

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
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ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

- Page 656—Bill an act relating to weights and measures, Senate Paper 568, Legislative Document 849—should be L. D. 859.
- Page 656—Senate Paper 571 should be 578.
- Page 661—An act closing Middle Range Pond to ice fishing, H. P. 693, L. D. 562—Should be H. P. 693, L. D. 362.
- Page 662—New draft 1632, L. D. 948 should be L. D. 984.
- Page 664—An act relating to school unions, H. P. 1624, L. D. 970—Should be H. P. 1634, L. D. 970.
- Page 669—An act relating to publicity (H. P. 1639, L. D. 975)—Should be (H. P. 1639, L. D. 973)
- Page 669—"An act extending the charter of the Fryeburg Village Fire Corporation" (H. P. 80, L. D. 380)—Should be (H. P. 870, L. D. 380)
- Page 670—Reading misspelled.
- Page 670—Resolve in favor of Frederick A. Burbish of Mt. Vernon (H. P. 747)—Should be Frederick A. Furbish.
- Page 673—An act to revise the Charter of the City of South Portland (H. P. 597, L. D. 923)—Should be (H. P. 1597, L. D. 923)
- Page 676—The President laid before the Senate, (S. P. 212, L. D. 278)—Should be (S. P. 212, L. D. 279)
- Page 679—Resolve providing for a state pension for Mary A. Leighton of Gardiner, (H. P. 74, L. D. 670)—Should be (H. P. 74, L. D. 671)
- Page 679—Resolve providing for an increase in State pension for Lester Pagen of Hermon, (H. P. 56) (L. D. 706)—Should be Lester Patten.
- Page 680—An act to assure a Balanced Budget, (S. P. 827) (L. D. 998)—Should be (S. P. 627) (L. D. 998)
- Page 684—Resolve in favor of a pension for Richard T. Kensall of Alna—Should be Richard T. Kensall.
- Page 696—An Act relating to tax foreclosures (S. P. 636)—Should be (S. P. 317)
- Page 696—Moe should be move.
- Page 714—An act relating to Reports to Towns of Excise Tax Payments (H. P. No. 117) (L. D. No. 561)—Should be (H. P. No. 1170)
- Page 716—"said sum to be used as an offset against any accounts due the State of Maine from the city of Maine."—Should be city of Eastport.
- Page 727—Thereupon H. P. 1334, L. D. 970—should be H. P. 1634, L. D. 970.
- Page 731—Resolve in favor of Lillian R. Cushman" (H. P. 900—Should be (H. P. 800)
- Page 733—reported the same in a second new draft (S. P. 837)—Should be (S. P. 637)
- Page 733—An Act concerning the improvement, protection or preservation of shade, forest or ornamental trees. (H. P. 164, L. D. 975)—Should be (H. P. 1641, L. D. 975)
- Page 755—An Act relating to Disclosures of the Affairs of Corporations and the place within Counties in which Disclosures are to be made" (H. P. No. 110) (L. D. No. 584)—Should be (H. P. No. 1103) (L. D. No. 584)
- Page 769—An act relative to closed time on deer, H. P. 1645, L. D. 921—Should be H. P. 1645, L. D. 991.
- Page 796—(S. P. 34) (L. D. 696) An act relating to dealer's registration, fees for plates, etc.—Should be (S. P. 347) (L. D. 696)
- Page 796—(H. P. No. 1694) (L. D. No. 1008) An act appointing a Commission on Taxation—Should be (H. P. No. 1694) (L. D. No. 1007)
- Page 796—(H. P. No. 1694) (L. D. No. 1006) An act relating to pauper settlement.—Should be (H. P. No. 1694) (L. D. No. 1008)
- Page 796—(S. P. No. 163) (L. D. No. 989) Resolve to repeal a resolve providing for a State pension for Carrie E. Fitch.—Should be (S. P. No. 165) (L. D. No. 989)
- Page 807—An act relating to taxation of motor vehicles (H. P. 865, L. D. 299)—Should be (H. P. 665) (L. D. 299)
- Page 812—S. P. 636, L. D. 1015: Resolve providing for a State pension for Elida F. Whitcomb of Montville.—Should be S. P. 633, L. D. 1015.
- Page 839—An Act to repeal the act incorporating number XIV Plantation in Washington County (H. P. 623, L. D. 164)—Should be (H. P. 623, L. D. 184)
- Page 840—"An act relating to the sale of real estate for taxes" (H. P. 112, L. D. 631)—Should be (H. P. 1122, L. D. 631)
- Page 842—An act to Facilitate Reounting of Ballots (H. P. 1644) (L. D. 99)—Should be (H. P. 1644) (L. D. 992)
- Page 846—Delete second paragraph.

HOUSE

Monday, March 27, 1933.

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

Prayer by the Rev. Mr. Gesner of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the committee on Aeronautics and Radio Control, Claims, Inland Fisheries and Game, Insane Hospitals, Mercantile Affairs and Insurance, State Prison, State School for Boys, State School for Girls and State Reformatories, Towns.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

S. P. 631, L. D. 1012: Resolve providing for a State pension for Hattie Boynton of Montville.

S. P. 632, L. D. 1013: Resolve providing for a State pension for Valdimir B. Jones of Waldo.

S. P. 636, L. D. 1015: Resolve providing for a State pension for Elida F. Whitcomb of Montville.

S. P. 634, L. D. 1014: An act to protect the propagation and cultivation of quahaugs.

S. P. 635, L. D. 1010: Resolve in favor of Township No. 10.

S. P. 112, L. D. 1011: Resolve providing for an increase in State pension for Addie L. Coombs of Montville.

From the Senate: Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An act relating to Tax Foreclosures" (S. P. No. 317)

Report was signed by the following members:

Messrs. Holmes of Androscoggin, of the Senate; Goudy of So. Portland, Fernald of Winterport, Eldrige of Eastport, Hill of So. Portland, Miss Laughlin of Portland, of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. No. 636) (L. D. No. 1016) under title of "An Act to provide for Alternative Method of Enforcement of Tax Liens" and that it "Ought to pass"

Report was signed by the following members:

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

Comes from the Senate with the Minority Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A."

In the House:

Mr. FARRIS of Augusta: Mr. Speaker, I move the acceptance of the minority report in concurrence.

Miss LAUGHLIN of Portland: Mr. Speaker, I notice that the minority report was accepted as amended by Senate Amendment A. I would like to have that amendment read before we accept it in concurrence.

The SPEAKER: The Clerk will read Senate Amendment A.

(Senate Amendment A read.)

On motion by Mr. Farris the minority report, ought to pass, was accepted in concurrence; and on further motion by the same gentleman Senate amendment A was adopted in concurrence, and the bill had its two several readings and tomorrow assigned.

