

# 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, March 15, 1933.

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.

(At this point the member from Portland, Miss Laughlin, assumed the Chair, amid the applause of the House, the members rising.)

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Agriculture reporting ought not to pass on bill an act to assure proper branding of potatoes, (S. P. 77, L. D. 83)

Comes from the Senate, report read and accepted.

In the House, on motion by Mr. Bennett of Presque Isle, tabled pending acceptance of report in concurrence.

From the Senate: Report of the committee on Appropriations and Financial Affairs reporting ought not to pass on bill an act relating to support of persons falling into distress, S. P. 303, L. D. 516.

Comes from the Senate, report read and accepted.

In the House, on motion by Mr. Rounds of Portland, tabled pending acceptance of report in concurrence.

From the Senate: Resolve in favor of Daniel Mahar, of Bangor, H. P. 1501, L. D. 809, which was passed to be engrossed in the House on March 9th.

Comes from the Senate recommended to the committee on Claims in non-concurrence.

In the House, the rules were suspended, and that body voted to reconsider its action whereby this resolve was passed to be engrossed; and further voted to recommit this resolve to the committee on Claims in concurrence.

From the Senate: An act relating to prepayment of taxes, H. P. 662, L. D. 205, which was passed to be enacted in the House on March 9th and passed to be engrossed February 28th.

Comes from the Senate passed to be engrossed as amended by Sen-

ate Amendment A in non-concurrence.

In the House, Senate Amendment A read by the Clerk.

On motion by Mr. Sargent of Brewer, the House voted to insist on its former action and asked for a committee of conference.

The SPEAKER pro tem: The Chair will appoint the conference committee later—the regular Speaker of the House:

From the Senate: Bill an act to authorize the continuation of rules and regulations of the Commissioner of Inland Fisheries and Game, H. P. 730, L. D. 337, which was passed to be engrossed in the House on March 8th.

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

In the House, Senate Amendment A read by the Clerk.

On motion by Mr. Sterling of Caratunk the bill and amendment were tabled, pending further consideration.

From the Senate: Bill an act relating to polling places in town of Sanford, H. P. 1512, L. D. 821, which was passed to be engrossed in the House on March 8th.

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

In the House, Senate Amendment A read by the Clerk.

The rules were suspended and that body voted to reconsider its action whereby this bill was passed to be engrossed.

On motion by Mr. Carignan of Sanford, Senate Amendment A was adopted in concurrence; and on further motion by the same gentleman the bill was passed to be engrossed, as amended by Senate Amendment A, in concurrence.

The following petition was received and upon recommendation of the committee on reference of bills was ordered placed on file.

**Placed On File**

Petition of William P. Fernald and four others of Eliot in favor of repeal of Auxillary Forest Law, H. P. 1595 (Presented by Mr. Bartlett of Eliot)

**Orders**

Mr. Oliver of Bath presented the

following order and moved its passage:

Ordered, Whereas, the present economic condition of our citizenry has reached a most serious stage, deserving of every possible consideration, and

Whereas, our problems of taxation, have, perhaps, more than ever before in history, reached the point of demanding most unusual tolerance, and

Whereas, it behooves us all, first, last and always, to bear in mind the welfare and happiness of our fellow-man, whom we are here to serve and from whom we, in turn, normally exact, through taxation, the expenditures of our State government,

It is hereby respectfully requested in a spirit of cooperation, that in all cases where Waltham watches are to be bought this year that Ingersolls be substituted therefor,

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

Mr. Haggett of Bath presented the following order and moved its passage.

Ordered, the Senate concurring, that H. P. 942 be recalled from the committee on Ways and Bridges.

On motion by Mr. Ellis of Rangeley, tabled pending passage.

#### Reports of Committees

Mr. Wallingford from the Committee on Agriculture on Joint Order relative to Investigation of the Poultry Department of Highmoor Farm (H. P. No. 1020) (L. D. No. 374) reported that the same ought not to receive passage. The committee has investigated said Department and determined that the same in its judgment should not be operated unless interested poultrymen make use of its facilities to an extent that will permit it to operate at 80% of its capacity. The committee therefore recommends that the Appropriation Bill carry a proviso that the funds appropriated for the Poultry Department will be available only under such conditions.

Mr. Eldridge from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to State Salaries for Persons Receiving Pay from United States Government" (H. P. No. 1152) (L. D. No. 601)

(Tabled by Mr. Sterling of Cara-

tunk, pending acceptance of the report)

Mr. Goudy from the Committee on Judiciary reported ought not to pass on Bill "An Act to Establish a Municipal Court in the town of Lisbon" (H. P. No. 841) (L. D. No. 418)

(Tabled by Mr. Gross of Lisbon, pending acceptance of the report)

Mr. Tompkins from the Committee on Judiciary reported ought not to pass on Bill "An Act relating to the Advertising of Cigarettes and Tobacco" (H. P. No. 622) (L. D. No. 292)

(Tabled by Mr. MacPherson of Easton, pending acceptance of the report)

Miss Martin from the Committee on Legal Affairs reported ought not to pass on Bill "An Act relating to Amateur Sports" (H. P. No. 868) (L. D. No. 288)

(Tabled by Mr. Blanchard of Wilton pending acceptance of the report.)

Mr. Bennett from the Committee on Public Health reported ought not to pass on Bill "An Act relating to the Conduct and Licensing of Recreational Camps, Tourist Homes and similar places (H. P. No. 1150) (L. D. No. 566)

Reports read and accepted and sent up for concurrence.

Mr. Chase of Sebec from the Committee on Legal Affairs on Bill "An Act to Redraft the Charter of the city of Biddeford" (H. P. No. 626) (L. D. No. 654) reported same in a new draft (H. P. No. 1596) under same title and that it "Ought to pass."

Miss Martin from same Committee on Bill "An Act to revise the Charter of the city of South Portland" (H. P. No. 625) (L. D. No. 206) reported same in a new draft (H. P. No. 1597) under same title and that it "Ought to pass."

Mr. Chase of Baring from same Committee on Bill "An Act providing for a Purchasing Agent for the town of Sanford" (H. P. No. 872) (L. D. No. 350) reported same in a new draft (H. P. No. 1598) under same title and that it "Ought to pass."

Mr. Quine from same Committee on Bill "An Act to grant a Commission-Manager Form of Government to the city of South Portland" (H. P. No. 867) (L. D. No. 301) reported same in a new draft (H. P. No. 1599) under same title and that it "Ought to pass."

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

Mr. Sargent from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to amend the Charter of the Northport Wesleyan Grove Camp Meeting Association" (H. P. No. 158) (L. D. No. 635).

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 Claims on Resolve in favor of the town of Turner (H. P. No. 84) reporting same in a new draft (H. P. No. 1600) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. Littlefield of York  
—of the Senate.  
Rounds of Portland  
Lindsey of East Machias  
Bartlett of Eliot  
Haggett of Wiscasset  
White of Crystal  
Dow of Livermore  
Devereux of Penobscot  
—of the House.

Minority Report of the same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following members:

Messrs. Weatherbee of Penobscot  
Kitchen of Aroostook  
—of the Senate

(Both reports were tabled by Mr. Mason of Mechanic Falls pending acceptance of either)

#### **First Reading of Printed Bills and Resolves**

(H. P. No. 1581) (L. D. No. 908)  
An act relating to appropriations for private and public hospitals.

(H. P. No. 1583) (L. D. No. 909)  
An act to define the pauper status of Indians.

