

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

Monday, March 20, 1933.

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

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 85, L. D. 100: An act relating to assessments by insurance companies for a surplus fund.

S. P. 86, L. D. 101: An act relating to insurance licenses.

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Regulate the Distribution of Public Funds in Hospitals" (S. P. No. 109) (L. D. No. 208)

Report was signed by the following members:

Messrs. Weeks of Somerset, Holman of Franklin—of the Senate. Farris of Augusta, Eldridge of Eastport, Fernald of Winterport, Tompkins of Houlton—of the House.

Minority Report of same Committee reporting same in a new draft (S. P. No. 571) (L. D. No. 853) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. Holmes of Androscoggin—of the Senate. Goudy of South Portland, Hill of South Portland, Miss Laughlin of Portland—of the House.

Comes from the Senate the Minority Report ought to pass in new draft, read and accepted and the bill passed to be engrossed as amended by Senate Amendment "A."

Miss LAUGHLIN of Portland: Mr. Speaker, I move that the minority report, ought to pass, be accepted. May I ask for information, Mr. Speaker? It is my understanding that before we consider Senate Amendment A it will be necessary to adopt the minority report and give the bill its first reading. Am I correct in that assumption?

The SPEAKER: The member is correct. If the bill is to be amended in concurrence with the Senate, the minority report should

be accepted and the bill have its first two readings before acting on the amendment.

Miss LAUGHLIN: Then I move the acceptance of the minority report, ought to pass in new draft in concurrence.

Mr. BUCKNAM of Portland: Mr. Speaker, does the minority report have the amended section that came from the Senate?

The SPEAKER: It was amended in the Senate.

Mr. BUCKNAM: Is that on the minority report? I do not understand what the amendment is.

The SPEAKER: The gentleman may have the amendment read, out of order, at this point if he desires.

Mr. BUCKNAM: I would like to hear it.

The SPEAKER: The Clerk will read Senate Amendment A.

(Senate Amendment A read).

Mr. BUCKNAM: Mr. Speaker, do I understand we are acting on that amendment?

The SPEAKER: No, we are not at this time. The pending question is the motion of the member from Portland, Miss Laughlin, to accept the minority report, which was ought to pass, with the understanding, if the Chair understands the member correctly, that if the minority report is accepted, she will move the adoption of Senate Amendment A in concurrence. Is that correct?

Miss LAUGHLIN: That is correct, Mr. Speaker.

Mr. BUCKNAM: And this is Senate Amendment A.

The SPEAKER: Yes. The pending question is the motion of the member from Portland, Miss Laughlin, that the minority report ought to pass be accepted in concurrence. All those in favor will say aye, contrary minded no.

A viva voce vote being taken, the minority report, ought to pass was accepted in concurrence.

Thereupon the bill had its two several readings.

Miss LAUGHLIN: Mr. Speaker, I move the adoption of Senate Amendment A in concurrence.

The SPEAKER: Does any member desire this amendment read again, if so, the Clerk will read the Amendment.

(Further reading of the Amendment was dispensed with).

Thereupon the House adopted Senate Amendment A in concur-

rence and tomorrow was assigned for third reading.

Reports of Committees

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to the Sale of Real Estate for Taxes" (H. P. No. 1122) (L. D. No. 631).

Report was signed by the following members:

Messrs. Holmes of Androscoggin, of the Senate. Goudy of South Portland, Fernald of Winterport, Eldridge of Eastport, Hill of South Portland, Miss Laughlin of Portland, of the House.

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

Report was signed by the following members:

Messrs. Weeks of Somerset, Holman of Franklin, of the Senate. Farris of Augusta, Tompkins of Houlton, of the House.

Mr. HILL of South Portland: Mr. Speaker, I move the acceptance of the majority report.

Mr. FARRIS of Augusta: Mr. Speaker, I move that the matter lie on the table, pending acceptance of either report.

The motion to table prevailed, the pending question being the motion of the gentleman from South Portland, Mr. Hill to accept the majority report.

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to the Enforcement of Liens for Taxes on Real Estate" (H. P. No. 1108) (L. D. No. 617).