From the Senate: Report of same Committee on Bill "An Act Enabling Cities and Towns to take Advantage of Reconstruction Finance Corporation Loans for Construction of Water Works" (S. P. No. 212) (L. D. No. 279) reporting same in a new draft (S. P. No. 570) (L. D. No. 860) under same title and that it "Ought to pass"

Comes from the Senate Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A"

In the House, report read and accepted in concurrence.

Senate Amendment A read and adopted in concurrence. Thereupon the bill had its two readings and was tomorrow assigned for third reading.

From the Senate: Bill "An act relating to Elections in the city of Biddeford" (H. P. No. 1638) (L. D. No. 972) which was passed to be engrossed in the House on March 21st.

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

In the House, Senate Amendment A read.

Thereupon, the House recon-

sidered its action of March 21st whereby this bill was passed to be engrossed. Senate Amendment A adopted in concurrence, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

From the Senate: Bill "An act relating to Parking of Vehicles on Highways" (H. P. No. 1045) (L. D. No. 446) on which the Bill was substituted for the "Ought not to pass" Report in the House and passed to be engrossed as amended by House Amendment "A" on March 22nd.

Comes from the Senate the Report accepted in non-concurrence.

In the House, in the absence of Mr. Scates of Westbrook, whose bill it is, tabled by Mr. Raymond of Westbrook, pending further consideration, and specially assigned for tomorrow morning.

The following petition and remonstrance were received and upon recommendation of the committee on reference of bills were ordered placed on file:

Placed on File

Petition of H. E. Johnson and 11 others of Berwick in favor of a tax on Chain Stores (H. P. No. 1713) (Presented by Mr. CLEMENT of Berwick)

Remonstrance of the Mayor of Eastport, the President and Secretary of the Chamber of Commerce and 100 others of Eastport against tax on retail sales (H. P. No. 1714) (Presented by Mr. ELDRIDGE of Eastport)

Orders

Mr. Lebel of Brunswick presented the following order and moved its passage.

Ordered, The Senate concurring, that a survey be conducted under the supervision of the Secretary of State to determine the practicability of the state manufacturing its own motor vehicle plates and highway markers at the State Prison at Thomaston.

If the investigation shows that the necessary machinery can be installed at a cost not exceeding the amount paid out by the state for such plates in 1932, or if it shows that the setting up of the necessary equipment would result in such savings as would make the machinery pay for itself over a period of 3 years, the Secretary of State shall, with the approval of the Governor,

make arrangements for the installation of the required machinery as soon as possible out of the funds that would otherwise be used for the purchase of the plates or markers. If the information found by this investigation does not justify the installation of the necessary equipment for the time being, the Secretary of State shall make to the next Legislature, not later than the second week in the session, a complete report of his findings together with any suggestions he might deem proper to bring about the result sought by this order (H. P. No. 1715)

The order received passage and was sent up for concurrence.

On motion of Mr. GRAVES of Mt. Desert, the rules were suspended and the members permitted to smoke during the remainder of the afternoon session.

First Reading of Printed Bills and Resolves

(H. P. No. 1697) (L. D. No. 1019)
An act relating to disclosures of the affairs of corporations and the place within counties in which disclosures are to be made.

(H. P. No. 1698) (L. D. No. 1020)
An act to provide for Old Age Pensions:

Mr. FLOUFF of Dexter: Mr. Speaker, I move that this bill be indefinitely postponed.

Miss LAUGHLIN of Portland: Mr. Speaker, I move that it lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The member from Portland, Miss Laughlin, moves that this bill lie on the table and be specially assigned for tomorrow morning, the pending question being the motion of the gentleman from Dexter, Mr. Plouff, that the bill be indefinitely postponed. All those in favor of the motion of the member from Portland, Miss Laughlin, that the bill be tabled until tomorrow morning will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

Ninety voting in the affirmative and none in the negative, the bill was tabled and specially assigned for tomorrow morning.

(H. P. No. 1706) (L. D. No. 1021)
An act providing for the temporary support and regulation of insurance companies.

H. P. No. 1707) (L. D. No. 1023) An act to regulate steam engineering.

Mr. Michaud of Van Buren offered House Amendment A and moved its adoption as follows:

House Amendment A to H. P. 1707, L. D. 1023, entitled an act to regulate steam engineering.

Amend said bill by inserting in the fifth line thereof after the word "Maine", the following words 'those used for heating purposes exclusively which are provided with a device, approved by the Commissioner of Labor and Industry, limiting the pressure carried to fifteen pounds to the square inch.'

Thereupon House amendment A was adopted, and the bill was assigned for its third reading tomorrow.

(H. P. No. 1708) (L. D. No. 1022) An act relating to minimum wages for laborers.

(H. P. No. 1710) (L. D. No. 1036) An act providing for town line signs.

(H. P. No. 804) (L. D. No. 1037) Resolve in favor of the town of Veazie to reimburse said town of Veazie for support of Archie L. Mishio and family, State paupers.

Passed to be Engrossed

(S. P. No. 313) (L. D. No. 521) An act relative to the making and publishing of rules and regulations, by the Commissioner of Inland Fisheries and Game.

Passed to be Enacted

(Emergency Measure)

H. P. 1712, L. D. 1040: An act to create and allocate a general highway fund for State aid and Third class highway construction and to temporarily suspend certain Statutes.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors will make and return the count.

A division was had.

One hundred and twenty-six voting in the affirmative and none in the negative, the bill was passed to be enacted.

Orders of the Day

The Chair lays before the House the first matter of unfinished busi-

ness, Senate Report ought to pass in new draft of the committee on Judiciary on bill an act relating to corporations and for the protection and development of forests, S. P. 221, new draft S. P. 578, L. D. 871, which came from the Senate, report read and accepted and new draft passed to be engrossed, tabled on March 21 by the gentleman from Weld, Mr. Sanborn, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. SANBORN of Weld: Mr. Speaker, and members of the 86th Legislature, if you will turn to Legislative Document 871, you will see that we have a document that is very innocent in its appearance. It is entitled "An act Relating to Corporations and for the Protection and Development of Forests." But, upon looking this bill over, you will notice in Section 24 that instead of referring, the way the title does, to protection and development of forests, it also says "for the purpose of acquisition of forests," in addition to the protection and development; and, as far as I have been able to ascertain, it does not appear in any other section throughout the legislative document. This fact in itself makes a change in the whole intent of the document. It was the purpose of this bill that money might be hired from the Reconstruction Finance Corporation, and that it would be under the jurisdiction of the Forest Commissioner. Section 2, giving the right of purchase and acquisition of lands, would not be under the direction of the Forest Commissioner, the way it was intended.