(H. P. No. 1585) (L. D. No. 910)  
An act legalizing the operation of airplanes on Sunday.

(H. P. No. 1586) (L. D. No. 911)  
An act relating to the incorporation of Cousins and Littlejohns Islands Village Corporation.

(H. P. No. 1588) (L. D. No. 912)  
An act relating to payment for treatment of patients at State Sanatoriums.

(Tabled by Mr. MacPherson of Easton pending second reading)

(H. P. No. 1590) (L. D. No. 913)

An act relating to notice of taxable property.

(H. P. No. 1591) (L. D. No. 914)  
An act to provide for further issuance of State bonds.

(H. P. No. 1393) (L. D. No. 907)  
Resolve relating to fishing in McWain Pond, or Long Pond, so-called.

(H. P. No. 1582) (L. D. No. 915)  
Resolve in favor of beautifying Fort Knox.

(H. P. No. 1584) (L. D. No. 916)  
Resolve creating an Unemployment Insurance Committee.

#### **Passed to be Engrossed**

(S. P. No. 125) (L. D. No. 864)  
An act relating to a road in the town of Mariaville.

(S. P. No. 193) (L. D. No. 397)  
An act relating to Inland Fish and Game Wardens; powers, duties and service of processes.

(S. P. No. 358) (L. D. No. 862)  
An act to amend Sections 48 to 51 inclusive of Chapter 28 of the Revised Statutes.

(H. P. No. 228) (L. D. No. 128)  
An act repealing the law relating to Auxiliary State Forests.

(H. P. No. 694) (L. D. No. 363)  
An act relating to the taking of smelts, minnows and other bait fish, white fish, cusk and suckers.

(H. P. No. 1105) (L. D. No. 588)  
An act relating to the foreclosure of real estate mortgages.

(H. P. No. 1522) (L. D. No. 845)  
An act relative to dealers in live bait; license therefor.

(H. P. No. 894) (L. D. No. 838)  
Resolve providing for a State pension for Archibald Mullen of Washington.

(H. P. No. 904) (L. D. No. 839)  
Resolve providing for an increase in State pension for William S. Smith of Alma.

(H. P. No. 907) (L. D. No. 840)  
Resolve providing for a State pension for Anna Foley of Lewiston.

(H. P. No. 1587) (L. D. No. 901)  
Resolve providing for a State pension for Wallace Taylor of Whitefield.

#### **Orders of the Day**

The SPEAKER pro tem: Pursuant to the House order that all matters tabled during the preceding week and unassigned shall be taken from the table on Wednesdays, the Speaker will lay before the House unassigned matters numbers one to fourteen in their order.

The Chair lays before the House the first unassigned matter, House report ought to pass, committee on Agriculture on bill an act relating to bounty on bears, H. P. 1027, L. D. 461, tabled on March 7th by the gentleman from Caratunk, Mr. Sterling, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Sterling the ought to pass report was accepted, and on further motion by the same gentleman, under suspension of the rules, the bill received its first two readings.

Mr. STERLING: Madam Speaker, owing to the fact that there is another bill coming along bearing on bounties, and owing to the fact that the State paid during the fiscal year ending June 30th, 1901, \$4,250 for bear bounties, and in the fiscal year ending June 30th, 1932, the State paid \$15,525 in bear bounties, and during the past four years the State has paid bounties on bear, bobcats and porcupines, I move the indefinite postponement of this bill.

The SPEAKER pro tem: The gentleman from Caratunk, Mr. Sterling, moves that this bill be indefinitely postponed. Is this the pleasure of the House?

Mr. LORD of Lebanon: Madam Speaker, this report was arrived at after hearing a great deal of evidence submitted by representatives of agriculture and the sheep-raising industry in the northern part of two of our counties which do suffer greatly from bears. The very fact that such large sums have been paid for bounties shows there is a need for something to control the bear situation there.

There are certain areas in this State which can be used very profitably for the raising of sheep. Because of their remoteness from railroad stations, and because of the geographical conditions that exist through that hilly country that provide feed for sheep, it makes it almost imperative that sheep-raising be indulged in, and, if possible, encouraged in these localities.

This matter was submitted to the committee by people who had tried sheep-raising there who had lost twenty-five, thirty and forty per cent of their flock by bears, and it did seem that they were entitled to some protection.

We reduced the bounty from twenty-five dollars to fifteen dollars because of the economic pro-

gram that was being carried out here, and that seemed to meet with the approval of these farmers who were very vitally interested, and I believe that this committee should be supported in their report.

Mr. SANBORN of Weld: Madam Speaker, the gentleman from Caratunk, Mr. Sterling, made the statement as to what the State was paying for bear bounties for different years. That is true. The State did pay, but the money came indirectly from the dog tax. Mr. Sterling knows the money comes from the dog tax. The owners of dogs really pay the amount to the State, therefore it does not really come out of State funds. I hope the motion of the gentleman from Caratunk, Mr. Sterling, for indefinite postponement will not prevail.

Mr. FARRIS of Augusta: Madam Speaker, from reading this bill, I see it cuts the bounty from twenty-five dollars to fifteen dollars, and if the motion of the gentleman from Caratunk (Mr. Sterling) prevails, the State will have to pay twenty-five dollars instead of fifteen. Therefore I hope the motion of the gentleman does not prevail.

Mr. RUSS of Woodstock: Madam Speaker, I think perhaps a word of explanation might be necessary. Perhaps we are all well acquainted with this law, but I will say that there is no law unless there is one declared by the Commissioner of Inland Fisheries and Game. If there is damage being done in a town, the assessors of that town or plantation may petition the Commissioner of Inland Fisheries and Game, and he shall hold a hearing after giving due notice, and if he is satisfied that bear are doing damage to sheep or other domestic animals, he shall place a bounty on bears in that town or plantation.

Now it has been explained that the money to pay those bounties comes from the dog tax, and probably in a great many sections there is no damage done by bears. In our section I have had occasion, having served on the board of selectmen for eleven years, to investigate a great many cases where damage was being done by bears, and I will say that one of my nearest neighbors, who keeps a flock of, I think, around a hundred and twenty sheep, lost forty sheep last year. I do not know how many times I was called over there to investigate the damage that was done by bear, but it was something, if you mem-

bers of the Legislature had seen it, I think you would vote at once to allow the amount of bounty we are asking for in this bill.

I put this bill in to reduce the bounty from \$25 to \$15, which is a reduction of forty per cent, which I thought was in keeping with the time, as we were trying to reduce expenditure. This amount will help to encourage the farmer, and he will pay something toward the protection of sheep, and this will help him to get in hunters to take care of that situation. I hope the motion of the gentleman from Caratunk (Mr. Sterling) does not prevail.

Mr. WRIGHT of Bath: Madam Speaker, I understand that there are other bills coming in regarding the bounty of bears. I would ask Mr. Sterling if he would be willing to withdraw his motion so the bill can be retabled and these various bills bearing on bounty of bears can be considered together.

The SPEAKER pro tem: The gentleman may answer.

Mr. STERLING: Madam Speaker, I will withdraw my motion for that purpose, that the bill may lie on the table and await other bills.

Thereupon, the motion to indefinitely postpone was withdrawn, and on further motion by Mr. Sterling the bill was retabled pending assignment for third reading.

On motion by Mr. Sargent of Brewer, the House voted to reconsider its action taken earlier in the day whereby it voted to insist on its former action and that a Committee of Conference be appointed on House Paper 662, Legislative Document 205, an act relating to prepayment of taxes; and on further motion by the same gentleman a viva voce vote being taken, the bill was retabled pending further consideration.

