

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

Wednesday, February 15, 1933.

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

Prayer by the Rev. Mrs. Knowlton of Augusta.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve authorizing Ralph Williams, Michael Williams and Frank Sorrenti to bring suit at law or in equity against the State of Maine, S. P. 398.

Comes from the Senate received by unanimous consent under suspension of the rules and referred to the committee on Judiciary.

In the House:

The SPEAKER: In explanation of this particular measure, evidence has been shown to the Speaker that it was mailed to the Secretary of the Senate by an attorney in Lewiston, and I have here the envelope in which it was mailed by registered mail, arriving at Augusta on January 30th, which was before the closing date for private and special matters. It was not called for by the Secretary of the Senate until later, through some error in his office. Do I understand that there is objection to the introduction of this resolve? If not, the Chair understands that unanimous consent is granted.

Thereupon the resolve was referred to the committee on Judiciary in concurrence.

From the Senate: Bill an act relating to bounty on bears, H. P. 1027, L. D. 461, which was referred to the committees on Agriculture and Inland Fisheries and Game jointly in the House on February 9th.

Comes from the Senate, referred to the committee on Agriculture in non-concurrence.

In the House, on motion by Mr. Russ of Woodstock, that body voted to recede and concur with the Senate in the reference of this bill to the committee on Agriculture.

Senate Bills in First Reading

S. P. 64, L. D. 497: An act to correct phraseology in Section 21 of Chapter 92.

S. P. 65, L. D. 498: An act to transfer law relating to the Courts to the Court Chapter.

S. P. 66, L. D. 499: An act to repeal obsolete law.

S. P. 68, L. D. 503: An act to transfer Section 8 of Chapter 157 to Chapter 33.

S. P. 69, L. D. 501: An act repealing obsolete sections.

S. P. 71, L. D. 500: An act repealing obsolete law.

S. P. 72, L. D. 502: An act to revise penalty provisions in Chapter 72.

S. P. 93, L. D. 105: An act relating to hearings in vacation.

Orders

On motion by Mr. Tompkins of Bridgewater, it was

Ordered, that there be printed 500 additional copies of the following:

S. P. 116, L. D. 163, an act relating to manufacture of intoxicating liquor.

S. P. 109, L. D. 208, an act to regulate the distribution of public funds to hospitals.

H. P. 868, L. D. 288, an act relating to amateur sports.

Mr. Fenlason of Anson presented the following order and moved its passage:

Ordered, the Senate concurring, that H. P. 1087, an act relating to the Eastern State Normal School at Castine be recalled to the House from the committee on Education.

The order received passage and was sent up for concurrence.

On motion by Mr. Tompkins of Houlton, it was

Ordered, that there be printed 500 additional copies of each of the following bills:

Bill an act relating to taxes on insurance premiums, H. P. 126, L. D. 79.

Bill an act to increase the legal speed of commercial vehicles, S. P. 154 L. D. 166.

The following petitions and remonstrances were received and upon recommendation of the committee on reference of bills were referred to the following committees:

Inland Fisheries and Game

Petition of Edward J. Greeley and 49 other residents of Maine in favor of a law providing for an Open

Season for Hunting Deer and Bear in the northern counties from Oct. 1 to Nov. 15 (H. P. No. 1364) (Presented by Mr. Quine of Bangor)

Petition of S. L. Hitchings and 27 others from Burlington and Lowell in favor of same (H. P. No. 1365) (Presented by same gentleman)

Petition of A. P. Beaulieu and 8 others of Millinocket in favor of same (H. P. No. 1366) (Presented by same gentleman)

Petition of Hattie A. Danforth and 11 other residents of Maine in favor of same (H. P. No. 1367) (Presented by same gentleman)

Petition of Robert W. Craig and 5 other residents of Bangor and Milford in favor of same (H. P. No. 1368) (Presented by same gentleman)

Petition of Albert Towle and 20 other residents of Maine in favor of same (H. P. No. 1369) (Presented by same gentleman)