Also, in Section 16, it goes on to enumerate the rights and duties of the Forest Commissioner, and it does not mention those things again. It takes it up under just four sections: Fire prevention and protection; protection against insects and tree diseases; protection against damage by livestock and game; and the planting. It does not refer to buying or acquisition of forests, so that the intent of the bill is killed right there. Also, in Section 14, it gives the right for these lands to be returned to the original owners at the same rate, at the end of the twenty years, if the corporation is dissolved, at the price at which they were originally transferred to the corporation. This in itself would give owners that put land in the corporation the right to take land for say, a dollar

an acre, get it for taxes, or get land sold cheap, and at the end of twenty years get it back in and save money, and have the Reconstruction Finance Corporation's money.

It does not seem to me it is a fair bill, therefore I am going to move for the indefinite postponement of this bill.

Mr. FARRIS of Augusta: Mr. Speaker, I do not believe that the gentleman from Weld (Mr. Sanborn) understands the provisions of the bill. This is an act to allow wild land owners to organize, for the purpose of borrowing money from the Reconstruction Finance Corporation. At the present time they are unable to get any relief, and they cannot, unless they are organized in compliance with the provisions laid down by the Reconstruction Finance Corporation counsel. For that reason, they have asked for this law, so that they may organize and at the same time be under the direction of the Forest Commissioner, and the machinery in these different sections is to strengthen their position in borrowing money from the Reconstruction Finance Corporation. I see nothing in it at all dangerous. I do not believe that the gentleman understands the legal provision, in fact I do not think, from the way he talks, that he does. I do not know what he means by what he says—I do not understand what he means. He just calls attention to certain things, but he does not give any explanation of them.

This matter was heard before the committee on Judiciary and reported out unanimously in a new draft, which we thought would cover everything. For that reason I shall oppose the motion of the gentleman from Weld (Mr. Sanborn) and I hope his motion will not prevail.

Mr. REA of LaGrange: Mr. Speaker and members of the Legislature: I am opposed to this bill. I have read the bill over many, many times, and I am quite willing to admit that I am at a loss to know just what it is all about. I have also talked with a sizable number of the membership body, all of whom have seemed to be just as much in the dark as I am.

It will be recalled that four years ago we had a fast one slid over on us. I refer particularly to the law known as the Auxiliary State Forest Law. Under the provisions of that

law, as we all know, the revenue losses to the town and cities of the State can only be reckoned in not only many thousands of dollars but in millions of dollars. I think, under the circumstances, inasmuch as we do not seem to understand just what this means—I do not, I am sure—I am heartily in favor of the indefinite postponement of this bill.

Mr. TOMPKINS of Houlton: Mr. Speaker and members of the House: This bill is only designed to give timberland owners an opportunity to borrow money from the Reconstruction Finance Corporation. It has been almost impossible for wild land owners to borrow money upon their timberlands, and this bill was drafted in conjunction with the attorneys from the Reconstruction Finance Corporation and attorneys for the timberland owners. It meets the wishes and requirements of the Reconstruction Finance Corporation and puts the timberland owners in a position where they can borrow money to pay their taxes. You would be surprised at the amount of taxes on wild lands in the State of Maine which are now unpaid. The timber on the lands has not been cut for the last four years. There is no revenue; and it is just as necessary that those timberland owners be given an opportunity to borrow money to pay their taxes as it is for the farmers to be given an opportunity to borrow money to pay their taxes.

There is not a thing in this bill that exempts any timberlands placed under this corporation from taxation. There is nothing said about taxation. It is no attempt to evade taxation; it is an attempt, if possible, to enable them to obtain money to meet their taxes. It also provides that the Forest Commissioner shall have entire supervision of the timberlands placed in this corporation, so that the interests of the State and of the public are amply protected.

I hope the motion of the gentleman from Weld (Mr. Sanborn) will not prevail.

Mr. DRISKO of Jonesboro: Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER: Which gentleman?

Mr. DRISKO: Mr. Tompkins of Houlton.

The SPEAKER: The gentleman from Jonesboro, Mr. Drisko, may ask the question. The gentleman from

Houlton, Mr. Tompkins, may answer if he chooses to.

Mr. DRISKO: Would this land be taxable?

Mr. TOMPKINS: It certainly would.

Mr. DRISKO: I understood him to say it would not be taxable.

Mr. TOMPKINS: I did not—No.

The SPEAKER: The pending question is on the motion of the gentleman from Weld, Mr. Sanborn, that the bill be indefinitely postponed. All those in favor will say aye; contrary minded, no.

A viva voce vote being doubted,

A division was had.

Fifty-six having voted in the affirmative and 38 in the negative, the motion prevailed, and the bill was indefinitely postponed.

The Chair lays before the House the second matter of unfinished business, bill an act relating to exemption of certain property from taxation, H. P. 1609, L. D. 936, tabled on March 21 by the gentleman from Alfred, Mr. Littlefield, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Littlefield, the bill was given its second reading and tomorrow assigned.

The Chair lays before the House the third matter of unfinished business, bill an act for the protection of savings banks and depositors therein, S. P. 590, L. D. 918, tabled on March 21 by the gentleman from Houlton, Mr. Tompkins, pending passage to be enacted; and the Chair recognizes that gentleman.

On motion by Mr. Tompkins, the bill was retabled and specially assigned for tomorrow afternoon.

The Chair lays before the House the fourth matter of unfinished business, House report ought not to pass of the committee on Inland Fisheries and Game on bill an act closing Pleasant River and tributaries to trapping, H. P. 199, L. D. 108, which was recommitted to the committee on Inland Fisheries and Game in the House on March 17. Came from the Senate, the report accepted in non-concurrence; tabled on March 22 by the gentleman from Caratunk, Mr. Sterling, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Sterling, the House reconsidered its action taken on March 17th whereby it voted to

recommit the bill to the committee on Inland Fisheries and Game.

Mr. STERLING: Mr. Speaker, there was some misunderstanding about this bill. It was in the Senate at the time the ban went on limiting the introduction of these bills. I think the other members of the Fish and Game Committee will bear me out in my motion to substitute the bill for the report.

Thereupon, a viva voce vote being taken, the bill was substituted for the report; and on further motion by the same gentleman the bill was given its two several readings.

Mr. Shaw of Milbridge, presented House Amendment A and moved its adoption as follows:

House Amendment A to House Paper 199, Legislative Document 108, entitled "An act closing Pleasant River and tributaries to trapping."

Amend said bill by striking out all of said bill after the enacting clause and inserting in place thereof the following:

"Trapping Regulated in Pleasant River and Tributaries.

