money cannot be found, the appropriation should fail.

This Legislature is under the solemn duty not to increase the State tax.

When salary reductions are fixed by the Legislature and by the Governor and the Council, re-adjustments may be necessary in the submitted budget.

The budget herein proposed can be financed only upon the assumption that the cities and towns make reasonable payment of State taxes.

Relating to the collection of taxes in cities and towns, I respectfully recommend the immediate enactment of legislation, reducing to a minimum the costs accruing against a worthy and unfortunate delinquent taxpayer, and the reduction of the exorbitant interest rate on tax deeds.

The costs assessed on tax suits and the high rate of interest charged on tax deeds are so excessive, that they work at the present time positive injury and injustice, and prevent, rather than assist, the collection of taxes and the redemption of property sold under tax deeds.

To safe-guard against the contingency of non-payment of State taxes by cities and towns, and any further decrease in State income, the following is respectfully submitted:

The financial problems which confront the State, and which are duplicated in many of our municipalities cannot be solved by ordinary rules.

Stringent economy in normal public expenditures is necessary and helpful, but appropriations for the relief of those who, by reason of unemployment are temporarily unable to provide for themselves and their dependents, materially add to the call upon the public treasury. This amount cannot be provided for in current tax levies in State, cities, or towns without increasing them to a point entirely beyond reason.

There is apparently but one way to meet the situation.

The credit of the State and its subdivisions must be utilized to an extent which would be unjustified, excepting for the existing emergency.

We cannot permit any scruple against increasing our public debt to stand in the way of providing food, clothing, and shelter to the destitute.

The Constitution of Maine forbids any municipality with a population of less than forty thousand incurring permanent indebtedness equal to more than five per cent of its assessed valuation.

The exception relates to the city of Portland, which is granted a borrowing capacity of seven and one-half per cent.

The Constitution limits the temporary borrowing capacity of the State to \$800,000.00.

Under ordinary circumstances, these inhibitions undoubtedly exercise a wise protective influence against extravagance, but these are extraordinary times.

The State is finding it impossible to keep an adequate working balance in its treasury.

Unless the cities and towns of this State drastically re-adjust their financial set-up within the next year or so, they will face financial disorganization.

With an increased borrowing capacity and with a program of strict economy, order and financial stability will be guaranteed during this period of re-adjustment.

I recommend submitting to the people, to be voted on next September, amendments to the Constitution that will grant to towns, cities and plantations opportunity to borrow an amount equal to seven and one-half per cent of their respective assessed valuations, and will authorize the State to negotiate temporary loans to the extent of two million dollars.

I suggest to the Legislature as an expedient which I sincerely hope will be unnecessary, that it might be advisable for the State to have authority to issue bonds for two million dollars, or any part thereof, to be disbursed for the relief of destitution, and for no other purpose.

We amended the Constitution to give Portland enlarged rights to borrow, we amended it to permit the State to issue bonds to build highways, to establish a State Pier, to erect bridges at Bath and Bucksport, and to defray expenses incident to the World War.

It is neither radical nor unreasonable to amend it to meet the present exigency.

True, no help can come from such measures until, and unless they are approved by the electorate in September, but if you submit them with your endorsement, I trust and believe that they will

meet with favorable public response and, in the meantime, with the relief which they would bring to look forward to, we can face the future more hopefully than is otherwise possible.

Recommendation is withheld as to the division or allocation of the General Highway Fund for general highway purposes.

The allocation of this fund is within the province of the Legislature.

The bond retirement and interest requirements of highway bonds amount to:

For 1933 and 34, \$1,910,420.00

For 1934 and 35, \$2,030,420.00

This leaves approximately \$4,600,000.00 for the first fiscal year, and approximately \$4,500,000.00 for the second fiscal year, for allocation and distribution.

The appropriations in the general highway law:

For the payment of the expenses of registering motor vehicles and licensing the operators thereof of \$160,000.00;

For the maintenance of the State Highway Police of \$160,000.00;

And for the administration of the office in carrying out the duties of the Highway Commission of \$165,000.00;

As now set up are too large, and I recommend reductions.

Some small saving can be made in the item for administration of the tax on gasoline, and for the payment of rebates.