Report was signed by the following members:

Messrs. Weeks of Somerset, Holman of Franklin, Holmes of Androscoggin, of the Senate. Farris of Augusta, Goudy of South Portland, Fernald of Winterport, Eldridge of Eastport, Hill of South Portland, Miss Laughlin of Portland, of the House.

Minority Report of same Committee reporting "Ought to pass" on same bill.

Report was signed by the following member:

Mr. Tompkins of Houlton, of the House.

On motion by Mr. Tompkins of Bridgewater the bill and accompanying reports were tabled, pending acceptance of either report.

Majority Report of same Committee reporting "Ought not to pass" on Bill "An Act relating to the

Printing of Public Laws in Newspapers" (H. P. No. 69) (L. D. No. 43).

Report was signed by the following members:

Messrs. Weeks of Somerset, Holman of Franklin, Holmes of Androscoggin, of the Senate. Farris of Augusta, Tompkins of Houlton, Goudy of South Portland, Eldridge of Eastport, Hill of South Portland, Miss Laughlin of Portland, of the House.

Minority Report of same Committee reporting "Ought to pass" on same bill.

Report was signed by the following member:

Mr. Fernald of Winterport, of the House.

Mr. FERNALD of Winterport: Mr. Speaker, I move the acceptance of the minority report, and wish to address the House on that question. I would like to have the members of the House bear with me a moment and turn to Legislative Document 43.

Legislative Document 43 proposes to save for the State of Maine \$3200,—eight thousand, two hundred dollars. It provides to repeal Section 67 of Chapter 2 of the Revised Statutes. Since most of us have not our Revised Statutes here, for the information of the House I will read that section, which is very brief. Section 67 of Chapter 2 of the Revised Statutes is as follows: "He shall cause the Public Laws," and by that I mean this newspaper containing the Public Laws—you are all familiar with it—"passed at each session to be printed within thirty days after the close thereof on extra sheets, on good paper, in good, clear, nonpareil type, by the publishers of each newspaper; and each printer who so publishes and distributes the laws to his subscribers within the State shall receive ten dollars, besides two dollars for every hundred copies so distributed within the State."

In other words, this bill provides for the doing away with publishing of the Public Laws in the newspapers in the State of Maine, thereby saving the State of Maine eighty-two hundred dollars.

Now whose bill is this? It is a good thing to ask that nowadays. In the first place, I wrote the bill. Last year your Governor, Governor Gardiner, in going over methods and means whereby money might be saved for the State saw an opportunity (and, by the way, Gover-

nor Gardiner is a lawyer) in doing away with this unnecessary expense, to save eighty-two hundred dollars. He is in favor of it. Your budget officer is in favor of it, William Deering. The Secretary of State is in favor of it, the Deputy Secretary of State, the former Secretary of State, Fred Lord of the Kennebec Journal, and Harry Shorey, former Deputy Secretary of State, and no publishers are against it. I have here a typical communication from one of our publishers dated January 27, 1933, from the Piscataquis Observer, Dover-Foxcroft, Maine:

"Legislative Document 43 will save the State some money, and the newspapers a lot of trouble, and in many cases some loss. We favor it.

Yours truly,

Observer Publishing Company,
By L. P. EVANS."

That is typical of the attitude of the publisher.

Now there are before this Legislature seventy-five pension cases, and the catch in these pension cases seems to be finding eighty-five hundred dollars. Now here is eighty-two hundred dollars of your eighty-five hundred dollars. I might say, by the way, I believe the gentleman from South Portland, Mr. Carleton, and I are going to vote together on this bill. That was my understanding a while ago, and we will at least vote together once tonight. There is another good reason why he should vote for this bill: His ancestors came from the same town my ancestors came from.

Now this is an economy measure, and this is an economy Legislature. We, as members, have deducted from our expense account to date \$35.45; in the following items: Postage, \$10; telephone calls, \$12.25; Maine Register, \$6; fountain pen, \$3; newspaper, \$4.20.

Now we can go further and save eighty-two hundred dollars, because in our budget set-up, if I am correct, there is no provision made for the publishing of these laws and this eighty-two hundred dollars that is necessary to publish these Public Laws will be charged up to legislative expense, so it will be charged up to the expense account of this body right here.

There is something more that can be said about the Public Laws: They are not official, they are not proof-read by any public official, there is nothing official about them.