The Commissioner of Inland Fisheries and Game is hereby directed to issue a rule and regulation forbidding any person to trap, kill, pursue or catch any fur-bearing animal at any time during a period of three years from the effective date of this act in Pleasant River and all its tributaries from the tide water at Columbia Falls to sources of said river, and all its tributaries, said waters being situated in the county of Washington."

Thereupon, House Amendment A was adopted, and the bill as amended was tomorrow assigned.

The Chair lays before the House the fifth matter of unfinished business, majority report ought to pass and minority report ought not to pass of the committee on Labor on bill an act relating to the pauperizing of unemployed wage earners, S. P. 42, L. D. 26, both reports tabled on March 22 by the gentleman from Waterville, Mr. Bushey, pending motion of the gentleman from Augusta, Mr. Farris, to accept minority report in concurrence; and the Chair recognizes the gentleman from Waterville, Mr. Bushey.

Mr. BUSHEY: Mr. Speaker, I now yield to the gentleman from Baring, Mr. Chase.

Mr. CHASE: Mr. Speaker and

members of the House: In justice to the committee on Labor, I merely wish to state that this bill was given careful consideration, and the majority report, ought to pass, was signed by nine members of that committee.

Mr. FARRIS of Augusta: Mr. Speaker, in behalf of my motion made last week, I wish to say that I am in favor of accepting the minority report in concurrence, because I believe this is a poor piece of legislation. This places wage-earners in the class of soldiers and sailors of the war of 1861, the war with Spain, and the World War, in regard to receiving pauper supplies, that is, it puts them in a class where they are on the same footing as men who have served in the Army and Navy.

Now the question under this law is: Who is a wage-earner? It does not define who a wage-earner might be, and for that reason it might be confusing to a Board of Registration who receiving pauper supplies is a wage-earner and who is not. Does it apply to clerks, stenographers and others, or to laborers? That is the question.

I am not particularly interested in this bill, and it was not before our committee on Judiciary. It was reported out by the Labor Committee. I believe it is a dangerous piece of legislation, and is a political move to get more voters in certain sections of the State. For that reason I hope the minority report will be accepted.

Mr. BELANGER of Winslow: Mr. Speaker, while the gentleman from Augusta, Mr. Farris, was explaining his stand on this bill, I glanced through it, and I see nothing in this bill as dangerous. I agree with him, that it is a political move on his part to try and disfranchise some of our voters in this State.

If the members of the House will remember when the present Governor, Governor Brann, stood up there in Joint Convention, he told us that something should be done to do away with these laws that we have today that force our unemployed people off the voting list. Now we realize, every one of us here, that this country in the last year or so has gone into a so-called business slump, and many of our citizens who were good citizens in the past and paid their taxes, when it came time to vote in the last

election, they were refused the right to put their cross on the ballot where they saw fit. After the Governor recommended such legislation, it was introduced, and now we are looking for its passage. I hope that the majority report will be accepted.

Mr. FARRIS: Mr. Speaker, I cannot see why this should not include farmers and others, if it is going to take in wage-earners especially. It seems to me it applies to a class, and comes under the heading of "class legislation." I do not know why they dig out this particular class to put in this statute. Why not include farmers, doctors, lawyers and others?

Miss LAUGHLIN of Portland: Mr. Speaker, I am in a peculiar situation now, in that I agree with both the proponents and opponents of this bill. I will explain, however. I agree with the gentleman from Augusta (Mr. Farris) as to the fact that you should not pick out just wage-earners, but should include others. I believe there is an ill here which should be corrected, and I think that if the majority report should be accepted, there will be presented an amendment to this bill which will include all persons who during this State-wide depression have temporarily had to accept relief.

Of course the bill cannot be amended unless the majority report is accepted, so that we have the bill before us. It will be just as easy then, in case the majority of the members of this House wish to defeat it, to postpone indefinitely the bill; but I believe that we should accept the majority report so that we may have the bill before us, so that it may be amended, and that the House may be able to pass upon the merits of the bill as amended. Of course it will be just as easy then for those opposed to it absolutely to indefinitely postpone it as it would be now to accept the minority report, but by accepting the majority report we will be able, at least, to consider an amendment to it. So I hope that the motion of the gentleman from Augusta (Mr. Farris) will not prevail at this time and that the majority report may be accepted, so that at least we may have the bill to amend, if we see fit, and then either pass or reject it.

Mr. AUDET of Lewiston: Mr. Speaker and members of the House:

I feel that I would not be doing my duty if I did not voice my opinion upon this matter. I believe that the city of Lewiston was affected last fall and at the last election more than any center throughout Maine regarding this matter. As you know, Lewiston is an industrial center, and we have probably been hit harder than any center throughout Maine by the depression that brought conditions there that are almost beyond belief.

When the Registration Board opened for the September election, they notified the Overseers of the Poor to furnish them with the names of all those who had received aid in the three months previous to the election. The Overseers of the Poor did furnish a list of names, and the result was that they struck out about three hundred and fifty names from the list.

On all these things there are always exceptions to the rule, but that move of the Registration Board at the last election in Lewiston was beyond anything we have seen in the past, in fact it created a movement all over the city and also all over the State, and maybe all over the country. Even the attention of President Hoover was called to it.

I understand this law dates back about four hundred years, dates back to the time of Queen Anne, which is quite a while before this country was founded. I believe something should be done. We have gone through times that are hard. I remember a certain case that happened last fall. A man seventy-two years old came to my office and wanted me to help him out. He was a man who was always very proud of casting his vote at election time. He was a man seventy-two years old, and had been voting fifty-one years, and he was deprived of his vote because he had received from the city of Lewiston twenty dollars three months before election time. So I went to the Registration Board, and I went in to see two lawyers, trying to re-instate that old man's name, a man seventy-two years old, but the Registration Board refused entirely, because he was on the pauper list.

I believe that this law, as the member said, should be amended somehow—probably the bill was not exactly right—to remedy those things.

Many things like that were brought to my attention at that time. Not only that, but many good-living citizens that always were proud of taking care of themselves up to the time the crash came, were forced to go to the Poor Department for aid. Those people are not paupers, and I think some kind of legislation should be made to remedy those things. Of course the chronic poor ought to have their names taken off the list, but those who are just temporarily receiving help from the city or town should not be made paupers to a point where they cannot vote. I believe that this is a thing that is dear to every free citizen, and he should not be deprived of it unless it is for something more important than just receiving a little aid. It does not seem right for an old man to lose his right to vote under such conditions. So I hope also that the motion of the gentleman from Augusta (Mr. Farris) will not prevail.