The Chair lays before the House the second unassigned matter, House report ought not to pass, committee on Judiciary on bill an act relating to parking of vehicles on highways, H. P. 1045, L. D. 446, tabled on March 8 by the gentleman from Westbrook, Mr. Scates, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. SCATES: I would move, Madam Speaker, that this matter be retabled, as I think there is something coming in tomorrow that will take care of it.

Thereupon, the matter was retabled pending acceptance of the report.

The Chair lays before the House the third unassigned matter, Senate report ought to pass, committee on Taxation on bill an act relative to collection of taxes, S. P. 353, L. D. 511, which came from the Senate, report read and accepted, and the bill passed to be engrossed as amended by Senate Amendment A, tabled on March 9 by the gentleman from Wilton, Mr. Blanchard, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. BLANCHARD: Madam Speaker and members of the House: It is the opinion of the committee on Taxation that this bill, Senate Paper 353, Legislative Document 511, ought to pass as is and without the amendment. I therefore move the indefinite postponement of Senate Amendment A.

The SPEAKER pro tem: That motion is not in order at the present time as the matter pending before the House is the acceptance of the report in concurrence.

Thereupon, the report was accepted in concurrence and the bill had its first and second readings.

The SPEAKER pro tem: The Clerk will now read Senate Amendment A.

(Senate Amendment A read by the Clerk).

The SPEAKER pro tem: The Chair now recognizes the gentleman from Wilton, Mr. Blanchard.

Mr. BLANCHARD: I move the indefinite postponement of Senate Amendment A, Madam Speaker.

The SPEAKER pro tem: The question is on the indefinite postponement of Senate Amendment A. Is it the pleasure of the House that Senate Amendment A be indefinitely postponed?

The motion prevailed and Senate Amendment A was indefinitely postponed.

Thereupon, tomorrow was assigned for the third reading of the bill.

The Chair lays before the House the fourth unassigned matter, Senate report ought to pass, committee on Taxation on bill an act relative to rate of interest on taxes, S. P. 352, L. D. 510, which came from the Senate, report read and accepted, and the bill passed to be engrossed as amended by Senate Amendment A, tabled on March 9 by the gentleman from Wilton, Mr. Blanchard,

pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Blanchard the ought to pass report was accepted in concurrence, and the bill was given its two several readings.

Mr. BLANCHARD: Madam Speaker, I move that Senate Amendment A be indefinitely postponed.

Mr. ROUNDS of Portland: Madam Speaker, in our little burg down there we have some of these fellows who are around buying up tax deeds, and, as I understand it, if they get hold of them, they charge twenty per cent, and the city of Portland, when they buy them in, charge six per cent. I think this bill would be all right at six per cent, so as not to have these fellows taking peoples' property away from them. There is no need of it. Give them two years to redeem it, as the law is now, and then charge them not over six per cent, and I think it will work out in a good deal better way than to have these fellows coming around and snatching property away from people.

I think there is a gentleman in Westbrook who comes in there and buys up quite a lot, and the first thing we know he has got it for taxes, and they pay him a lot more money. They keep on doing that. I know of one person where different ones have paid him over one hundred per cent on a piece of property, and he still owns the property. Now it is time we stopped that kind of business, I think, and let it go so six per cent is a legal rate of interest in Maine, if not otherwise provided, and I think that is enough. The city of Portland will buy it in and they will use a man right.

Mr. MASON of Mechanic Falls: Madam Speaker, I think there is a little misunderstanding in this. The previous law has been ten and twenty per cent. Owing to the economic conditions, it has been advisable that this should be reduced, and in both cases reduced to eight per cent. That is, interest collected in that way penalizes the holder only two per cent. Now if you reduce this to six per cent and have no penalty whatever, the mortgage-holders of property will take advantage of that. A great deal of property is in building and loan associations, and private individual mortgage-holders will see no par-

ticular advantage in paying up these taxes and keeping the title clear, but the small penalty of two per cent would be an inducement for mortgage-holders and building and loan associations and banks and so forth to pay up taxes and keep the title clear; but if you reduce it to six per cent I believe you will have done a great deal to disturb the collection of taxes in the various towns.

Mr. ELLIS of Rangeley: Madam Speaker, the gentleman from Portland, Mr. Rounds, seems to be misinformed somewhat, because the old bill specifically provided a rate of interest not exceeding one per cent a month. Under the present bill one per cent a month is changed to eight per cent a year.

The SPEAKER pro tem: Is there any further discussion on the motion of the gentleman from Wilton (Mr. Blanchard)? The question before the House is on the motion of the gentleman from Wilton, Mr. Blanchard, that Senate Amendment A be indefinitely postponed. All those in favor of the motion will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the bill was assigned for third reading tomorrow morning.

The Chair lays before the House the fifth unassigned matter, House report ought not to pass, committee on Ways and Bridges on bill an act relating to tolls of Maine Kennebec Bridge, H. P. 667, L. D. 199, tabled on March 9 by the gentleman from Richmond, Mr. Hawkes, pending acceptance of the report; and the Chair now recognizes that gentleman.

Mr. HAWKES: Madam Speaker, I move you that we substitute the bill for the report, and when the vote is taken I would ask that we have a division of the House. If you have the bill, I would like to have it read, that the members of the House may understand just what the bill is, and the provisions.

The SPEAKER pro tem: The gentleman from Richmond, Mr. Hawkes, moves that the bill be substituted for the report, and requests that the bill be read.

The bill was read by the Clerk.

Mr. HAWKES: Madam Speaker, this is purely an economy measure. When this bridge was built, it did away with the old ferries between Richmond and Dresden, and at that



time there was no way of communication across that river except as the river froze over and gave people a chance to cross that way. The old ferry boats had to be taken out of the water and put on the banks of the river and stay there until spring. Now last year the State received for tolls \$830.95, and paid out for help \$1,493.50. In addition to that it was running eight or nine electric lights on that bridge. If those were cut out, it would mean another saving of twenty-five dollars a month, which would make a saving to this state of about seven hundred dollars a year.

When I presented this bill I could not see how any sane minded person could do anything but accept it if they were interested in saving this State money, and I congratulated myself that I had discovered something that would at least save the salary that the State was paying me while I was here. Now if you want to save money, if you are talking economy, and if you truly want to economize, here is a place for you to save that amount of money.

Now I provided in this bill that in case the tolls should equal the amount of the expense of collecting, that the Public Utilities Commission will have the right to keep those tolls on the bridge. I hope that this House will see fit to do away with the toll for these months on which the State is losing money, and let those farmers go across there free instead of obliging them to go across the ice.

Mr. ELLIS of Rangeley: Madam Speaker, the committee on Ways and Bridges considered this matter carefully, and owing to the fact that there are a number of other toll bridges in the State of Maine, we felt this would be setting a precedent that we did not want to start at this time. In the future nobody knows how many would cross that bridge if it was open free during the winter. The only new point in this bill is that it provides: “\* \* \* may suspend temporarily the collection of tolls whenever in its opinion the expense of collecting would exceed the receipts from the tolls to be collected \* \* \*.”

I understand there is a little loss at the present time during two or three months in the winter, but not enough to make much difference in the financial situation of the State

of Maine. I hope the gentleman's motion will not prevail.