Temperance

Remonstrance of Helen M. Reed and 29 others of Androscoggin County against resubmission of the Prohibitory Amendment (H. P. No. 1370) (Presented by Mr. Flanders of Auburn)

Remonstrance of Frank B. Day and 20 others of Durham and Lisbon Falls against same (H. P. No. 1371) (Presented by Mr. Webber of Auburn)

Remonstrance of Marjorie L. Griffin and 31 others of Orono against same (H. P. No. 1372) (Presented by Mr. Hickey of Old Town)

Remonstrance of Wyman G. Drinkwater and 19 others of Searsmont against same (H. P. No. 1373)

Remonstrance of Rena E. W. Gallop and 49 others of Searsmont against same (H. P. No. 1374) (Presented by Mr. Hills of Northport)

Remonstrance of Eitta M. Hurlburt and 33 others of Bangor against same (H. P. No. 1375) (Presented by Miss Martin of Bangor)

Remonstrance of Lena M. Haley and 19 others of Bangor against same (H. P. No. 1376) (Presented by same member)

Remonstrance of Mrs. H. S. Kilborn and 23 others of Thomaston against same (H. P. No. 1377) (Presented by Mr. Walker of Rockport)

Remonstrance of C. N. Bates of Calais and others against same (H. P. No. 1378) (Presented by Mr. Tupper of Calais)

Reports of Committees

Mr. Smith from the Committee on Sea and Shore Fisheries reported ought not to pass on bill an act regulating the taking of alewives in Damariscotta River (H. P. No. 165) (L. D. No. 89)

Report read and accepted and sent up for concurrence.

Mr. Shaw from the Committee on Sea and Shore Fisheries on resolve relating to the taking of smelts from certain waters of Penobscot Bay, Blue Hill Bay and Union River Bay (H. P. No. 129) (L. D. No. 71) reported same in a new draft (H. P. No. 1379) under same title and that it ought to pass.

Mr. Richardson from same Committee on bill an act relating to the shipping and transporting of clams beyond the limit of the State during closed time (H. P. No. 164) (L. D. No. 90) reported same in a new draft (H. P. No. 1380) under same title and that it ought to pass.

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

Mr. Peacock from the Committee on Sea and Shore Fisheries reported ought to pass on resolve relating to smelt fishing in East Machias (H. P. No. 80) (L. D. No. 42).

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

First Reading of Printed Bills and Resolves

(H. P. No. 1305) (L. D. No. 669) Bill an act relating to the counting and sealing of ballots.

H. P. No. 74) (L. D. No. 670) Resolve providing for a State pension for Mary A. Leighton of Gardiner.

(H. P. No. 75) (L. D. 671) Resolve providing for a State pension for Augusta O. Goodwin of Augusta.

(H. P. No. 99) (L. D. No. 672) Resolve in favor of John E. Parker of Windsor, for State pension.

(H. P. No. 385) (L. D. 673) Resolve providing for a State pension for William H. Rankin of Winterport.

(H. P. No. 570) (L. D. No. 674) Resolve providing for a State pension for Susie E. Simmons of Belfast.

(H. P. No. 606) (L. D. No. 675)

Resolve in favor of the Monson Rod and Gun Club

(H. P. No. 1306) (L. D. No. 676) Resolve providing for an increase in State pension for Eva J. Rundlette of Readfield.

(H. P. No. 1307) (L. D. No. 677) Resolve providing for a State pension for Cassie E. Spencer of Winterport.

(H. P. No. 1308) (L. D. No. 679) Resolve providing for a State pension for Frank F. Clark of Gardiner.

(H. P. No. 1309) (L. D. No. 678) Resolve providing for a State pension for Mary L. Merrill of Gardiner.

(H. P. No. 1310) (L. D. No. 680) Resolve providing State pension for Meretta McFarland of Augusta.

(H. P. No. 1311) (L. D. No. 681) Resolve providing for a State pension for Agnes Gilson of Gardiner.