Mr. BREEN of Lewiston: Mr. Speaker and members of the House: I know from my own experience that there are many people in the State of Maine who are out of employment temporarily. Take it up in Waterville, for instance, in the railroad shops, there are men there who worked for twenty-five or thirty years, and they have been laid off. That is also true on the other railroads, not only steam railroads but the electric railroads. Those people are out of employment. We hope it is temporary. Some of them have large families, and they have called for aid from the city in which they live. It shows up in the increase in the Poor Departments of Waterville and Lewiston. I mention those two places because I have done business there.

Take the Poor Department in Lewiston, it has increased from \$65,000 to over \$300,000. Many persons have been caught in the net, and I think at this time it is too bad to classify those people as paupers when they are only temporarily embarrassed, and to keep them from voting. When this Poor Department was created, it was created for temporary relief. I am certainly in favor of the majority report, and hope that it will be accepted.

Mr. SCATES of Westbrook: Mr. Speaker, I fully agree with what

the member from Portland (Miss Laughlin), has said, that we should accept the majority report, and I should like to know what her amendment is.

Mr. HOBBS of Hope: Mr. Speaker, I would simply like to say that this is a matter for cities and towns to use a little judgment on, and not ask to have a law.

Mr. BREEN: Mr. Speaker, I would like to say that is just what they are trying to do. The Republican party of Lewiston tried to annihilate us, and that is why I am getting up to raise my voice in opposition to it.

Mr. GROSS of Lisbon: Mr. Speaker, I want to tell these members here that I know of good citizens from my own town who were deprived of their right to vote because they went to the Selectmen of my town and asked for a \$4.50 order ninety days before the election, and after that they were able to obtain work—enough to get a living, but they could not pay back that \$4.50, and so they were deprived of their right to vote.

Miss LAUGHLIN: The gentleman from Westbrook (Mr. Scates), asks about my amendment. As a matter of fact, the request came to me from somebody from one of the small towns in reference to this matter. I agree with the gentleman from Augusta (Mr. Farris) that this bill should not be limited to wage-earners. I do not know that Mr. Breen increases my support of the majority report by some of his remarks, but, nevertheless, I still do believe that there might be some relief, and I am thinking not merely of wage-earners. I think this is a very badly drawn bill. I think in many of the small towns there are instances where persons have been self-supporting always and are perhaps in temporary difficulty. I do not know whether the amendment I have provided will meet the situation or not. I simply wanted to submit it for the gentleman who asked me. But, in general, I may say, in answer to the gentleman from Westbrook, it would be to strike out all this bill and provide that for two years persons who have been dependent on towns for limited periods would not be pauperized. I think that could be worked out by the gentleman who asked me to draw the amendment so that persons dependent on a town for a limited time during the State-wide depression should

not be deemed paupers, and should not be disfranchised, and limit the bill to just two years. That indicates my idea, and the idea of this gentleman who talked to me was that there were many people all over the State, not just the wage-earners of Lewiston, but people elsewhere, farmers and others, who should be relieved.

As I say, the House will still have it in its power to indefinitely postpone the bill, but I would certainly advocate that we would adopt the majority report so that we might have the bill and might consider the amendment, and then determine with that what it should be, but it certainly should be broad enough to include everybody. I do not believe in the bill including only wage-earners.

Mr. BURNS of Eagle Lake: Mr. Speaker, the members of three Boards of Selectmen in the territory I represent asked me to do all I could to get some relief in regard to this matter at election time. We were handicapped up in our section considerably. I was asked by Boards of Selectmen of three different places to use my influence when the matter was brought before the committee here. So I am in favor of the majority report.

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

The SPEAKER: The gentleman from Sanford, Mr. Carignan, moves the previous question. As many as are in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors will make and return the count.

A division was had.

The SPEAKER: More than one-third of the members obviously having arisen, the previous question is ordered. The question now before the House is shall the main question be now put. As many as are in favor of the Chair putting the main question now will say aye; contrary minded no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Farris, that the minority ought not to pass report of the committee on Labor be accepted. All those in favor will say aye; contrary minded no.

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

The SPEAKER: The Chair understands that the gentleman from Waterville, Mr. Bushey, moves that the House accept the majority report, which was ought to pass.

Thereupon, the ought to pass report was accepted, the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the sixth matter of unfinished business on the Calendar, House report ought to pass in new draft of the committee on Banks and Banking on bill an act amending the Blue Sky Law, H. P. 1024, L. D. 472, new draft 1689, L. D. 1002, tabled March 22 by Mr. Scates of Westbrook, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Scates, the report ought to pass in new draft was accepted.

Thereupon the bill had its two several readings under suspension of the rules and tomorrow assigned.

The Chair lays before the House the seventh matter of unfinished business, majority report ought to pass in new draft and minority report ought not to pass, committee on Legal Affairs on bill an act relating to towns and town officers, H. P. 1135, L. D. 645, new draft H. P. 1695, L. D. 1001, tabled March 22 by Mr. Sargent of Brewer, the pending motion being that of Mr. Chase of Sebec to accept the majority report, ought to pass in new draft; and the Chair recognizes the gentleman from Brewer, Mr. Sargent.

Mr. SARGENT: Mr. Speaker, I think the Calendar is wrong in regard to the one who tabled. I think Mr. Chase tabled that.

Mr. CHASE: Mr. Sargent tabled it.

The SPEAKER: All the records show that it was tabled by the gentleman from Brewer, Mr. Sargent.

Mr. SARGENT: Mr. Speaker and members of the House: This bill is an act relating to towns and town officers. If the members will turn to L. D. 1001, I will endeavor to explain the bill and the changes in it. I wish to say first that Chapter five of the Revised Statutes relating to towns and town officers is one of the oldest chapters in the law. It has been revised during the years and has been generally accepted as being clear and understood by the town officers.

First, section three, in the seventh line, the word "non-acceptance" and in the next line "insanity, physical disability or other causes". These are the changes that are made by the author of the bill, the words "non-acceptance", and "insanity" being taken from a section later on. The words "physical disability or other causes" changes the wording of Section thirty "from other incompetency". Now I claim that the words "from other incompetency" includes all the things that a town officer should be removed for and really are clearer than the words "physical disability or other causes".

In Section four the statute provides that the selectmen on the petition of any ten or more legal voters therein may call a town meeting. There has been a bill before the Judiciary committee that has amended this bill providing that on the petition of ten per cent of the voters such a meeting may be called, and this bill I think has been given its third reading in the House and is now ready to be enacted.

In Section six the author changes the article "the" to the article "a".