It is advisable at this time to reduce the cost of administration to a minimum.

This increases the amount available for actual highway purposes.

Taking the appropriations covering the last and present fiscal years as a basis of comparison, the reductions suggested in the present submitted budget are as follows:

1933-4 A reduction of \$2,695,064. (24 1-2%)

\*1934-5 A reduction of \$2,503,694. (24%)

\*Smaller reduction due to Legislative year.

These reductions as recommended by the Budget make possible a State tax rate of seven and one-quarter mills for each of the next two fiscal years, despite the tremendous loss in State revenue. (Applause)

Now if you will bear with me just a moment. While I dislike extremely to quote figures, it seems perhaps necessary in this connection to give



here at this juncture the reductions recommended, and these reductions are to be compared with 1931-1932.

**Reductions Recommended**

(Compared with 1931-32)	1933-34	1934-35
Adjutant General .....	32,866	22,066
Attorney General .....	4,365	4,365
Banking Dept. ....	12,240	12,240
Board of Prison Comm'rs .....	3,900	3,900
Bureau of Taxation .....	10,200	9,450
Com'r of Agriculture ...	73,632	70,202
County Attorneys	2,345	2,345
Com'rs Uniform Legislation ...	50	50
Dept. Labor .....	3,950	3,950
Executive Department ...	17,957	17,607
Forest Commissioner .	5,450	5,450
Industrial Accident Comm.	7,635	7,635
Inland Fisheries & Game .....	50,000	40,000
Insurance Comm.	1,201	1,201
Legislative Dept. .	1,400	28,000
Maine Development Comm. ...	25,000	25,000
Maine State Library .....	22,810	18,035
Miscellaneous Items .....	119,612	66,400
Public Utilities Comm. ....	71,150	69,150
Sea and Shore Fisheries .....	18,340	18,340
Secretary of State	4,950	16,450
Auditor .....	14,800	17,300
Board of Arbitration and Con. .	25	25
Department of Education .....	559,842	587,842
Bureau of Welfare Increased .	10,664	10,664
Bureau of Pensions and Support Increased .	324,000	323,000
Bureau of Health	16,836	15,849
Highway Commission ...	1,057,289	1,057,289
State Park Commission ...	1,500	1,500
Supt. of Buildings .....	51,883	10,383
(*) Courts .....	000	000
Treasurer of State .....	12,597	12,597
Trustees .....	8,300	8,300
University of Maine .....	210,823	210,823
Augusta State		

Hospital .....	91,626	89,826
Bangor State Hospital .....	64,193	58,410
Pownal State School .....	59,620	44,620
Central Maine Sanatorium ...	11,000	11,000
Northern Maine Sanatorium ...	12,315	11,990
Western Maine Sanatorium ...	18,253	18,403
Maine School for the Deaf .....	11,142	8,142
Maine State Prison .....	8,026	5,026
State Mil. & Naval Children's Home ..	3,176	3,176
State Reformatory for Men ..	15,900	13,100
State Reformatory for Women ...	17,100	10,100
State School for Boys .....	3,168	2,668
State School for Girls .....	11,040	11,040
Charitable Institutions ...	6,135	6,135
G. A. R. ....	500	500
State Geologist .	2,000	2,000

Due to the greatly increased and continuing demands for strictly welfare purposes, the Budget Committee recommends an increase in that department for each fiscal year of approximately \$335,000.

(\*) COURTS—Salaries of Supreme Court Justices protected by Constitution.

All other Judicial salaries subject to revision.

Taking the last closed fiscal year as a basis of comparison with the present budget estimates of the expenses of the two fiscal years with which we are concerned, the total gross cost of state government should be reduced at least fifty per cent or one-half.

The submission of the Budget is not the end of the efforts for economy.

Savings and economies must be constantly put into practice.

The Budget figures and estimates are approximations arrived at by faithful and diligent work by the Budget committee, by the Budget Officer, Mr. Deering, and those entrusted with its preparation.

I extend to them my appreciation for their conscientious labors.

The tables and tabulations contained are herewith submitted without reading. I thank you. (Applause, the audience rising).

The Governor and Council then retired.