Mr. SCATES of Westbrook: Madam Speaker, this bill was very seriously considered by the committee on Ways and Bridges. Now if I understand the matter correctly, when the Bath bridge was built it was built with the understanding that it should be a toll bridge, and when the bridge at Richmond was built, it was the understanding that it should be a toll bridge, and when the bridge at Bucksport was built, all from State money, it was the understanding that that should be a toll bridge, and that is the understanding that should be carried out.

Now they come here for this Richmond bridge and want to make it a free bridge for three months in the year. It is a dangerous precedent to establish, because if you do that, why should you not do it with the Bath and the Bucksport bridge? It is a dangerous precedent to establish, and I hope that this House will support the report of the committee.

Mr. VALLELY of Sanford: Madam Speaker, I am a believer in Home Rule. I think the gentleman from Richmond (Mr. Hawkes) knows conditions in his town, and I am going to vote with him.

Mr. HAWKES: Madam Speaker, they have cited the example of other toll bridges. The toll bridge at Richmond is an entirely different proposition from the toll bridge at Bath or the toll bridge at Bucksport. At those places they have open water the year round and there is no means of people crossing except by those bridges. In Richmond they have other means of communication, and if you do away with these tolls for that three months, you will save this State seven hundred dollars. To be sure, that is a small amount, and perhaps the gentleman who spoke first considers that too small for the State to consider, but if we can cut off these seven hundred dollars, this State will not be in debt and we will help the poor of this State. My people today are complaining because we are paying out twenty-seven dollars a week to four or five men there, while they work in the factories for eight or ten dollars a week, and those men are also furnished a suit of clothes to wear, at the expense of the State. Do we want to continue to do those things? Do we want this State to continue to lose money where we

can save, because we are afraid it will establish a bad precedent?

The SPEAKER pro tem: Is there any further discussion on this matter?

The question before the House is on the motion of the gentleman from Richmond, Mr. Hawkes, to substitute the bill for the report. The gentleman from Richmond has asked for a division of the House. All those in favor of the motion of the gentleman from Richmond, Mr. Hawkes, to substitute the bill for the report will please rise and stand in their places until counted and the monitors make and return the count.

A division of the House was had. Seventy-seven having voted in the affirmative and 28 in the negative, the motion prevailed and the bill was substituted for the report; and on further motion by Mr. Hawkes, under suspension of the rules, the bill was given its two several readings and tomorrow assigned.

The Chair lays before the House the sixth unassigned matter majority report, ought not to pass, of the committee on State Lands and Forest Preservation, and the minority report, ought to pass, on bill an act to authorize the town of Cooper to withdraw from the Maine Forestry District, H. P. 659, tabled on March 9 by the gentleman from Cooper, Mr. Clarke, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CLARKE: Madam Speaker, I wish to move the acceptance of the minority report, and I ask that when the vote is taken it be by a division of the House. I wish also when the opportunity comes to speak just a moment to the motion.

The SPEAKER pro tem: The gentleman from Cooper, Mr. Clarke, moves the acceptance of the minority report. Is there any discussion on this motion?

Mr. CLARKE: Madam Speaker, it may be that some of the members are thinking that I either have a lot of nerve or that I am conceited enough to consider myself such a wonderful orator that I can take a minority report, signed by one member, and have it pass over the majority report, signed by all the others. I have no more nerve, however, than any of you legislators but I never did believe in lying down and quitting and stick-

ing my feet into the air particularly when there is a matter of principle at stake.

There is a point I wish to make and a situation to be explained which I can get before you in no other way than to ask you for the courtesy of a few moments of your time.

I think that the members of this Legislature, and those of the former Legislature, will agree that I have not been in the habit of wasting much of your time in idle talk. The report of the committee is not entirely as might appear at the first glance, because the names appearing as three of the signers of that report did not hear the side for the bill, that is, my people's side of it.

Now the law which was passed some years ago, I have forgotten how many, probably twenty-five, took the wild lands of the State and set them apart in the Forestry District and provided that the fires occurring on that land should be fought by and through the Forest Commissioner, through his agents and the expense of fighting those fires should be paid by a tax levied on the property in the district according to the value assessed by the State Assessors. It stated also that any adjoining town or organized plantation that was not included might, by a vote at any town meeting, become a part of it, but it did not give any opportunity for a town wishing to go out of it to do so.

Now the situation is this: The town soon after voted to go in. Now after twenty years' experience they feel that they have a right to vote to withdraw, if, after consideration, it is decided that withdrawal is best for the taxpayers of the town. Of course you understand that, in company with many other towns, situated a long ways from the Capitol, a lot of people do not have as good an opportunity to present their claims to committees representing the Legislature as those nearer; so it is left entirely to their representatives as a usual thing.

Now the only opponents to my bill at the hearing were representatives of two land companies which owned quite a bit of land in my town and their only objections to the bill that the voters should not have the right to vote as they might decide to withdraw and that might raise the taxes; and also they intimated that the people of the town did not have brains enough to de-

cide intelligently as to their own interests although they did allow that in their opinion it was wise, when the town voted some years ago to go into it,—that it was a wise thing to do. Apparently they considered that the ability of the people to decide for themselves and their own interests has been lowered and is not as good as it was. Now I do not know whether the fact that we have more Democrats in our town than formerly had anything to do with it or not. I would ask the Speaker to have the Clerk read the bill. It is short.

The SPEAKER pro tem: As this is not a printed bill, the Clerk will read the bill.

(Bill read by the Clerk).

Mr. CLARKE continuing: Now that is couched in language which I think is plain enough for even a lawyer to understand. The question is whether the people of the town shall be given the right to decide for themselves. It is not for us to decide whether it is right or wrong but it is for them to decide what they shall do in their own interests.

Now the representatives of the land companies insist that it was a function of the committee to judge as to whether their acts might be good or bad for themselves later on. They confused the issue. One of the members of our committee happens to be quite a land holder himself and saw eye to eye with the representatives of land companies who were opponents to our bill. Consequently this bill came out six voting ought not to pass and one voting ought to pass, three of the members of the committee later subscribing to the report who never heard the arguments for the bill at all.

I feel pretty sure that those speaking in opposition to my bill will try to confuse the issue in the same way when the real issue is, shall the voters of Cooper be given the right to decide a matter that relates to their own interests. The matter is now up to you and it is for you to decide whether the people of my town have intelligence enough to decide things for themselves or not. We do not, of course, have any super intelligence at all; we are just simple, normal, average country people; and so far as intelligence goes, if as some claim all the intelligence rests with the Dem-

ocrats. or if as others claim all the intelligence rests with the Republicans, we are just about evenly divided, and have a fair amount of intelligence anyway. I do wish to protest in the name of my townspeople, both men and women, Republicans and Democrats, this assumption by the opponents of this bill that they should not be given a chance to vote because they have not brains enough to do it. I thank you.

The SPEAKER pro tem: Is there any further discussion on the motion to adopt the minority report? If not the question before the House is on the adoption of the minority report and the gentleman has asked for a division. All those in favor of the adoption of the minority report will rise and stand until counted and the monitors will make and return the count.

A division being had,

Sixty-eight voting in the affirmative and four in the negative, the minority report was accepted and the bill tabled for printing under the Joint Rules.

The Chair lays before the House the seventh unassigned matter, resolve in favor of Frederick A. Furbish of Mt. Vernon, 520, L. D. 842, tabled by the gentleman from Anson, Mr. Fenlason, March 9, pending assignment for second reading; and the Chair recognizes that gentleman.

On motion by Mr. Fenlason, the resolve was recommitted to the committee on Claims.