Passed to be Engrossed

(S. P. No. 92) (L. D. No. 104) An act relating to motor vehicles carrying passengers for hire over regular routes.

(H. P. No. 30) (L. D. No. 17) An act providing for special terms of the Superior Court.

(H. P. No. 118) (L. D. No. 65) An act relating to fishing in Upper Taylor Brook.

(H. P. No. 122) (L. D. No. 72) An act relating to appointment of Town Road Commissioners.

(H. P. No. 123) (L. D. No. 73) An act relating to the jurisdiction of Municipal Courts in certain cases.

(H. P. No. 153) (L. D. No. 85) An act granting preference to Maine bidders.

(H. P. No. 158) (L. D. No. 635) An act to amend the charter of the Northport Wesleyan Grove Camp Meeting Association.

Mr. Hills of Northport offered House Amendment A and moved its adoption as follows:

House Amendment A to bill an act to amend the charter of the Northport Wesleyan Grove Campmeeting Association, H. P. 158, L. D. 635.

Amend said bill by striking out in the sixth line of said bill, the words "Mrs. Emma L. Torrey, Felix Powell" and inserting in place thereof the words Alfred C. Maln, Tenney Spear"

Thereupon Amendment A was adopted and the bill was then read for the third time.

On motion by Mr. Sargent of

Brewer, the bill, as amended, was tabled pending passage to be engrossed.

H. P. 203, L. D. 111: An act closing to all fishing for a period of four years Fish River Falls.

(H. P. No. 211) (L. D. No. 117) An act relating to fishing in Lake Penneesseewassee and Sand Pond.

(H. P. No. 216) (L. D. No. 636) An act relating to the Odd Fellows' Home of Maine.

(H. P. No. 227) (L. D. No. 637) An act to extend the rights, powers and privileges of the Sabattus Water and Sewer District.

(H. P. No. 612) (L. D. No. 180) An act permitting small town polls to close at five o'clock in primary elections.

(H. P. No. 614) (L. D. No. 181) An act discontinuing publishing lists of costs.

(H. P. No. 652) (L. D. No. 638) An act to extend the charter of the Patten Water and Power Company

(H. P. No. 924) (L. D. No. 639) An act to extend the charter of the Vanceboro Water Company.

(H. P. No. 1232) (L. D. No. 640) An act relating to qualification of county attorneys

(H. P. No. 1233) (L. D. No. 641) An act to validate a loan negotiated by the city of Lewiston.

(S. P. No. 53) (L. D. No. 468) Resolve appropriating money for the expenses of the Electoral College.

(H. P. No. 64) (L. D. No. 34) Resolve relating to fishing in Whitney Brook.

(H. P. No. 206) (L. D. No. 113) Resolve relating to fishing in McCoslin Brook and Turtle Pond Brook.

(H. P. No. 209) (L. D. No. 115) Resolve regulating fishing in Long Pond or Crescent Lake.

(H. P. No. 210) (L. D. No. 116) Resolve regulating fishing in Round, Ross, Haley and Quimby Ponds.

Passed to be Enacted

(S. P. No. 49) (L. D. No. 393) An act to amend the charter of Somersset Academy.

(S. P. No. 60) (L. D. No. 57) An act relating to costs recoverable in the Law Court.

(S. P. No. 271) (L. D. No. 394) An act to extend charter of Hinckley Development Company.

(H. P. No. 28) (L. D. No. 18) An act relating to appointment of agent by non-resident mortgages.

(H. P. No. 159) (L. D. No. 86) An

act relating to the Board of Directors of European & North American Railway.

(H. P. No. 1017) (L. D. No. 431) An act regulating number of voting compartments.

Finally Passed

(H. P. No. 63) (L. D. No. 33) Resolve relating to fishing in Pleasant Lake, in Island Falls.

(H. P. No. 119) (L. D. No. 67) Resolve regulating ice fishing in Mt. Blue Pond.