On motion by Senator Holmes of Androscoggin, the Convention ordered that one thousand copies of the Governor's message and Budget Report be printed.

The purpose for which the convention was assembled having been accomplished, the convention was dissolved and the Senate retired to the Senate Chamber, amid the applause of the House.

### IN THE HOUSE

Reports of committees (continued).

Mr. Bennett from the committee on Public Utilities reported ought to pass on bill an act to extend the charter of the Quebec Extension Railway Company, H. P. 77.

Report read and accepted and the bill ordered printed under the joint rules.

### Orders of The Day

On motion by Mr. Ellis of Rangeley, the House voted to reconsider its action of yesterday whereby H. P. 151, resolve regulating fishing in Shallow Pond was referred to the committee on Inland Fisheries and Game and 500 copies ordered printed; and on further motion by the same gentleman, unanimous consent being given, he was allowed to withdraw the bill from further consideration.

Mr. FLANDERS of Auburn: Mr. Speaker, what was the cost of furnishing fountain pens to the members at the last session:

The SPEAKER: The Chair has no doubt the gentleman from Portland, can answer that question.

Mr. CARLETON of Portland: Mr. Speaker, I think the cost at the last session was five hundred dollars.

Mr. FLANDERS: Mr. Speaker, I move that we reconsider the action whereby we passed an order, introduced by the gentleman from Lebanon, Mr. Lord, providing that fountain pens be supplied to all members of the Legislature.

The SPEAKER: All those in favor of the motion of the gentleman from Auburn, Mr. Flanders, that the passage of this order be reconsidered will rise and stand in their

places until counted, and the monitors will make and return the count.

Mr. SCATES of Westbrook: Mr. Speaker, I think some of the members here are in doubt as to the matter being acted on.

The SPEAKER: The gentleman from Westbrook, Mr. Scates, suggests that possibly the motion is not clearly understood. The members may be seated and the Chair will try to explain it. This morning the House, under Orders, passed an order introduced by the gentleman from Lebanon, Mr. Lord, which provided that fountain pens should be supplied to all members of the Legislature. The gentleman from Auburn, Mr. Flanders, has moved that the House reconsider its action whereby this order received passage. An affirmative vote on the motion of the gentleman from Auburn, Mr. Flanders, is a vote to reconsider the order, which, if successful, leaves the order for such further action as the House may wish to take. Is the situation plain?

Mr. FARRIS of Augusta: Mr. Speaker, I rise to a point of inquiry. Is that a joint order or a House order?

The SPEAKER: It is a House order.

Mr. FARRIS: It provides for pens for all members of the Legislature, which includes the Senate.

Mr. FENLASON of Anson: Mr. Speaker, do I understand that the pens have been bought?

The SPEAKER: The Chair understands not. Perhaps the gentleman from Augusta, Mr. Farris, has some information from the Purchasing Department on this question.

Mr. FARRIS: Mr. Speaker, I will say for the benefit of the members of the House that the Clerk of the House made an inquiry of the Purchasing Agent in regard to these pens and the Purchasing Agent wrote a letter to the Clerk of the House, stating that pens had not been purchased for the Legislature but that they had sent out orders for samples to several houses and those houses had sent samples from New York and Boston for the members to choose from in the event the legislative order went through providing members with fountain pens. This letter stated that those samples had been returned and that the State had not purchased any fountain pens as yet.

The SPEAKER: Does that answer the gentleman's inquiry?

Mr. FENLASON: Yes, Mr. Speaker.

The SPEAKER: Is the parliamentary situation clear to every member of the House? All those in favor of the motion of the gentleman from Auburn, Mr. Flanders, that the vote passing this order be reconsidered will rise and stand in their places until counted and the monitors have returned the count.

A division of the House being had,

Ninety-eight voting in the affirmative and nine in the negative, the motion to reconsider the vote passing this order prevailed.

Mr. CLARKE of Cooper: Mr. Speaker and members of the Legislature: I am not interested in the order itself, but it does seem as though a lot of us here have been misinformed. There have been a lot of rumors about these pens. Now in regard to that I merely wish to state that I am glad the question has come up even if we do not get the pens. It does not seem to me as though the State of Maine was even able to furnish us with pencils this year. We have not even a penholder to put a pen in and I am glad that the situation has arisen whichever course it takes. I am told that the Senate has plenty of pens.