The Chair lays before the House the eighth unassigned matter, bill an act to incorporate the town of Lincoln School District, S. P. 230, L. D. 796, tabled by the gentleman from Brewer, Mr. Sargent, March 10, pending first reading; and the Chair recognizes that gentleman.

Mr. SARGENT: Madam Speaker, this is an emergency matter, and looking the bill over I notice that the emergency clause has been left off, and I would like to retable this until tomorrow.

Thereupon the bill was retabled pending first reading.

The Chair lays before the House the ninth unassigned matter, House report, ought to pass in new draft, of the committee on Claims on resolve in favor of Lillian R. Cush-

man, H. P. 800, new draft, H. P. 1553, tabled by the gentleman from Dixmont, Mr. Bussey, March 10th, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Bussey, the resolve was retabled pending acceptance of the report.

The Chair lays before the House the tenth unassigned matter, House report, ought to pass in new draft, of the committee on Inland Fisheries and Game on bill an act relating to size of fish and weight of catch limited, H. P. 726, L. D. 333, new draft H. P. 1567, L. D. 900, tabled by the gentleman from Jonesboro, Mr. Drisco, on March 10, pending the acceptance of the report; and the Chair recognizes that gentleman.

Mr. DRISCO: Madam Speaker, I move that the bill be indefinitely postponed.

The SPEAKER pro tem: Is there any discussion on this motion? All those in favor of the motion will say aye, contrary minded no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed.

The Chair lays before the House the eleventh unassigned matter, bill an act relating to the War Bond Sinking Fund, S. P. 549, L. D. 816, tabled March 10th by the gentleman from Belfast, Mr. Thompson, pending third reading; and the Chair recognizes that gentleman.

Mr. THOMPSON: Madam Speaker, this bill was tabled by me because it was incorrectly worded, and as the correction has not yet been made, I move that it be retabled.

Thereupon the bill was retabled, pending third reading.

The SPEAKER pro tem: The Chair wishes to announce that important papers from the Senate are expected momentarily. Therefore the Chair hopes and requests that the members of the House will stay in session and in their places until these papers are received. They are in relation to the banking situation.

The Chair lays before the House the twelfth unassigned matter, bill an act relating to transportation of poultry, S. P. 553, L. D. 813, tabled March 10 by the gentleman from Northport, Mr. Hills, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Hills the bill had its third reading and was passed to be engrossed in concurrence.

The Chair lays before the House the thirteenth unassigned matter resolve in favor of Mary E. Rogers of Carmel, H. P. 1519, L. D. 841, tabled on March 10 by the gentleman from Newport, Mr. Soper, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Soper the resolve had its second reading and was passed to be engrossed.

The Chair lays before the House the fourteenth unassigned matter, House Amendment A, L. D. 874, and House Amendment A to House Amendment A, L. D. 874, to bill an act relating to the trial terms of the Superior Court, H. P. 32, L. D. 95, tabled March 10th by the gentleman from South Portland, Mr. Hill, pending adoption and the Chair recognizes that gentleman.

On motion by Mr. Hill, the matter was retabled, pending adoption of the Amendments.

The SPEAKER pro tem: Are there any further matters under Orders of the Day?

Mr. FARRIS of Augusta: Madam Speaker, yesterday the House passed to be engrossed S. P. 568, L. D. 859, an act relating to weights and measures, and I think the Clerk has the papers.

On motion by Mr. Farris, the House voted to reconsider its action of yesterday whereby this bill was passed to be engrossed; and on further motion by the same gentleman the bill was retabled, pending passage to be engrossed.

On motion by Mr. Ellis of Rangleley, it was voted to take from the table the order tabled by him earlier in the day that H. P. 942 be recalled from the committee on Ways and Bridges; and on further motion by the same gentleman the order received passage.

On motion by Mr. Allison of Biddeford, it was voted to take from the table the twenty-seventh unassigned matter House report, ought not to pass, of the committee on Legal Affairs on bill an act relating to elections in the city of Biddeford, H. P. 219, L. D. 133, tabled by that gentleman March 14th, pending acceptance of the report; and on fur-

ther motion by the same gentleman the bill was recommitted to the committee on Legal Affairs.

On motion by Mr. Cook of Pittsfield, it was voted to take from the table the twenty-fifth unassigned matter, House report, ought not to pass, of the committee on Inland Fisheries and Game, on resolve relating to muskrat hunting on West Branch of Seabastcook River, H. P. 748, L. D. 414, tabled by that gentleman March 14th, pending acceptance of the report; and on further motion by the same gentleman the resolve was recommitted to the committee on Inland Fisheries and Game.

On motion by Miss Martin of Bangor, it was voted to take from the table the fifteenth unassigned matter, Senate report ought not to pass, of the committee on Claims on resolve in favor of Charles Eugene Tefft, S. P. 38, which came from the Senate report accepted, and which was tabled March 13th by the member from Bangor, Miss Martin, pending acceptance in concurrence; and on further motion by the same member, the report ought not to pass was accepted in concurrence.

On motion by Miss Martin of Bangor, it was voted to take from the table the nineteenth unassigned matter, House report, ought not to pass, of the committee on Claims on resolve in favor of the city of Bangor, H. P. 786, tabled by that member March 14, pending acceptance of the report; and on further motion by the same member the report ought not to pass was accepted.

On motion by Mr. Piper of Bangor, it was voted to take from the table the twenty-first unassigned matter, House report, ought not to pass of the committee on Claims on resolve in favor of the city of Bangor, H. P. 785, tabled by that gentleman March 14th, pending acceptance of the report; and on further motion by the same gentleman the ought not to pass report was accepted.

On motion by Mr. Hobbs of Hope, it was voted to take from the table the seventeenth unassigned matter, House report, ought not to pass of the committee on Claims on resolve

to reimburse the town of Camden for support and burial expenses of Ralph R. Boucher, H. P. 803, tabled by that gentleman March 14th, pending acceptance of the report; and on further motion by the same gentleman, the report ought not to pass was accepted.

On motion by Mr. Rounds of Portland, it was voted to take from the table S. P. 303, L. D. 516, bill relating to the support of persons falling into distress on which the committee report was ought not to pass.

Mr. ROUNDS: Madam Speaker, this thing is far-reaching. It has been the unanimous report of committees from the Legislature in years past that the poor women shall receive mothers' aid, and the city of Portland now has some thirty-five people for whom they cannot get aid and the city is paying the bills. The State law reads that the State shall pay the bills of these women and shall collect from the towns one-half as I understand it. If I am not right, I would like to be corrected. For years they have never had enough appropriation for this, and what is the consequence? In the last special session they took \$25,000 out of the contingent fund if I would not put a bill in to recompense the people of the towns and cities of the State. Now the committee on Financial Affairs, which is reporting this in, says we cannot do it and the Welfare Department says we cannot do it because they do not give us money enough. Now either repeal the law or pay the people coming to you for help. As I have said Portland, with about thirty-five, is paying the whole of it and has paid it for quite a while, and one-half of it should be paid by the State. The city should not support them, the State should support them and get this money from the towns. Therefore, I move that this matter lie on the table.

Mr. PLOUFF of Dexter: Madam Speaker—

The SPEAKER pro tem: The motion to table is not debatable. All those in favor of the motion of the gentleman from Portland, Mr. Rounds, that this matter lie on the table will say aye, those opposed will say no.

A viva voce vote being taken, the motion to table failed of passage.

The SPEAKER pro tem: This matter is now before the House on the acceptance of the report in concurrence.