(H. P. No. 120) (L. D. No. 68) Resolve opening Ware Pond to Ice Fishing.

(Emergency Measure)

H. P. 121, L. D. 69: Resolve relating to ice fishing in Eagle, Square, and St. Froid Lakes.

The SPEAKER: This being an emergency measure, it is necessary 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 will make and return the count.

A division being had, One hundred and thirty-five voting in the affirmative, and that number obviously being more than two-thirds of the elected membership of the House, the resolve was finally passed.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Carleton.

Mr. CARLETON: Mr. Speaker, I wish to address the members of the House for a moment. This afternoon at two o'clock the committee on Appropriations and Financial Affairs will hold a hearing on the bill to change the mill tax of the University of Maine from one mill to two-thirds of a mill. This bill is not one asked for by the Appropriations Committee; but as there is about \$700,000 involved here, it seems to me that the members should know something about their institution. Therefore, I am calling your attention to the fact that that hearing will be held this afternoon for those who wish to attend. We do not ask for this bill, and it is not the bill of our committee.

The SPEAKER: Today being Wednesday the Chair will lay before the House in the order in

which they appear on the Calendar all matters assigned up to and including last Friday which are the first twelve unassigned matters on the calendar.

The Chair lays before the House the first unassigned matter, H. P. 1100, bill an act relating to finger prints, tabled February 8th by the gentleman from Cumberland, Mr. Hanson, pending reference to a committee; and the Chair recognizes the gentleman from Bar Harbor, Mr. Hall.

Mr. HALL: Mr. Speaker, I have been authorized by the gentleman from Cumberland, Mr. Hanson, through his unavoidable absence, to ask unanimous consent to withdraw this bill, without reference to a committee.

Unanimous consent being given, the bill was withdrawn.

The Chair lays before the House the second unassigned matter, bill an act describing a schedule of fees for registration of motor trucks, H. P. 1165. The committee on reference of bills suggested a reference to the committee on Taxation but the bill was tabled on February 8th by the gentleman from Alfred, Mr. Littlefield, pending reference to a committee; and the Chair recognizes that gentleman.

On motion by Mr. Littlefield of Alfred, the bill was referred to the committee on Taxation and 1,000 copies ordered printed.

The Chair lays before the House the third unassigned matter, bill an act describing a schedule of fees for registration of motor trucks, H. P. 1166, tabled by the gentleman from Alfred, Mr. Littlefield on February 8th, pending reference to a committee; and the Chair recognizes that gentleman.

On motion by Mr. Littlefield, the bill was referred to the committee on Taxation and 1,000 copies ordered printed.

The Chair lays before the House the fourth unassigned matter, House Report of the committee on Salaries and Fees, ought to pass in new draft on bill an act relating to fees for jurors, H. P. 1212, tabled on February 8th by the gentleman from Hope, Mr. Hobbs, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Hobbs, the

ought to pass report was accepted; and on further motion by the same gentleman the bill was given its two readings at this time and tomorrow assigned.

The Chair lays before the House the fifth unassigned matter, bill an act relating to registration number plates, S. P. 335, which in the Senate was referred to the committee on Legal Affairs and which in the House on February 9 was tabled by the gentleman from Ft. Fairfield, Mr. Ashby, pending reference in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Ashby the bill was referred to the committee on Legal Affairs in concurrence.

The Chair lays before the House the sixth unassigned matter, resolve in favor of Frederick A. Furbish of Mt. Vernon, H. P. 747, L. D. 413, which in the House on February 1 was referred to the committee on Inland Fisheries and Game, and which the Senate referred to the committee on Claims in non-concurrence, and which on February 9 was tabled by the gentleman from Portland, Mr. Rounds, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Rounds, the House voted to recede and concur with the Senate in the reference of this resolve to the committee on Claims.

The Chair lays before the House the seventh unassigned matter, resolve in favor of the city of Eastport, H. P. 796, tabled on February 9 by the gentleman from Augusta, Mr. Farris, pending reference to a committee; and the Chair recognizes that gentleman.