Section five speaks about a warrant and I see no reason to change the article "the" to the article "a"; and if you will underline the third line the words "by law to vote in town affairs, to assemble at the time and place at which the meeting shall be held,"—if you will read that section as it was written in the statute and then read it as it is written here, you will see that the author of the bill just added a few words which does not change the meaning of the section in any manner; and if we were to go through the Statute and add words similar to these, instead of having one volume of statutes, we would have two or three. The meaning is not changed by the addition of these words.

I have no objection to the changes in the seventh section and the ninth section. The author of the bill, in the fourth line on the third page adds "and other usual town officers to serve for the ensuing year". The Statute read formerly that they should elect their officers and this has been interpreted by the decision of the Court to mean that they should be elected for that year and until their successors are chosen. So, to my mind, adding the words "to serve for the ensuing year" makes it doubtful, and if for

some reason a town did not hold its annual meeting at the time, it might be without town officers for a while.

In the tenth section, the author provides by adding in the sixth line these words "and annually thereafter the member serving the short term shall be designated chairman". I never have had the pleasure of taking part in a town meeting, but my observation of the officers who are elected in the different towns surrounding the city in which I live is that they select for first selectman usually a man who is competent, for the second selectman one perhaps not quite so competent and for third selectman they are not so careful. I believe it would be better to allow, in the case of men being chosen for three years, to designate which one shall be the chairman.

Section thirteen: This section to my mind is one of the most vicious and pernicious pieces of legislation that I have ever seen. It reads: "Any town may in town meeting, pursuant to an appropriate article in the warrant peremptorily remove from office any selectman, overseer of the poor, town clerk" by serving a seven days' notice on the accused—it says down here—before a town meeting. "Peremptorily" means in a manner not precluding of any doubt or hesitation. Now this section provides practically for the recall of town officers. The recall has always been repugnant to the citizens of Maine, and if this bill went into effect, any town officer on the petition of ten voters might be cited into a town meeting and tried in the town meeting. Personally, I believe that abolishes the right to trial by jury.

Some of the things that the section provides are that if he commits any crime, and that might be if he went around a silent policeman the wrong way, and another cause for removal is "for any cause." If he happened to be perhaps of a different religious faith, or different political faith, and ten or more voters of the town did not like him, ten or more belonging to one family or one political faith, they might cite him in there and when passion ran high convict him before a town meeting. I think the section is vicious.

Section fourteen gives to the selectmen the same right to remove any officer that is employed by the selectmen upon presentation of

charges, and hearing after seven days' notice of such presentment to the accused for any cause set forth in the preceding section. That would mean for any cause whatsoever because it so provides in the previous section.

Section fifteen, sixteen and seventeen are the same as in the Statute but rearranged in different order.

Section twenty-one has been changed. It is usual, and is provided in the Statutes at the present time, that the bond of any officer shall be for the faithful discharge of all the duties and obligations of his office. That would include anything, any misfeasance or any malfeasance in office; but the author of this bill goes on to enumerate quite a number of different things besides, and it also provides that in the failure "the said town within 60 days from the date of demand, for all loss, cost, interest, damage or expense of every description, not in excess of the principal sum of the bond;" that is within sixty days the principal would be obliged to turn over to the town the amount of the principal of the bond. It would be impossible to try a man under that practice and it would abolish the right of a man to trial by jury.

Section twenty-five is a new section and it provides that "No selectman or other town officer, charged with the expenditure of town moneys, shall hereafter sign or issue any warrant, order, check, draft, or credit, or otherwise pay or obligate the town to pay out any sum in excess of the amount appropriated therefor together with any further sum or sums lawfully to be credited or allocated to the appropriation for expenditure for the same purpose except for reduction of town debt. For any violation of this section such selectman, or other town officer, may be removed from office, and such excess expenditure may be recovered from such officer for the use of the town on complaint of any town officer or taxpayer thereof." If a man happened to be a selectman in the town and there was a freset and it carried out a bridge or something, he could not go to work and repair that bridge without calling a town meeting. A town meeting would have to be called for the purpose of authorizing him to raise the money. I believe that that is vicious. We expect of our selectmen and officers

that where there is an emergency that they are capable of handling that emergency and they should not be penalized for a small overdraft in their appropriation.

Section twenty-six is new and it provides that "All appropriations made by towns shall be for the ensuing year or until the next annual meeting, unless they are by vote of the inhabitants for special reasons made available until expended or the work completed." In other words it provides that all appropriations of which there is a balance left instead of being transferred, as is the usual custom, from one appropriation to the other, shall go over until the next year.

The last section provides that the town officers, when they know of any town officer committing any crime or offense, shall notify the county attorney. I believe that that is really their duty under the present law and that this section is not necessary. It is merely a repetition.

I move that the minority report, ought not to pass be accepted.

The SPEAKER: The pending question is the motion of the gentleman from Sebec, Mr. Chase, that the majority report ought to pass in new draft be accepted, and the Chair recognizes the gentleman from Sebec, Mr. Chase.

Mr. CHASE: Mr. Speaker and members of the Eighty-sixth Legislature: This bill is No. 1001 and was drawn by our former State auditor, Charles P. Hatch, who has had wide experience in matters pertaining to towns and who has devoted much time and study to this bill. He said it was all right when he appeared before the Legal Affairs committee, of which I am a member. He appeared as proponent of the bill and no opponent appeared. Nine of the ten members of the Legal Affairs committee signed the majority report, ought to pass, and one member, Mr. Sargent of Brewer, signed the minority report.

Last Saturday, when I was at home, I went to my town office in Brownville, which is about as large a town as there is in our county, and I asked the Board of Selectmen to make a study of this act and they pronounced it all right.

Our State Auditor tells me that he has recently had applications from four towns in this State to send an auditor to those towns to assist in making a correct financial

report. This shows that many town officers lack the ability to make such reports and they need the advice and assistance of our State Auditor. I move the acceptance of the majority report, ought to pass.

Mr. VALLELY of Sanford: Mr. Speaker, I represent the largest town in the State, the town of Sanford, a town of fourteen thousand population. I went down to that hearing and I got no chance to speak. Nobody got a chance to speak but Mr. Hatch. He took up all the afternoon, all the committee's time and he talked about a town of about fifty voters. I think that our town is larger than twenty towns that Mr. Chase represents and we are opposed to this bill; and I move that the minority report be accepted.

The SPEAKER: The pending question is the motion of the gentleman from Sebec, Mr. Chase, to accept the majority report, which is ought to pass in new draft.

Mr. CHASE: Mr. Speaker, I wish to offer an amendment.

The SPEAKER: The pending question still is the motion of the gentleman from Sebec, Mr. Chase, to accept the majority report of the committee, which was ought to pass in new draft on bill an act relating to towns and town officers. All those in favor of the motion will say aye; contrary minded no.