Mr. PLOUFF: Madam Speaker, the remarks of the gentleman from Portland, Mr. Rounds, do not pertain to this bill at all. He is referring to some other subject, and I move that the report be accepted in concurrence.

The SPEAKER pro tem: The gentleman moves that the report be accepted in concurrence.

Mr. ROUNDS: Madam Speaker, I would like the unanimous consent of this House to introduce a bill out of order that the State should pay no more of this mothers' aid. If that is the attitude of this House, not to pay only just a certain few, that is all right, but there was passed in this House a law that they should pay mothers' aid. Now you come here and say that we cannot pay it because we have no money. We are in session now and the appropriation bill has not been passed, but there is coming out this and that and it is time that we either repeal the law or go on record that we do not want to pay because we have no money as the head of the Child Welfare Department told me this morning. I do not think it ought to pass that way and I want the thing adjusted right, and if the law is wrong, change the law.

The SPEAKER pro tem: Is there any further discussion on the motion to accept the report?

Mr. THOMPSON of Belfast: Madam Speaker, I dislike to disagree with the gentleman from Portland, Mr. Rounds, but I do not think this bill has anything to do with mothers' aid. I do think that the bill applies more to transients, and I think that our cities and towns are taking care of tramps or transients, or whatever they may be, whenever they come into our towns.

The SPEAKER pro tem: Is there any further discussion on the motion to accept the report?

Mr. Rounds was granted permission to speak a third time.

Mr. ROUNDS: Madam Speaker, here are people we are paying that the State should pay first and then collect one-half from us. Is it right to pass a law here and then ignore it? It looks to me like the

old rum law that we had for years and we haven't got it settled yet. We pay it when we get the money but we are not going to give you the money.

The SPEAKER pro tem: The question before the House is on the acceptance of the report, on the motion of the gentleman from Dexter, Mr. Plouff. Is there any further discussion? If not, will all those in favor of the motion to accept the report of the committee in concurrence say aye; contrary minded, no.

A viva voce vote being taken, the motion prevailed and the report was accepted in concurrence.

The SPEAKER pro tem: Is there any further business under Orders of the Day. The Chair will remind the House of the request made earlier to remain here because of the expectation momentarily of important papers coming from the Senate.

(At this point Miss Laughlin retired from the Chair, amid the applause of the House, the members rising.)

Speaker Burkett in the Chair.

The SPEAKER: There has been some emergency banking legislation introduced in the Senate this morning, quite a lengthy bill. It has been tabled over there pending printing and the present plan is to have this House recess until quarter past four this afternoon to act on those measures. By that time they will be printed and available for the study of every member of the House. If there is no further business to come before the House this morning the Clerk will read the notices.

On motion by Mr. Soper of Newport,

Recessed until 4:15 P. M.

#### AFTER RECESS

The SPEAKER: The members will find on their desks copies of two bills, Legislative Documents 918 and 919, two emergency measures which were introduced in the Senate this morning by unanimous consent and under suspension of the rules, and consideration of which will be asked this afternoon by this body, as soon as the bills come in from the Senate. So that each member may familiarize himself

with the contents of these bills, the Chair will put the House at ease until the bills come in from the Senate, and the Chair hopes that in the meantime each member will take advantage of the opportunity to read these two bills, which are of a very important nature.

(On motion by Mr. Sargent of Brewer, the rules were suspended and the members were permitted to smoke.)

The SPEAKER (continuing): Several members, after reading these bills, at the suggestion of the Chair, have in turn suggested that they would like to have some explanation of them from some member familiar with their terms. Acting on that suggestion, will the gentleman from Newport, Mr. Soper, chairman of the Banking Committee make such explanation of Legislative Document 918 as may be necessary?

Mr. SOPER: Mr. Speaker and members of the House: You have on your desks two bills which were presented to the committee on Banks and Banking this afternoon. I now yield to the gentleman from Houlton, Mr. Tompkins, to explain these bills to you.

Mr. TOMPKINS of Houlton: Mr. Speaker and members of the House, I will try and make myself heard. Bill No. 918 is "An Act for the Protection of Savings Banks and Deposits therein." This law, if enacted, does not in any way suspend any of the present laws relative to savings banks. It offers an additional measure whereby under the present situation savings banks may be handled and kept open if the occasion requires. Section 1 provides: "Whenever in the judgment of the bank commissioner it shall be necessary in order to conserve the assets of any savings banks or institution for savings not deemed by him to be in condition to require action under section 52 or section 56 of the revised statutes"—which provides for the appointment of a receiver to liquidate a bank — this section tries to avoid the appointment of a receiver and a liquidation of a savings bank.

Now a savings bank stands upon a little different foundation from that of a trust company. A savings bank has no stockholders. The depositors of a savings bank own all the assets of a savings bank; they are the ones who are entitled to all

the funds, and on liquidation the funds are distributed to them in proportion to their respective deposits in that institution.

Now this section 1 further provides: "for the benefit of the depositors and other creditors he"—the bank commissioner—"may, with the consent of the trustees of such corporation, order that there be segregated and set aside investments which in his judgment are of slow or doubtful value or which on account of unusual conditions cannot be converted into cash at their full fair value; and that, simultaneously with the delivery of said order to the treasurer or other executive officer of such corporation each and every deposit then standing therein be reduced so as to divide pro rata among the depositors the aggregate book value of all of the investments so segregated."

In other words, the bank commissioner has a right, if through circumstances the securities in a savings bank have been depleted due to conditions, to scale down those deposits, and this simply allows him the right under this bill to scale them down. But the bill goes farther and says that after those deposits have been scaled down, then those assets that are of slow or doubtful value are set aside, we will say, in a jacket by themselves, and as those securities, mortgages, bonds or stocks are liquidated, then those depositors whose deposits have been scaled down will receive their pro rata share of the money received from the sale of those assets so set aside. The balance of their deposit will remain as a free deposit in the bank, to be drawn against as they see fit, and as in normal times. Then, after that has been done, the treasurer of the savings bank receiving any new deposits will set up a new account, and those deposits will individually be paid one hundred per cent, and the act provides that that money shall either be kept in cash or deposited in the Federal Reserve Bank.

Now there has been some question asked relative to section six of this act: "Savings banks and institutions for savings shall have the right to purchase the preferred stock of any other banking institution incorporated under the laws of the State of Maine or the United States of America."

As has been well said, there is no preferred stock in banks, but the companion bill to this one provides that trust companies may reorganize and issue preferred stock. Now as savings banks hold both as investment and collateral trust company stock, it gives a savings bank the right, if they so desire, to subscribe to the preferred stock in any reorganized trust company. They do not have to do it if they do not want to. And in order to have the right to subscribe to that stock, the statutes of the State must allow them to do so.

Now if there is any person who is a depositor in a savings bank, and this law is invoked, and he thinks he is injured thereby, under section ten he has a right to appeal to the court to have his rights adjudicated.

I think that that is an outline of the main principles of this bill. It is not as drastic as you might think. Today, the bank commissioner, as I said, has the right to scale down deposits in savings banks, if he sees fit, in order to conserve assets, as has been done in times before this. He also has the right to appoint a receiver, but under this bill the idea is to keep the banking structure of the State of Maine intact if possible.

Mr. HOLDEN of Webster: Mr. Speaker. I object very much to section six of this bill. I have quite a little money in the savings banks, and I do not want those banks to invest any of my money in any of this preferred stock, because preferred stock is nothing more than a note at hand, therefore I would not want that section in the banking law. Preferred stock has not been issued by trust companies yet. I do not believe that is a good thing.