Now a lot of you will say that the people ought to be given an opportunity to see the Public Laws. By spending three cents, they can send in to the Secretary of State, and he informs me that he will have sufficient copies to satisfy the public demand in regard to these Public Laws.

Further than that, the other day briefly into a number of the offices here in the State House—I did not go into all of them. I asked them what provision they had made in the past to publish the Public Laws as enacted by the various Legislatures and they gave me the pamphlets they published two years ago. I have here between sixty and seventy-five of them. In other words, if one of your constituents is interested in knowing what the Public Laws are on a certain subject, all he or she has to do is write over here and get the whole thing, because after every session of the Legislature these various departments publish them. For instance, here are Highways and Bridges, the laws relating to them. They have various pamphlets, chapter 271, 154, 162, 251 and 231. Here are the Public Laws in regard to Schools. Here are the laws relating to the State Board of Children's Guardians; Public Welfare; Settlement Law; State Board of Mothers' Aid, and laws relating thereto; Health Law; the Public School Law; Labor Law; School Conveyance Law; Public Utility Law; Foreign Corporations, provisions of law relating thereto; Election Law; Absent Voting Law; Qualification of Registered Voters; Primary Election Law; Forestry Law—between sixty and seventy-five of them.

Now as I see an economy program, an economy program should be based upon the principle that if we make any saving, the saving should be with the unnecessary things in the State government. I do not believe in cutting the necessary expenses of the State government, therefore it is my contention that the publishing of these Public Laws—an act which is done by a very few states—is an unnecessary function of this government, and that eighty-two hundred dollars in just the one case of pensions alone can do a great deal of good. I believe that it is unnecessary.

Furthermore, let me point out this in closing: that our public laws will be published in book form

and will be ready for public distribution early in June. I hope, gentlemen, and lady members, that you will vote to accept the minority report as I have moved.

Miss LAUGHLIN of Portland: Mr. Speaker, there could easily be a difference of opinion as to whether we should cease to publish these reports and public laws here in this House, and I do not intend to talk on that. Of course the argument for publishing them is that people through their newspapers will receive a copy of the laws and thereby are kept in touch with the laws without the necessity of purchasing the session laws. All I want to say is this: that it does not make any difference whether we adopt this bill or not, or make it an emergency or not, because the law would stay exactly the same whether we do this or do not, because in Chapter 210 of the session laws of 1931 it is provided that the revisor of statutes shall cause the public laws passed at each session to be printed within thirty days after the close thereof. So, so far as this bill goes, you can pass it with an emergency clause, but the session laws of 1931 will still be in force and make it the duty of the revisor of statutes to publish those laws.

Mr. FARRIS of Augusta: Mr. Speaker, the gentleman from Winterport (Mr. Fernald) stated that this bill is his handwriting, and you might know it by looking at it, because it has an emergency clause on it. The laws are not printed until ninety days after the Legislature adjourns, so I do not see any emergency there. The laws won't be printed until ninety days after adjournment, as I understand it. As Miss Laughlin, the member from Portland, has stated: if we repeal Section 67 of Chapter 2, we are just where we started before. Furthermore, the budget committee, as I understand it, have made arrangements now for the publication of these laws, because there has been a great demand for these laws among the people who live in the country and want to know what the laws are. Ignorance of the law excuses no one, and this is one method whereby the people of this State can secure the public laws without expense to them. The section the gentleman from Winterport (Mr. Fernald) intends to repeal provides the laws shall be published and sent

out by the newspapers. As I understand, they print these laws at cost. If I am wrong, the member will correct me. They do not make anything out of it, and of course it is immaterial to the newspaper publishers whether they are printed or not, because they are supposed to do the work at cost; but the people of the State get the benefit of the laws after the Legislature adjourns, and can know and read what the laws are. I believe, if this bill is effective at all, it should not be passed.

Mr. FERNALD: Mr. Speaker, evidently the gentleman from Augusta (Mr. Farris) and I do not agree again. It says in Section 67, which I have already read, that these public laws shall be printed within thirty days. Now this is my bill, but, for the further information of the good gentleman from Imperial Kennebec, I might point out that one of his constituents, the Secretary of State, wrote the bill, so if he has any quarrel it is with one of his constituents. I won't go into that any further.