On motion by Mr. Farris of Augusta, the order was indefinitely postponed.

The SPEAKER: Are there any other matters to be taken up this morning under orders of the day?

At this time the Chair would like to call the attention of the members to the fact that next Tuesday is the time limit on the introduction of bills of a private and special nature. To relieve the congestion which has occurred in the office of the Revisor of Statutes, additional clerical help has been supplied this morning and he is fully prepared to take care of all the bills that the members may wish drawn between now and next Tuesday. If you will see him today and give him an outline of what you want there is plenty of machinery set up to take care of it.

You will remember there is one more week for the introduction of bills of a public nature.

Mr. FERNALD of Winterport: Mr. Speaker, I would like to inquire whether or not under the order

that was passed it would not be possible to introduce a resolve after January 31st?

The SPEAKER: The Chair rules that it would not.

The Chair at this time would like to call the attention of the members to the fact that there is a possibility that there will be a session next Friday. Friday sessions last session started the fifth week, and next week will be the fifth week. While it is not definitely determined as yet, you should come back next week prepared to stay until Friday morning for a session, if necessary.

Mr. FARRIS of Augusta: Mr. Speaker, I wish to present an order, out of order, and move its passage:

Ordered, that the Sergeant at Arms provide each member with a penholder and pen and one pencil, and fill the ink wells in each member's desk.

Mr. FERNALD of Winterport: Mr. Speaker: I move that the order be indefinitely postponed.

Mr. FARRIS: Mr. Speaker: I am wondering whether the gentleman from Winterport (Mr. Fernald) is serious in his motion or whether he would go on record as voting to deprive the members from having penholders and pens on their desks which they can use if not provided with fountain pens. I believe it a common sense thing to do and it is ridiculous to postpone an order of this sort. All the members want penholders and want their ink wells filled.

Mr. FERNALD: Mr. Speaker, my position is this: If the State cannot afford us the ordinary means of writing, we had better furnish our own fountain pens. Ink wells and pens on the desks here are a nuisance; the ink is all over the desk and the pen is on the floor. If we cannot have fountain pens, we will use our own fountain pens. I have had one four years and I think it will last another four years.

Mr. LORD of Lebanon: Mr. Speaker, I came from home and I brought with me a cheap pencil and I left it on my desk. It disappeared. (Laughter). I was immediately supplied with an ash tray. Now I do not smoke and I wonder whether it would not be possible to exchange that for writing materials! (Laughter and applause).

Mr. SCATES of Westbrook: Mr.

Speaker, I would move an amendment to the order in question—that the Press be included. Now depression has struck those brilliant fellows just as it has the rest of us and we surely should supply them with pens, and perhaps some paper, so that they may give some of us, the gentleman from Lebanon (Mr. Lord), the gentleman from Augusta (Mr. Farris) and the gentleman from Winterport (Mr. Fernald) a certain amount of publicity.

The SPEAKER: You have heard the motion of the gentleman from Westbrook, Mr. Scates, that the order be amended. Is that the pleasure of the House?

The motion prevailed.

The SPEAKER: The question now is on the motion of the gentleman from Winterport, Mr. Fernald, that the order be indefinitely postponed. Is the situation plain to every member of the House? Mr. Farris of Augusta moves that order have passage, and the gentleman from Winterport, Mr. Fernald, moves that it be indefinitely post-

poned. The last motion has precedence. Is the House ready for the question? All those in favor of the motion of the gentleman from Winterport, Mr. Fernald, that this order be indefinitely postponed will say aye; contrary minded no.

A viva voce vote was doubted, and

A division of the House was had, Eighty-one voting in the affirmative, the same being more than one half of the membership of the House, the motion prevailed and the order was indefinitely postponed.

Mr. Fernald of Winterport presented the following order, out of order, and moved its passage:

Ordered, that all first-term members of the House be furnished with fountain pens. (Laughter and applause).

A viva voce vote being taken,

The order failed of passage.

On motion by Mr. Thomas of Woodland,

Adjourned until next Tuesday afternoon, January 31, at 4.30 P. M.