On motion by Mr. Farris, the resolve was referred to the committee on Claims.

The Chair lays before the House the eighth unassigned matter, bill an act relating to absentee voters, H. P. 1078, L. D. 435, tabled by the member from Portland, Miss Laughlin, on February 9, pending first reading; and the Chair recognizes that member.

Miss LAUGHLIN: Mr. Speaker, as the other two bills relating to this same section have yet not been

acted upon by the committee, in fact I think one of them has not been heard. I move that this matter be retabled.

The motion prevailed and the bill was retabled, pending first reading.

The Chair lays before the House the ninth unassigned matter, ought not to pass report of the committee on Legal Affairs on H. P. 634, L. D. 187, bill an act to authorize the town of Winslow to use party designation on ballots for town meetings, tabled on February 10 by the gentleman from Winslow, Mr. Belanger, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Belanger the bill and accompanying report were retabled, pending acceptance of the report.

The Chair lays before the House the tenth unassigned matter, ought not to pass report of the committee on Legal Affairs on H. P. 635, L. D. 188, bill an act to authorize the town of Brunswick to use party designations on ballots for town meetings, tabled on February 10 by the gentleman from Brunswick, Mr. Lebel, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. LEBEL: Mr. Speaker, I would like to say a few words on this bill before the House votes on it. If the members will turn to Document 188, they will see nothing alarming about the bill and so far as I know there is no opposition to it. I see no reason why the committee reported the bill, ought not to pass. I intend to insert an article in the town warrant to let the people vote on it, and if the House should turn this down, it will be denying the town the privilege of voting on it. Mr. Speaker, I move that the report be disregarded and a vote be taken.

The SPEAKER: The Chair understands that the gentleman from Brunswick, Mr. Lebel, moves to substitute the bill for the adverse report.

Mr. SARGENT of Brewer: Mr. Speaker and members of the House: In regard to the report of the committee on H. P. 635, L. D. 188, I will say that there seemed to be no public demand for the passage of this bill. The committee gave the hearing and Mr. Lebel was

the only person present at the hearing. On a similar bill, introduced by Mr. Belanger, with reference to the town of Winslow, there were fifteen from that town who seriously objected to the passage of that bill. The bill now being debated is a similar bill and there seems to be no reason why the House should pass a bill when there is no public demand for it. I think that if the citizens of Brunswick wanted to pass such a bill they would have inserted an article for it in their town warrant to be passed upon. I see no reason, and the members of the committee see no reason, why this bill should pass, and I hope the motion of the gentleman from Brunswick (Mr. Lebel) will not prevail.

Mr. BELANGER of Winslow: Mr. Speaker, may I ask the gentleman from Brewer, Mr. Sargent, how the town could vote on a bill like that without it coming from the Legislature. It must come from here before it can be acted on in town meeting. I wish the gentleman would explain that point to me as it is not clear to my mind.

Mr. SARGENT: I know of no prohibition in the Statute which would prevent them from passing it. As I understand it, any town in the State may have party designations on its ballots.

Mr. CARIGNAN of Sanford: Mr. Speaker, as I understand this particular bill, it seems to be a local option. We are using in Sanford the same Australian ballot which does not authorize party designation until applied for in the House, and it has been referred to the people. I should think this would be up to the people of the town. In these large towns, similar to Brunswick and Sanford, where there are large voting lists, it is a problem to have this Australian ballot. Therefore, I hope that the report will not be accepted.

Mr. LEBEL: Mr. Speaker, it is true that a large number of witnesses appeared against Mr. Belanger's bill, a similar bill; but nobody from Brunswick appeared against my bill and my bill and the Belanger bill are two different bills. If you refuse the town of Brunswick an opportunity to vote on this bill, you are doing something that you have no authority to do. I hope you will lay aside politics and vote for this bill.