So on that basis, realizing the Secretary of State, after due consideration and deliberation, wrote the bill and checked it through very carefully, I would not attempt to answer any further the arguments of the gentleman from Augusta (Mr. Farris), or the good member from Portland (Miss Laughlin) either. I believe this bill here will save the State of Maine eighty-two hundred dollars, and if it does not, instead of quibbling over something why not, in order to save the eighty-two hundred dollars, amend the bill so it will. In other words, if those members who have objected to the bill are acting in good faith, let them come in here with something constructive. I believe this to be something constructive, and I believe it will save the State of Maine eighty-two hundred dollars. If they do not want to save the State of Maine eighty-two hundred dollars, let them say so and fight against the bill. If they are coming in here in good faith, as they say they are, let them come in with something constructive. I hope my motion to accept the minority report will prevail. I am willing an amendment should be offered to carry out the design as intended, and if any one wants to put it on the table, I will have an amendment drawn tomorrow morning to carry out my idea.

Miss LAUGHLIN: Mr. Speaker, I hope I make myself perfectly plain.

If this law passes, there will still be in effect the law passed in 1931, providing for publication of these laws, and this law, if adopted, is not worth the paper it is printed on as far as effect goes unless it carries a clause repealing all acts and parts of acts inconsistent therewith.

Mr. FARRIS: Mr. Speaker, it may not be in order for the people of the State to know what we are doing down here, but a few of them would like to know what we are doing and what laws are passed. For that reason, I have had many requests and letters asking that we continue in this Legislature to give them the Public Laws. They hope this bill will not pass. For this reason I voted in the committee against this bill. I hope the motion of the gentleman from Winterport (Mr. Fernald) will not prevail, and that the majority report, ought not to pass, will be accepted.

Mr. VALLELY of Sanford: Mr. Speaker, when lawyers cannot agree, how can we laymen agree? Someone is right and someone is wrong. Miss Laughlin says the law says these laws shall be printed. It does not say they shall be distributed. Now down my way they are more interested in salaries of the State officials than in these laws, and I am going to vote for the minority report.

Miss Laughlin was granted permission to address the House the third time.

Miss LAUGHLIN: Mr. Speaker, perhaps I should have read that section in the beginning, to show it does provide for distributing. The section passed in 1931 reads as follows:

"He," (the Revisor of Statutes) "shall cause the public laws passed at each session to be printed within thirty days after the close thereof on extra sheets, on good paper, in good, clear nonpareil type, by the publishers of each newspaper; and each printer who so publishes and distributes the laws to his subscribers within the state shall receive ten dollars, besides two dollars for every hundred copies so distributed within the state."

That is the section which would still be in force even if this bill should pass.

The SPEAKER: The pending question is on the motion of the gentleman from Winterport, Mr. Fernald, that the minority report of the committee on Judiciary on bill

an act relating to the printing of public laws in newspapers, Legislative Document 43, which report was ought to pass, be accepted. All those in favor of the motion will say aye; contrary minded no.

A viva voce vote being doubted,

A division was had,

Fifty-six having voted in the affirmative and 60 in the negative, the motion failed of passage.

Mr. FERNALD: Mr. Speaker, I move that the matter lie upon the table, and I will have it specially assigned for tomorrow morning, and at that time I will have an amendment or whatever is necessary to carry out the intent.

The SPEAKER: The gentleman will please not debate the motion to table.

The Chair understands the pending motion is that made by the gentleman from Winterport, Mr. Fernald, that this matter now lie on the table, the pending question being the acceptance of the majority report, which was ought not to pass. All those in favor of this motion will say aye; contrary minded no.

A viva voce vote being doubted,

A division was had,

Sixty-eight having voted in the affirmative and 35 in the negative, the motion prevailed, and the bill and accompanying reports were tabled and specially assigned for tomorrow morning.

Majority Report of same Committee reporting "Ought to pass" on Bill "An Act relating to Pauper Settlements" (H. P. No. 1112) (L. D. No. 621)

Report was signed by the following members:

Messrs. Weeks of Somerset, Holman of Franklin, Holmes of Androscoggin—of the Senate; Hill of So. Portland, Farris of Augusta, Tompkins of Houlton, Goudy of So. Portland, Fernald of Winterport—of the House.