A viva voce vote being taken, the motion to accept the majority report failed of passage.

On motion by Mr. Sargent of Brewer, a viva voce vote being taken, the minority report, ought not to pass was accepted.

Senate paper out of order.

From the Senate: Resolve in favor of Amelia Rittal of Dresden, S. P. 657.

Comes from the Senate received by unanimous consent under suspension of the rules, given its several readings without reference to a committee, and passed to be engrossed.

In the House: (Resolve read by the Clerk)

Received by unanimous consent, and on motion by Miss Laughlin the rules were suspended, the resolve had its two several readings and was passed to be engrossed in concurrence, without reference to a committee.

The Chair lays before the House

the eighth matter of unfinished business, bill an act relating to absentee voters, H. P. 1610, L. D. 939, tabled on March 22 by the gentleman from Waterville, Mr. Bushey, pending third reading; and the Chair recognizes that gentleman.

Mr. BUSHEY: Mr. Speaker and members of the House: I am offering an amendment which strikes out the provision allowing people who are sick to vote by absent ballot. While I sympathize deeply with those who are prevented from voting because of sickness, I am opposing that feature of the bill which permits sick people to vote because it is my belief that such a bill will open the doors wide to fraud. Who is to tell how sick a person must be before he can vote by absent ballot? True, a doctor's certificate or affidavit is provided for by the terms of the bill, but unscrupulous political workers will be able to take care of this matter without trouble.

The purity of the ballot must be maintained. Fraud should be made difficult, not easy to perpetrate. The bill in its present form makes fraud easy. For that reason I offer my amendment which I hope will be acted on favorably.

I offer House Amendment A to House Paper 1610, Legislative Document 939, entitled an act relating to absentee voters, and move its adoption.

House Amendment A to House Paper 1610, Legislative Document 939, entitled An Act Relating to Absentee Voters.

Amend said bill by striking out in the tenth line of Section 1 thereof the following words: "or because of illness, injury or other physical infirmity," and by striking out the last paragraph of said section. Further amend said section by striking out Sections 2 and 3 thereof.

Mr. BREEN of Lewiston: Mr. Speaker and members: I wish to rise in opposition to this amendment. I see no reason in the world why people in hospitals or in homes, the same as we have in Lewiston, the Marcotte Home, throughout the State should not be allowed to vote on a doctor's certificate, when people in jails can vote. Right across the river, in Androscoggin County, people in jail there can vote, and nobody finds any fault, and I do not see any reason why good, respectable people in our hospitals should not have the right to vote.

I am certainly against that amendment.

Miss LAUGHLIN of Portland: Mr. Speaker, I wish to point out that the amendment as read practically repeals the entire absentee voting law—Section 2 and Section 3 which he wishes to strike out—to simply make certain changes about sickness,—he wishes to strike it all out.

Mr. BENNETT of Presque Isle: Mr. Speaker and members of the House: I think there are still a few honorable physicians in the State of Maine. (Applause.) There are four here in the House, and of course they call them politicians, and if no politician is honest, I suppose they will have to be classed with them.

I am sorry the gentleman from Waterville (Mr. Bushey) feels that no physician could give a statement about sickness but what would be wrong. I do not believe that physicians ought to be classed as dishonest, every one of them. Now there people, for instance if a person had a broken leg and could not walk and was at home in bed, in the town where they usually vote, and are a registered voter, why should not that person be allowed to vote? If they take that bed and haul that person over into the next town, he is an absentee voter and can vote over there, but not in his own town. Under this bill they can vote not only in that town, but in their own town, by having a doctor's certificate. There is no reason why this bill should not be passed as it is, and I hope that it does.

Mr. HOBBS of Hope: Mr. Speaker, I am opposed to this amendment too. Now we are voting absentee voters in the State, but we are not voting all of them. I believe we should strike out the absentee voting law in the whole or else let everybody vote under it that might. You know, deep down in your hearts, it is wrong to let some people vote on this and not let them all vote.

Now as the law is today, every absentee vote must be certified to by a Justice of the Peace or Notary Public or some other official, and I believe under this law, with a doctor's certificate, it makes it doubly strong. I do not know why doctors are not just as well qualified to certify to this as Justices of the Peace or Notary Publics. As a matter of fact, none of us know when something may happen to us. It may hit you personally. You

may be run into by an automobile, or some other thing may happen to you, and you will be deprived of voting because you may be down in the hospital. I think this amendment should not have passage.

The SPEAKER: The question is on the motion of the gentleman from Waterville, Mr. Bushey, that House Amendment A be adopted. All those in favor will say aye; contrary minded no.

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

Miss Martin of Bangor, presented House Amendment B and moved its adoption, as follows:

House Amendment B to bill an Act Relating to Absentee Voters, House Paper 1610, Legislative Document 939.

Amend said bill by inserting after the word "infirmity" in the eleventh line the following words: 'and being of sound mind.'

Also amend said bill by inserting after the word "examined" in the seventh line of paragraph 2 of section one 'is of sound mind and.'

Miss MARTIN: Mr. Speaker and members of the House, I presented this because I thought if we were going to allow sick people to vote, we should be assured that they were not suffering from high fever or mentally incompetent at the time, and if the doctor had to so certify, perhaps we would have intelligent voters.

Miss LAUGHLIN of Portland: Mr. Speaker, if this amendment is adopted, it will apply to those who are sick and might not be of sound mind, and the way it is worded, it will apply to those out of town and not of sound mind either. (Laughter).

Mr. BENNETT of Presque Isle: Mr. Speaker, this sound mind business is very peculiar. If the beer bill passes, there will be hundreds of people voting who are not of sound mind at the time they vote. (Laughter).

Now any man who is drunk and who is led to the polls is not of sound mind, and he should not vote. So I hope this amendment does not pass.

Mr. HOBBS of Hope: Mr. Speaker, I understand that we let dead people vote in some parts of the State. I think we can at least let live people vote anyway.

The SPEAKER: The question before the House is the adoption of House Amendment B, offered by the member from Bangor, Miss

Martin. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, House Amendment B was adopted, and the bill as amended had its third reading and was passed to be engrossed.

The Chair lays before the House the ninth matter of unfinished business, report of the committee on Taxation on bill an act to raise an excise tax on corporations organized for making, generating, selling, distributing and/or supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes (I. B. 1) L. D. 811, reporting that the committee recommends that no action be taken by the Legislature with reference to passing the accompanying bill and that no competing measure be submitted; that the initiative bill be submitted to the election of this State in accordance with the Constitution; that a certified copy of this report be transmitted to the Governor.

Comes from the Senate read and accepted.