Mr. FARRIS of Augusta: Mr. Speaker, I hope that the motion of the gentleman from Brunswick, (Mr. Lebel) will not prevail because this is purely class legislation notwithstanding the provision of Section 44 of Chapter 5 of the Revised Statutes. A matter of this sort should apply to all towns. They should not have any special privileges. There is no provision here for the people to vote upon it. It is waiving a provision of the Statute for the town of Brunswick. I believe that the report of the committee should be accepted.

Mr. BELANGER: Mr. Speaker, it seems that the members of the House and the members of the committee do not quite understand the bill. They tell us that there is no chance for local option. The bill reads "may." It does not tell us that the towns "shall." We were very careful when we drew up the bill not to insert the word "shall." If the townspeople care to use a party designated ballot, I see no reason why we should stop them. If the 1500 voters in the town of Winslow or the 2500 voters in the town of Brunswick care to vote that way, why should we tell them that they cannot do it?

The gentleman from Brewer, Mr. Sargent, tells you that fifteen came here from Winslow. I agree with him. There were fifteen men who came here against my bill because they did not understand the bill. I will be prepared tomorrow to show the members of the House that there is a demand in the town of Winslow for that party ballot. Most of the members have seen the town ballot—so-called Australian ballot—used in the past in the town of Winslow. The gentleman from Brunswick, Mr. Lebel tells me that in the town of Brunswick the same situation prevails, the names are put on the ballot alphabetically according to the position sought. The first selectman comes first on the ballot, then the second selectman and so on in order, and I should say that between seventy-five and one hundred and twenty-five ballots at every town meeting are spoiled because the voters walk in and put a cross next to the first name on the ballot, and that means that every other candidate for every other position does not get a vote. We are trying to eliminate that and make it easier for the people to vote and give every candidate a chance to get a few more votes and

may be get into office. It is not a scheme to elect one side or anything of the kind. It is to simplify matters and make it easier for the ballot clerk or the men counting the ballots after the polls are closed. As it is now, our town clerks in Winslow never get out until two or three o'clock in the morning. It is merely a matter of simplifying things, not a matter of trying to play politics I think if the members would read the bill and consider it that they would favor it.

Miss LAUGHLIN of Portland: Mr. Speaker, it seems to me that this is a measure, in fact the first step to break down our Australian ballot system and encourage unintelligent and careless voting. I hope that the motion of the gentleman from Brunswick, Mr. LeBel will not prevail.

Mr. LEBEL: Mr. Speaker, I ask permission to speak again.

Permission was granted for the gentleman to speak for the third time.

Mr. LEBEL: Mr. Speaker, I would like to ask the lady from Portland, Miss Laughlin, what is an Australian ballot? Will she answer that question.

The SPEAKER: The gentleman from Brunswick, (Mr. LeBel) inquires of the member from Portland (Miss Laughlin) what is the Australian ballot.

Miss LAUGHLIN: Mr. Speaker I refer the gentleman to the dictionary and encyclopedia, but in any case it is a ballot by which the voters are enabled to vote for names and persons and not for a picture on the ballot. (Applause)

At this point permission was granted the gentleman from Brunswick, Mr. LeBel, to speak for the fourth time.

Mr. LEBEL: Mr. Speaker and ladies and gentlemen of the House: The ballot I am asking for is the same ballot that we had in the State election. It does not prevent anybody from voting for the man he wants, regardless of party. The ballot we have in Brunswick is a blind ballot and a person does not know what he is voting for or for whom. I hope you will look on this in a fair way and that my motion will prevail.

The SPEAKER: The pending question is the motion of the gentleman from Brunswick, Mr. LeBel, that H. P. 635, L. D. 188, an act to authorize the town of Brunswick to

use party designations on ballots for town meetings be substituted for the adverse and unfavorable report of the committee on Legal Affairs on this bill. Is the question now clear? All those in favor of the motion of the gentleman from Brunswick, Mr. LeBel, will say aye; contrary minded no.