Mr. FERNALD of Winterport: Mr. Speaker, I want to say something about the bill. We are living in serious times. We are sent here in critical times, and sent here by people who expect us to assume our responsibility and to carry on for them. The average person knows nothing about banking except that they have been told that if you have any money the thing to do with it is to put it in a savings bank, and if you keep it at home or keep it in your stocking, you are hoarding, and you are not patriotic.

Now I have been trying to study

banks for fifteen years. We are told that the Maine banks are sound. Now I hesitate today, in the brief time of less than an hour that I have had to look over these bills,—may I say right here, Mr. Speaker, before going on, that I object to the introduction of any more of these bills today; I got caught napping on this one—I hesitate to pass these things over quickly, as quickly as we did the one the other day, realizing, on the other hand, that if anyone has risen in his seat on last week and opposed the introduction of that bank bill at that time, that he would have been branded as a traitor. I nevertheless feel a responsibility to the people in my community who have money deposited, a responsibility that they expect me to assume and expect you to assume.

We know that certain individuals in this House have been considering this proposition all the afternoon, and they still do not know what it is all about. Now I have been in communication in one way or another with people who are better informed on banking than any of us here, and I must admit that they do not know what it is all about.

Now so long as my record is clear, your record is up to you, but I should like personally to study this matter, to look into the record, and to talk with somebody about it, not only somebody but a lot of people. Who introduced this bill? Who is to benefit by it? Where does the depositor get off? Just glance through it. It seems to me that the depositor is holding the bag.

Two years ago I introduced banking legislation in this House, and I hesitated this session in introducing any banking legislation, realizing, as I did, from a study of the banks and their conditions in Maine, the critical condition which they were in.

Now I do not know what it is all about. I am willing to be shown. But I am not willing to take any one man's or any two man's opinion about it. I want to do what is right. I want to protect the depositors as well as the bankers. I do not know but what this does protect the depositors, but I cannot follow it, and I would like to have some time to look this over. I do not want a long time, but I



would like to study this thing. I want to know. I do not know what to say. Perhaps I am too much moved by this matter, but I believe that it is a serious proposition, and I think we should go slowly, and I want to go on record right now, again, opposing at this time, right now, the introduction of any more of these banking bills.

We have been told in this body that Maine banks are sound, but these bills give me a faint feeling right down here in the pit of my stomach. I do not know. There has been too much hysteria; there has not been a sufficient confidence and truth brought out in this matter. We do not know the whole truth. You do not know the whole truth. I want to know the facts. Now I think we should go carefully.

Now I am all right with the record. I want to do the right thing, but I am not willing to go along right now.

Mr. HILL of South Portland: Mr. Speaker, in view of the far-reaching importance of these bills, and the complexity of their provisions to the average member of the House, I should like to inquire through the Chair of the gentleman from Houlton (Mr. Tompkins) how serious would be the delay if the matter were to be tabled until tomorrow morning for further consideration.

The SPEAKER: The gentleman from Houlton. Mr. Tompkins, may answer the inquiry of the gentleman from South Portland, Mr. Hill.

Mr. TOMPKINS: Mr. Speaker and members of the House: I do not know as the delay would be very serious.

The SPEAKER: Does the gentleman from South Portland, Mr. Hill, have further inquiry of the gentleman from Houlton, Mr. Tompkins?

Mr. HILL: No, Mr. Speaker. I yield to the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, I understand that we have not received the bill as yet. It has not been offered, therefore I move that it be deferred until some time tomorrow morning. The bill is not in possession of the House, and has not been offered.

The SPEAKER: The House may be at ease.

#### AFTER RECESS

The SPEAKER: The House will be in order, and the Chair recog-

nizes the gentleman from Bath, Mr. Wright.

Mr. WRIGHT: Mr. Speaker, I wish to introduce an order, out of order, and move its passage.

The SPEAKER: The Clerk will read the order.

Ordered, the Senate concurring, that notwithstanding the terms of the closing order adopted on the day of the convening of this Legislature, the separate bodies receive for consideration such measures as in the opinion of a majority of the body in which any measure is offered are designed for emergency relief, in view of the existing financial and credit situation.

Mr. FARRIS: Mr. Speaker, the purpose of this order is to enable us to receive emergency legislation. It seems to me in these times when emergency legislation comes before a body it should be at least received and considered. Now it does not mean that because we receive this bill in the House that it is passed—nothing of the kind—it gives us a chance to consider the bill and do with it what we see fit afterward. It will give us time for consideration, and I am surprised that any member of this body should stand up and object to the reception of an emergency measure in these critical times. I hope this order will have a passage. It will enable us to receive this legislation and give it due consideration.

Mr. FERNALD: Mr. Speaker, I am opposed to the introduction of the bill at this time, not that I may be opposed to its introduction tomorrow.

Mr. FARRIS: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. FARRIS: The gentleman is speaking on the reception of the bill, which is not before the House.

The SPEAKER: The Chair will rule that this matter is so important that full discussion of it should be allowed at this time. The gentleman may proceed.

Mr. FERNALD: Mr. Speaker, I have not had a chance to look at the rules. We do not have a chance to look at anything around here. I believe we cannot introduce a legislative matter under guise of an order. I believe that is contrary to our rules. I oppose this bill right now; tomorrow I may be willing to vote in favor of it, and vote for its introduction, but I wanted time. Now whatever you want to do is all

right, but I feel this is a very critical thing, and I am going to move, Mr. Speaker, the indefinite postponement of the order.

(Cries of no, no).

Mr. WRIGHT: Mr. Speaker, I think we all want to help the State as much as we can in these emergency measures. They are emergencies—everybody admits it. If a bill comes in for our consideration, it is not put in in any haphazard proceeding. We want full consideration of these measures that come in, and we will have full consideration, and I hope the order will have a passage.

The SPEAKER: The pending question is the motion of the gentleman from Winterport, Mr. Fernald, that the order introduced by the gentleman from Bath, Mr. Wright, be indefinitely postponed. All those in favor of the motion will say aye; contrary minded, no.

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

The SPEAKER: A sufficient number obviously having arisen in opposition to the motion, the motion fails of passage. The pending question is on the passage of the order introduced by the gentleman from Bath, Mr. Wright. All those in favor of the passage of this order will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed and the order received a passage.

The SPEAKER: The order, being a joint order, must be acted upon by the other body before it becomes effective. The House may be at ease until word comes from the Senate of the disposition of this order.

#### AFTER RECESS

Called to order by the Speaker.

Mr. FERNALD of Winterport: Mr. Speaker, I rise to make a parliamentary inquiry and refer to pages 37 and 38 of the Senate and House Registers Rules 52, 58 and 59. May I inquire if those rules conflict with your ruling previously today?

The SPEAKER: What is the particular point that the gentleman makes about those rules?

Mr. FERNALD: As I understood it we altered a rule. Rule 59 says: "No rule or order of the House shall be altered or repealed, nor shall any new standing rule or order be adopted, unless one day's previous notice thereof be given in each case."

The SPEAKER: The Chair will state with reference to the gentleman's inquiry that this is a joint order and not a House order and is therefore governed by the Joint Rules of the two bodies.

Mr. FERNALD: Rule 58 provides that "No rule or order of the House shall be dispensed with, unless two-thirds of the members present shall consent thereto."

The SPEAKER: The Chair rules that under the conditions here existing this is a Joint Order and governed by the Joint Rules.