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

Report was signed by the following member:

Miss Laughlin of Portland—of the House.

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

Thereupon the bill had its two

several readings and tomorrow assigned.

First Reading of Printed Bills and Resolves

(H. P. No. 1618) An act requiring the licensing of operators of creameries or milk distributing plants.

(H. P. No. 1622) (L. D. No. 956) An act relative to lumber camps not to serve salmon, trout and togue.

(H. P. No. 1623) (L. D. No. 957) An act relative to the classification, registration and fees of guides.

(H. P. No. 1624) (L. D. No. 958) An act relative to fishing licenses for residents and non-residents; fees therefor; revocation thereof.

(H. P. No. 1626) (L. D. No. 959) An act relative to definitions of hunting, resident, aliens, jacklight and trapping.

(H. P. No. 1629) (L. D. No. 960) An act relating to open season on fur bearing animals.

(H. P. No. 1630) (L. D. No. 954) An act relating to the interstate transfer of dependent persons.

(H. P. No. 1631) (L. D. No. 955) An act relating to support of State paupers.

(H. P. No. 1619) (L. D. No. 961) Resolve in favor of Kineowatha Camps, Inc., of Wilton, to reimburse it for removal of floating bog on Wilson Lake.

(Tabled by Mr. Carleton of Portland, pending assignment for second reading).

(H. P. No. 1620) (L. D. No. 962) Resolve in favor of Daniel Maher, of Bangor.

(Tabled by Mr. Carleton of Portland by a viva voce vote pending assignment for second reading).

(H. P. No. 1621) (L. D. No. 963) Resolve relating to closed season on muskrat on the West Branch of the Sebasticook River.

(H. P. No. 1625) (L. D. No. 964) Resolve regulating ice fishing in York County.

(Tabled by Mr. Carignan of Sanford, pending assignment for second reading).

(H. P. No. 1627) (L. D. No. 965) Resolve relating to fishing in Baker Pond

(H. P. No. 1634) (L. D. No. 970) An act relating to School Unions.

(Tabled by Mr. Mayers of Hallowell pending assignment for second reading).

(H. P. No. 1635) (L. D. No. 971) An act relating to certain non-resident operators and exempting from registration certain vehicles owned by non-residents.

(H. P. No. 1636) (L. D. No. 979) An act relating to the Forty-eight Hour Law.

(Tabled by Mr. Carswell of Gorham pending assignment for second reading).

(H. P. No. 1637) (L. D. No. 980) An act relating to personal property.

(H. P. No. 1638) (L. D. No. 972) An act relating to elections in the city of Biddeford.

(H. P. No. 1639) (L. D. No. 973) An act relating to publicity.

(H. P. No. 1640) (L. D. No. 974)

An Act relating to the buying, selling and transportation of clams.

H. P. No. 1641) (L. D. No. 975) An act concerning the improvement, protection or preservation of shade, forest or ornamental trees.

(H. P. No. 1628) (L. D. No. 966) Resolve regulating fishing in Day Mountain Pond, in the town of Avon.

(H. P. No. 387) (L. D. No. 976) Resolve providing for a State pension for Fred E. Hilton of Pitts-
ton.

(H. P. No. 1633) (L. D. No. 977) Resolve in favor of the city of Eastport.

(H. P. No. 1642) (L. D. No. 978) Resolve in favor of the road leading from Greenville to Rockwood.

(Tabled by Mr. Bailey of Woolwich pending assignment for second reading).

Passed to be Engrossed

(S. P. No. 320) (L. D. No. 525) An act relating to forcible entry and detainer.

(S. P. No. 584) (L. D. No. 904) An act relating to returns of telephone and telegraph companies and apportionment of tax.

(S. P. No. 585) (L. D. No. 905) An act relating to continuing accounts in Departments supported by direct appropriations.

(S. P. No. 586) (L. D. No. 906) An act to provide for the appointment of additional Justices of the Supreme Judicial or Superior Courts in cases where any Justice thereof is totally and permanently disabled.

(H. P. No. 659) (L. D. No. 921) An act to authorize the town of Cooper to withdraw from the Maine Forestry District.