A viva voce vote being doubted, A division of the House was had.

Fifty-four voting in the affirmative and 84 in the negative, the motion to substitute the bill for the report failed of passage.

On motion by Mr. Sargent of Brewer, the report, ought not to pass, of the committee on Legal Affairs was accepted.

The Chair lays before the House the eleventh unassigned matter, House report of the committee on Judiciary, ought to pass in new draft, on bill an act relating to Judges of Probate, new draft 1231, tabled on February 10 by the gentleman from Belfast, Mr. Thompson, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. THOMPSON: Mr. Speaker, I move that this bill be indefinitely postponed, and I would like to say a few words. This bill is one of the brood that has emanated from the mind of the gentleman from Winterport, Mr. Fernald. I would like the members of this House to know just exactly what this bill is. It is a bill relating to Judges of Probate and is amended to read "Only attorneys at law admitted to the general practice of law in this State and resident therein may be elected or appointed as Judges of Probate." Now I do not find any crying need for such a change. I think the State of Maine can get along as it is. There are many business men who would make far better Judges of Probate than some lawyers. On the other hand there are many lawyers who would be far better qualified than some laymen for this office. I think the people of the State of Maine are intelligent enough to nominate and elect to the office of Judge of Probate a person amply qualified to carry on the duties of that office, whether he be a lawyer or a layman. I do not object to a lawyer being a Judge of Probate, but I do object to this bill which says that a Judge of Probate must be a lawyer. We have had many laymen in the past who have

occupied and carried on this office honorably and well. It seems to me that it discriminates against a layman in favor of a lawyer. I hope that my motion to indefinitely postpone will prevail.

Mr. FERNALD of Winterport: Mr. Speaker, now that the gentleman from Belfast, Mr. Thompson, has announced his candidacy for State Senator from Waldo county in 1934, I will go to the merits of the report of the Judiciary committee.

In the first place I want to say that when you can get a unanimous report out of the Judiciary committee, composed of nine Republicans and one Democrat, get them all to agree on a proposition, I think the members of this House can rest assured that the committee and the report are correct, because down in the Judiciary committee we disagree quite a lot and there is nobody down there telling us how to vote or how to report out our bills, and we bring in divided reports here frequently.

Now the purpose of this bill is just this: It is to bring the law of Maine up to what public opinion has determined and has decided should be a fact, and I will tell you why, because the voters of Maine, as my good friend has alluded to, have decided that Judges of Probate shall be lawyers, and in the State of Maine today we have sixteen Judges of Probate, every one of whom are lawyers. Of course, if my good friend wants to legislate for one of his constituents down in Belfast, that is all right; but the time for putting in special measures and special resolves has gone by. That closed I believe January 31. We are talking now on public questions and public bills, on matters that refer to the entire State of Maine.

This bill came before the Judiciary committee but I did not see the gentleman from Belfast (Mr. Thompson) down there objecting to it, nor did I see his good friend from Belfast, the gentleman who would benefit by his suggestion, down there opposing it. I did see a great many people down there in favor of the bill, not only that, but I have before me letters from practically every Judge of Probate in the entire State pointing out the reasons why this should be the law. I will just quote from one or two of those letters just to show you that there is something back of this

bill aside from personal prejudice as alluded to by my good friend from Waldo County. I have a letter here from Judge Chaplin, Judge of Probate from Cumberland county, who says: "I am in favor of the proposed act for the reason that I believe that the duties and responsibilities of the office are such that they cannot be discharged satisfactorily by a person who has not had a legal training."

York county, Judge Ayer: "I am heartily and religiously in favor of said Bill, and could write a volume setting forth my reasons, but perhaps it would hardly be ethical or proper for me even to start giving my reasons."

Franklin county: Judge Sweet: The Register of Probate, Mr. Rollins writes: "I think the bill is a proper one and should be enacted."

Somerset county, Judge Small: "It does not impress the writer that a layman is hardly fitted to construe the provisions of a will or of a trust. There are many other matters which at the present time come before the probate courts for consideration and determination that require men of experience and legal knowledge and ability."