Mr. FERNALD: I also refer to Rule 52 that "No new bill or resolve of a public nature"—and I believe this law is one of a public nature—"shall be received, except it be reported by a committee, unless the House otherwise ordered, and all bills and resolves not reported by a committee, shall be laid upon the table for one day, before further action thereon."

The SPEAKER: The House has otherwise ordered in connection with this particular bill and any other similar bill bearing on this emergency. The Chair has no objection to tabling these matters for one day or one week after they are received, probably they should be tabled for one day in order to comply strictly with that rule. The Chair now rules that under the Joint Order passed by both branches, L. D. 918 is before the House, and recognizes the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, I move that the bill lie on the table pending further consideration.

The motion prevailed and the bill was tabled, pending further consideration.

The SPEAKER: There is another bill before the House, bill an act for the protection of trust companies and depositors therein, S. P. 589, L. D. 919. This comes from the Senate introduced today in that body and received by unanimous consent under suspension of the rules, the bill given its two readings under suspension of the rules and passed to be engrossed without reference to a committee.

Mr. FERNALD of Winterport: Mr. Speaker, has that bill been introduced in the House here?

The SPEAKER: Only so far as you have heard it here now.

Mr. FERNALD: I object, Mr. Speaker, to the introduction of the bill at this time.

The SPEAKER: The Chair rules that under the Joint Order just passed by the two bodies this bill is properly before the House. The Chair suggests that, in accordance with the custom adopted in the consideration of the other bill, the gentleman from Houlton, Mr. Tompkins, make explanation of this bill, if he is willing.

Mr. TOMPKINS of Houlton: Briefly, Mr. Speaker, the object of this bill is the same as the object of the previous bill in regard to savings banks. The whole object is to preserve the assets of the institution and hold them intact until conditions improve so that by liquidation the depositors will receive more of their assets than they would if the institutions were placed in the hands of receivers under our present laws.

Now I do not expect, and none of us expect, that either of these bills will be invoked to any great extent. This bill relates to trust companies alone and it allows the Bank Commissioner and the directors of a bank to petition to a Justice of the Supreme Judicial Court to have a conservator appointed to take such assets of the bank as are frozen assets, of doubtful value, set them aside, and scale down the deposits of the depositors to the extent of the book value of those assets which they have segregated. Furthermore, the bank then gives the depositors a certificate which represents the difference between what their bank book shows they have on deposit in that bank and the amount which has been scaled down. That certificate draws interest at the rate of three per cent compounded, and it provides further that as fast as those frozen assets are liquidated under better conditions than exist today, the money will be distributed to the holders of those certificates on a pro rata basis.

It also provides still further that no dividend shall be paid on the bank stock until every dollar of those certificates has been paid.

This bill further provides that the trust company may issue preferred stock without the double liability now existing under the common stock that has been issued by banks, and the reason for that

is this: You may have a bank in your town that is sound in normal times but it needs some ready cash, and you may have depositors in that bank and citizens in that town who are willing to stake a few thousand dollars to preserve that bank and that institution that has served you for many years, and this bill provides that if they put their money in there, they will receive preferred stock but that preferred stock does not carry a double liability. If the bank does not succeed in weathering the gale, they will not be in turn asked to pay in another hundred cents on a dollar as represented by the stock which they hold. If it succeeds in coming through, the people who are benefitted are, first, the depositor who left his money in there. He gets paid in full for that balance to which his account has been scaled down. Then, next, he gets paid on his certificate in full. Then, if there is anything left, the preferred stockholder receives his dividend, and if there is anything left above that, then the common stock receives its dividend; but this is all for the protection of the depositor, the same as the savings bank bill is for the protection of the depositor, so as to give these banks when they are hard pressed for cash a chance to segregate those assets, preserve them, wait far better times until the storm is cleared, and then they can sell them on the open market and the depositors thereby will realize much more on those assets than they would realize if they were sold at present market values.

I think that embodies the principal points of this bill.

Mr. HOLDEN of Webster: Mr. Speaker, may I ask the gentleman from Houlton, Mr. Tompkins, a question through the Chair.

The SPEAKER: The gentleman from Webster, Mr. Holden, asks permission to make an inquiry of the gentleman from Houlton, Mr. Tompkins, and that gentleman may answer if he wishes.

Mr. HOLDEN: I understood the gentleman to say that the people owning preferred stock were under no liability to take their stock and that if the bank was successful they would get their money, and if the bank was not successful they would lose it. Then why should the savings bank buy the preferred stock?

Mr. TOMPKINS: I will explain that. I thought I did before. That is a trust company bill.

Mr. HOLDEN: Yes, but you are asking the savings bank to buy the preferred stock.

Mr. TOMPKINS: The savings banks, if they have stock in that trust company, and if they think it is of sufficient value to preserve it, may contribute to the capital of that trust company and receive preferred stock in exchange. They may do it, they do not have to.

Mr. FARRIS of Augusta: Mr. Speaker, I move that the bill lie on the table, pending first reading.

The SPEAKER: The Chair feels at this time that if any member has any question he desires to ask about the provisions of this bill, an opportunity ought to be given for it. No member should go away from this session without understanding the salient provisions of this bill. The Chair rules that this bill has been received under the Joint Order passed earlier in the session. Are there any further questions that any member would like to ask or any further discussion.

The Chair understands that the gentleman from Augusta, Mr. Farris, withdraws his motion.

Mr. FARRIS: Yes, Mr. Speaker.

Mr. MACK of Veazie: Mr. Speaker, I rise to a point of information. May I ask the gentleman from Houlton, Mr. Tompkins, a question.

The SPEAKER: The gentleman may state his question and the gentleman from Houlton (Mr. Tompkins) may answer if he chooses.

Mr. MACK: To all intents, the preferred stock as issued by a trust company under these provisions would be truly a preferred stock as we understand preferred stock issues and not a special stock?

Mr. TOMPKINS: Preferred stock, as I understand it.

Mr. BENNETT of Presque Isle: Mr. Speaker, I would like to ask a question. I would like to know who

is back of this trust company bill, or both of these bills, whether it is the State Banking Association, whether it is the Governor, or whether it is the Federal Government or where these bills started and why they are introduced here in such a rush today? I think we ought to know something about it.

The SPEAKER: Both of these bills were introduced in the Senate by the Senator from Somerset, Senator Page.

Mr. BENNETT: Mr. Speaker, where did he get his idea?

The SPEAKER: He is not here and cannot be inquired of at this time.

Mr. WRIGHT of Bath: Mr. Speaker, I would like to ask Mr. Tompkins if he does not believe that the appointment of a conservator would be a far more effective way of handling the affairs of a bank than the appointment of a receiver in case a receivership was asked for?

The SPEAKER: The gentleman from Houlton, Mr. Tompkins, may answer if he desires.

Mr. TOMPKINS: If I did not think so, I would not advocate this bill.

Mr. FARRIS: Mr. Speaker, if there is no further discussion I move that the bill lie on the table pending further consideration.

The motion prevailed, and the bill was so tabled.

Mr. SARGENT of Brewer: Mr. Speaker, I would like to inquire if the motion to table S. P. 590, L. D. 918, made by Mr. Farris was declared on by the Chair? It is the understanding of some of us around here that it was not.

The SPEAKER: The Official Reporter referred to his notes and notified the Speaker that the motion was so declared on both bills.

On motion by Mr. Farris of Augusta

Adjourned until ten o'clock tomorrow morning.