(H. P. No. 1596) (L. D. No. 922) An act to redraft the charter of the city of Biddeford.

(H. P. No. 1597) (L. D. No. 923) An act to revise the charter of the city of South Portland.

(H. P. No. 1598) (L. D. No. 924) An act providing for a purchasing agent for the town of Sanford.

(Tabled by Mr. Carignan of Sanford pending third reading).

(H. P. No. 1599) (L. D. No. 925) An act to grant a Commissioner-Manager form of government to the city of South Portland.

(H. P. No. 1604) (L. D. No. 931) An act relating to changes in location of any school legally established.

(H. P. No. 1605) (L. D. No. 932) An act in regard to the Plantation of Allagash.

(H. P. No. 1606) (L. D. No. 933) An act relating to personal examination of insurance agents and brokers in certain cases.

(H. P. No. 1607) (L. D. No. 934) An act providing educational opportunities for the children of soldiers, sailors and marines who were killed in action or died during the World War.

(H. P. No. 1608) (L. D. No. 935) An act relating to the shipping and transporting of clams beyond the limit of the State.

(H. P. No. 879) (L. D. No. 315) An act providing for pensions for call firemen in Augusta.

(H. P. No. 1012) (L. D. No. 428) An act for the preservation of academic records.

(S. P. No. 300) (L. D. No. 917) Resolve appropriating moneys for anticipated overdrafts for which no legislative appropriation has been made, and to provide for carrying on the activities of Departments and Institutions for the remaining months of the fiscal year ending June 30, 1933.

(H. P. No. 35) (L. D. No. 937) Resolve for the purchase of one hundred copies of Sketches of Brooks History.

(H. P. No. 1603) (L. D. No. 938) Resolve in favor of L. S. Dixon of East Hampden.

Orders of the Day

Miss LAUGHLIN of Portland: Mr. Speaker, as a matter of inquiry, has the information yet been received from the Controller called for by the order passed by the House on Thursday last.

The SPEAKER: The Clerk informs the Chair that the information reached the Clerk's office just as the session opened and is there now.

Miss LAUGHLIN: Mr. Speaker, as the order was for the information of the House, I move that 500 copies of the report be printed so

that each member may have a copy.

The SPEAKER: The Clerk suggests that the communication can be read.

Miss LAUGHLIN: I have no objection to its being read, Mr. Speaker, but I want it printed so that each member may have before him the information. The reading of it would be hard to follow.

The SPEAKER: The Clerk will read the communication from the the Controller in order to get it into the Record.

STATE OF MAINE

Department of Finance, Bureau of Accounts and Control

Augusta, March 20, 1933.

To the Honorable House of Representatives:

In compliance with the order of March 16th, I hereby furnish the number of automobiles owned by the State, date purchased, price paid for each, department to which each is assigned, and the cost and upkeep of each automobile during 1932 as kept by the Bureau of Accounts and Control, and cost of upkeep and operation of cars by the Highway Department in 1931, no account being found for the cost of other than highway cars during previous years.

Respectfully submitted,

WILLIAM A. RUNNELLS,
State Controller.

The SPEAKER: The Chair understands that the member from Portland, Miss Laughlin, moves that the communication be received and filed, and that 500 copies of it be printed.

Miss LAUGHLIN: Mr. Speaker, if that is all the information that is given in that communication, there is no sense in printing it. I asked for some definite figures.

The SPEAKER: The communication, which was just read into the Record, is accompanied by a detailed report.

Miss LAUGHLIN: Then, Mr. Speaker, I move that 500 copies of it be printed.

The SPEAKER: The Chair understands that the member from Portland, Miss Laughlin, moves that the communication and accompanying information be received and placed on file and that 500 copies of it be printed.

The motion prevailed.

On motion by Mr. Valley of Sanford, the rules were suspended that the members may be permitted to

smoke during the remainder of this session.

The SPEAKER: Are there any other matters under Orders of the Day? The Calendar is getting pretty large.

On motion by Mr. Bennett of Presque Isle, it was voted to take from the table the sixth unassigned matter, Senate report, ought not to pass, of the committee on Agriculture on bill an act to assure proper branding of potatoes, S. P. 77, L. D. 83, tabled by that gentleman March 15, pending acceptance in concurrence; and on further motion by the same gentleman the report, ought not to pass, was accepted in concurrence.