I have one here from Castine, Maine, from the Judge of Probate there: "I am speaking as a citizen and as member of the Bar and not in my capacity as Judge of Probate. My opinion is that only members of the Bar ought to be eligible for judicial offices."

I have others here that I might enumerate—Dover-Foxcroft, Bangor, Boothbay Harbor, all Judges of Probate,—South Paris, Farmington, Sagadahoc and Gardiner.

There is no need of trying the case here before you gentlemen. I have already taken too much of your time. As I have said, the merits of the bill have been before the Judiciary committee, composed of both Republicans and Democrats, and the committee has unanimously endorsed the measure and reports that it ought to pass. I hope that the motion of the gentleman from Belfast (Mr. Thompson) will not prevail.

Mr. THOMPSON: Mr. Speaker, I would like to say to the gentleman from Winterport, Mr. Fernald through the Chair that my political career will be at an end when I get through with this Legislature, and in the next campaign for Senator in Waldo county I think the gentleman will be put just where he belongs. (Laughter).

The SPEAKER: The pending question is the motion of the gentleman from Belfast, Mr. Thompson, that this bill, an act relating to Judges of Probate, on which the Judiciary committee reported ought to pass, be indefinitely postponed. All those in favor of the motion of the gentleman from Belfast, Mr. Thompson, will say aye; contrary minded no.

A viva voce vote being doubted.

A division of the House was had.

Fifty-three voting in the affirmative and 75 in the negative, the motion to indefinitely postpone failed of passage.

On motion by Mr. Fernald of Winterport, the report of the committee, ought to pass was accepted; and on further motion by the same gentleman the rules were suspended, the bill given its first two readings and tomorrow assigned.

The Chair lays before the House the twelfth unassigned matter, House report, ought to pass, of the committee on Public Utilities on bill an act to grant additional powers to North East Harbor Water Company, H. P. 653, L. D. 193, tabled on February 10 by the gentleman from Mt. Desert, Mr. Graves, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Graves the bill and accompanying report were retabled pending acceptance of report.

The SPEAKER: Are there any other of the tabled and unassigned matters that can be taken off this morning?

On motion by Mr. Bennett of Presque Isle, it was voted to take from the table the thirteenth unassigned matter, bill an act relating to closing Presque Isle Normal School, S. P. 310, tabled by that gentleman February 14, pending reference in concurrence; and on further motion by the same gentleman, the bill was referred to the committee on Education in concurrence.

On motion by Mr. Crowell of Weston, it was voted to take from the table the fourteenth unassigned matter, resolve relating to rules and regulations on bounties, S. P. 314, L. D. 522, which came from the Senate referred to the committee on Inland Fisheries and Game, tabled by that gentleman February 14, pending reference in concurrence; and on further motion by the same gentleman the resolve was referred to the committee on Agriculture in non-concurrence.

The SPEAKER: Are there any other matters to be taken off the House under Orders of the Day?

On motion by Mr. Farris of Augusta, it was voted to take from the table the sixteenth unassigned matter, House report ought to pass in new draft, committee on Inland Fisheries and Game, on resolve relating to ice fishing in Webber Pond and Three Mile Pond, H. P. 208, L. D. 114, new draft, H. P. 1304, L. D. 652, tabled February 14th by that gentleman, pending acceptance of the report; and on further motion by the same gentleman the report was accepted. On further motion the rules were suspended and the resolve was given its first reading and tomorrow assigned.

On motion by Mr. Rounds of Portland, it was voted to take from the table the eighteenth unassigned matter, bill an act relating to county commissioners, S. P. 292, L. D. 655, which came from the Senate referred to the committee on Salaries and Fees, and which was tabled February 14th by that gentleman, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the committee on Salaries and Fees in concurrence.

On motion by Mr. Chase of Baring,

Adjourned until ten o'clock tomorrow morning.