On motion by Mr. Bailey of Woolwich, it was voted to take from the table the second unassigned matter, House report ought not to pass of the committee on Inland Fisheries and Game on bill an act relating to hunting of moose, H. P. 1094, L. D. 703, tabled by that gentleman March 14, 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. Flanders of Auburn, it was voted to take from the table the twenty-second unassigned matter, House report ought not to pass of the committee on Mercantile Affairs and Insurance on bill an act relating to fraternal beneficiary societies and insurance therein on the lives of children, H. P. 887, L. D. 318, tabled by that gentleman March 16, 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. Wright of Bath, it was voted to take from the table the thirty-ninth unassigned matter, resolve to reimburse the city of Bath for support and burial expenses of Mrs. William A. Griffin, formerly a resident of Malaga Island, S. P. 569, L. D. 858, tabled by that gentleman, March 17, pending final passage; and on further motion by the same gentleman, the resolve was finally passed.

On motion by Mr. Audet of Lewiston, it was voted to take from the table the thirty-fifth unassigned

matter, majority report, ought to pass in new draft and minority report ought not to pass of the committee on Legal Affairs, on bill an act relating to the School Board of the city of Lewiston, H. P. 637, L. D. 189, new draft, H. P. 1616, L. D. 967, tabled by that gentleman March 17, pending acceptance of either report.

Mr. AUDET: Mr. Speaker, I move the acceptance of the majority report, which was ought to pass in new draft.

Mr. BREEN of Lewiston: Mr. Speaker. I move that it be retabled. Calls of "No, No."

The SPEAKER: The gentleman from Lewiston, Mr. Breen, moves that both reports lie on the table, pending acceptance of either, the pending question being the motion of the gentleman from Lewiston, Mr. Audet, to accept the majority report, ought to pass in new draft. All in favor of the motion of the gentleman from Lewiston, Mr. Breen, that both reports lie on table, pending acceptance of either, will say aye; contrary minded, no.

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

The SPEAKER: The pending question is the motion of the gentleman from Lewiston, Mr. Audet, to accept the majority report, which was ought to pass in new draft. All in favor—

Mr. BREEN: Mr. Speaker, while I have no quarrel with the member from Lewiston (Mr. Audet), I see no reason why this should pass at the present time. I think Lewiston is well capable of running its own affairs with regard to the schools. The charter of the city of Lewiston is so worded that the membership can be reduced to seven members or increased to twenty-one, and with your permission I will read the section of the Chapter in point: "The city council of Lewiston may elect a superintending school committee, of not less than seven nor more than twenty-one members, or may provide for the election of the same by the legal voters in the several wards of said city of Lewiston; and may also determine their terms of service and compensation; provided, that in case a superintendent of schools is appointed, as authorized by this act, then the superintending school committee shall receive no compensation." Now this will be taken care of in the city of Lewiston by the city government, and

I think it would be far better to reduce it to seven members elected by the people, or elected by city government. That would be the operation for each ward. I think you will find Dr. Parkard of the State Board of Education testified that the schools of Lewiston are of as high standing as any in the State and Lewiston has one of the finest high schools in New England. You will find that the students coming from the high school of Lewiston are well equipped to enter the higher institutions of learning and are well able to carry on. I see no reason in the world why this Legislature should be tinkering with the charter of the city of Lewiston, and I ask this Legislature to vote to accept the minority report. I am against the majority report.

Mr. AUDET: I am not exactly surprised at the attitude of the gentleman from Lewiston, Mr. Breen. However, this measure was presented in the House here at the request of several citizens, I may say, composed of both political parties. For the last two or three years there have been certain reports coming out in the newspapers, criticising the actions of some members of our school board.

Going back a little in the history of the Lewiston political situation, I can remember very well that before the last city primary a certain gentleman who belonged to the school board in Lewiston, and who happened to be a newspaper man working for the French newspaper there, went so far as to threaten every candidate for this Legislature if he didn't do exactly as they wanted them, on the question of the school board of Lewiston, could not be elected. Of course, the gentleman from Lewiston, Mr. Breen, being a politician, as he is, came out on this question; but as for myself and my other two colleagues here, Napoleon Hamel and George Hamel, we did not feel that way. We are here to represent the people of Lewiston as a whole. A little while afterward the newspaper gentleman, to whom I refer, threatened the Representatives that if they interfered with the school board of Lewiston, they would be defeated, and I am now awaiting my reward from that gentleman. However, I feel just like this: If there was nothing wrong why was the gentleman so active in the matter. Every-

thing was going along smoothly and everything was perfect.

So sometime in the middle of December a company of gentlemen got together. Later, about the twentieth of December, I was called before a committee of the leading citizens of Lewiston, of both parties. They asked me if I would present a bill in this House concerning the Lewiston Superintendent of Schools.

Well, at the first meeting we could not come to an agreement. They had, I believe, several meetings, five or six. Finally they came to an agreement on sending this bill with my name to this House, and I presented the bill by request. This is not my bill. This is the bill presented by request of leading citizens of the city of Lewiston, in both parties.

Now Mr. Breen has referred to change made by the city council. The present mayor of Lewiston is in favor of the passage of this bill, in fact he came before the committee and spoke in favor of it, and I will say right now, for the benefit of the members of this House, that when the committee hearing took place—I believe the members of the Legal Affairs Committee that are present here will bear me out on it—they had one of the best representations that could be demanded. So, Mr. Speaker, I move that the majority report be accepted.

Mr. GEORGE HAMEL of Lewiston: Mr. Speaker, I want to go on record as being very much in favor of this bill.

Mr. FLANDERS of Auburn: Mr. Speaker, I have heard quite a little about this bill in regard to the schools of Lewiston, and I did not think until I arrived here this afternoon, that there would be any opposition to it in the House. I will say that I have been approached by a great many people from Lewiston. While I am not a resident of Lewiston, I am a resident of Auburn, across the river, and I have been approached by a great many people of Lewiston in regard to this bill, men from every walk of life and every nationality, and every one who has approached me has been in favor of the passage of this bill. They say they want to get the School Board of the city out of politics. It provides for two members from the dominating parties, Democratic and Republican. They are appointed by the Mayor, and the present Mayor, inaugurated today, is very much in

favor of this bill, as I understand. I have not talked with him in regard to it, but I have talked with a great many men of all nationalities, and of every party, in regard to this bill. I hope this bill has a passage.

Mr. SARGENT of Brewer: Mr. Speaker, I will say relative to this bill that when it came before the committee there were a great many prominent citizens of the city of Lewiston who advocated the passage of this bill. It provides: "The superintending school committee of the city of Lewiston shall consist of the mayor, ex-officio, and 4 members appointed by the mayor as hereinafter provided. Not more than 2 of the appointive members shall represent the same political party and such appointments shall be made from the political parties polling the 1st and 2nd highest number of votes for governor at the next preceding gubernatorial election in said Lewiston."

The bill was advocated, as the gentleman from Auburn (Mr. Flinders) has said, by a great many prominent citizens of Lewiston, of both parties, Ex-Mayors, the present Mayor, and members of the political committees. The idea of the bill is, as I understand it, to give the city of Lewiston a more representative, and probably a better school board. The committee signed this report, eight in favor of the passage, and two against the passage of the bill.

Mr. AUDET: Mr. Speaker, for the benefit of the gentleman who mentioned that this bill has a referendum, so the people can decide for themselves what they want. I know the people of Lewiston as well as the people of any city or town are competent to decide for themselves, so I do not see how anyone representing the city of Lewiston in this

House can oppose the measure to refer it right back to their own people. If those people are intelligent enough to choose the representatives they have they ought to be intelligent enough to choose whether they want fourteen or seven members on the school board.

Mr. CARIGNAN of Sanford: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Sanford, Mr. Carignan, moves the previous question. All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: More than one-third obviously having arisen, the question now before the House is shall the main question be now put? All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Audet, that the majority report of the committee on Legal Affairs, ought to pass in new draft be accepted. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed, and under suspension of the rules the bill had its two several readings and tomorrow assigned.

The SPEAKER: Are there any other matters under orders of the Day? If not, the Clerk will read the notices.

On motion by Mr. Hall of Bar Harbor,

Adjourned until 10 o'clock tomorrow morning.