In the House, tabled March 22 by the gentleman from Houlton, Mr. Tompkins, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Tompkins, the report was accepted in concurrence.

The Chair lays before the House the tenth matter of unfinished business, report of the committee on Taxation on bill an act establishing a low rate tax on intangible personal property in accordance with Constitutional amendment, (I. B. 2) L. D. 812, reporting that the committee recommends that no action be taken by the Legislature with reference to passing the accompanying bill and that no competing measure be submitted; that the initiative bill be submitted to the election of this State in accordance with the Constitution; that a certified copy of this report be transmitted to the Governor.

Comes from the Senate read and accepted.

In the House, tabled on March 22 by Mr. Tompkins of Houlton, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Tompkins, the report was accepted in concurrence.

The Chair lays before the House the eleventh matter of unfinished business, majority report ought to pass in new draft and minority report ought not to pass of the committee on Judiciary on bill an act to provide for the nomination of candidates for elective office, S. P. 40, L. D. 14, new draft, S. P. 604, L. D. 950, which came from the Senate the majority report accepted and the bill passed to be engrossed. In the House, tabled on March 22 by the gentleman from Crowell, Mr. Weston, pending acceptance of either report.

On motion by Mr. Tompkins of Bridgewater, in the absence of Mr. Crowell, both reports retabled and specially assigned for tomorrow morning.

The Chair lays before the House the twelfth matter of unfinished business resolve proposing an amendment to the Constitution raising the State debt limit, H. P. 851, L. D. 262, tabled on March 22 by the gentleman from Winterport, Mr. Fernald, pending final passage; and the Chair recognizes that gentleman.

Mr. FERNALD: Mr. Speaker, I move that this matter be retabled and specially assigned for Wednesday, March 29.

A viva voce vote being taken, the motion was lost.

Mr. FERNALD: Mr. Speaker, of course, I would like to have the House pass this bill; but as a matter of fact the Judiciary committee has requested me to leave it on the table due to the fact that there is another matter coming up. Of course if the House wants to pass this bill over the objection of the Judiciary committee that is perfectly all right with me personally; but the Judiciary committee, of which I am a member, feels that it should not be passed because we have another matter coming right along. However, this is all right with me and you can go ahead if you want to.

On motion by Mr. Stern of Biddeford, a viva voce vote being taken, retabled and specially assigned for Wednesday, March 29.

The Chair lays before the House the thirteenth matter of unfinished business report of the committee on Judiciary on bill an act relating to commitment to hospitals by municipal officers, S. P. 263, L. D. 391,

reporting same in a new draft, S. P. 602, L. D. 947, under same title and that it ought to pass, tabled on March 23 by the gentleman from Portland, Mr. Rounds, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Rounds of Portland, the report was accepted in concurrence. Thereupon the rules were suspended and the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the fourteenth matter of unfinished business bill an act relating to the purchase and sale of lobsters, H. P. 1155, L. D. 616, on which the House accepted the majority report of the committee on Sea and Shore Fisheries reporting ought not to pass on March 17th. This came from the Senate with the minority report of the committee reporting ought to pass accepted in non-concurrence and the bill passed to be engrossed in non-concurrence. In the House on March 23 tabled by the gentleman from Kennebunk, Mr. Wentworth, pending further consideration; and the Chair recognizes that gentleman.

Mr. WENTWORTH: Mr. Speaker and members of the House, I move that the House recede and concur with the Senate.

I think that it was pretty well brought out before the members of the House a week ago that what the lobster dealers are trying to get through this bill is the chance to sell 9-inch lobsters in competition with Massachusetts dealers and thereby maintain a balanced business. At the present time their business is unbalanced because the much wanted chicken lobster cannot be furnished.

I can best illustrate what the dealers are up against by citing my own business. I am in the summer hotel business, having bought my hotel 12 years ago. At that time the hotel had no rooms with bath. During the first two years of my ownership, I found that I was losing a lot of business because I could not furnish the much wanted rooms with bath. In other words, my business was unbalanced. The people went on to other resort hotels and I lost the business, perhaps not only for that season but for many to come. However, I was in a much different position than are the lobster dealers today. I had no restrictions against add-

ing rooms with bath. I commenced to add to my hotel what I lacked to make my business balanced, and today I can offer the public what they want.

I claim that if the lobster dealers are allowed the restrictions removed so that they can sell 9-inch lobsters outside the State, that it will be not only a big help to the dealers but to the fishermen as well. In a recent talk with the Director of Sea and Shore Fisheries, he substantiated the statements which I have just made. I am sure he would not say or do anything to the detriment of Maine fishermen. Certain sections of our shores are so well suited to the impounding of lobsters that if given the right opportunity there would be a decided increase in dealers and thereby an increased demand for Maine's legal lobsters. The Maine dealers hold no brief against Maine fishermen, and will buy all their catch. They have not and will not go to Canada to get the larger lobsters if Maine fishermen can supply what they want. It is, however, necessary to have a supply in storage or impounded so that the market can be kept even as to supply and prices. Is not a fact, as has been stated by the opponents, that if dealers are allowed to buy Canadian 9-inch lobsters, they will also buy all their large lobsters there. This statement has been made to scare the members of the House into voting against this measure. The adoption of this measure will not make for any more bootlegging than there is today.

There is also another side to this question. Anything done to benefit someone else generally accrues to some other person's interest. I am now talking to the Aroostook potato growers. Whatever is done to increase the use of lobsters must help the potato farmer, as the potato is one of the requisites in the menu with lobsters. I also want to further say to the potato growers that if legislation would help the selling end of your business and you asked for it here you would get it. Why not consider the lobster dealer also?

Now there is nothing to be afraid of in the impounding of these Canadian lobsters. It might all be done under the supervision of the Director of Sea and Shore Fisheries, and I do not believe he would

say this was a good bill if he did not believe it.

Mr. GOUDY of South Portland: Mr. Speaker, I introduced this bill in the Legislature because, from a practical standpoint, I see the lobster industry in the State of Maine as follows: They send to our local lobster dealers from out of the State and order a certain amount of chicken lobsters and a certain amount of the larger ones. When the out-of-state residents or dealers are informed that the Portland dealers cannot supply the small lobsters, they simply say "Cancel the whole order and we will get the small ones and the big ones all in the same place." It therefore follows that there is not local business enough to make a market for the large lobsters caught by our local fishermen.

I also introduced the nine-inch bill here in the Legislature, but the members felt that, in order to conserve our lobster supply that bill should not and did not receive passage. Now here is an opportunity for the dealers of the State of Maine to get a supply of nine-inch lobsters from Canada. And in getting that supply, it will in no way affect our lobster supply here, and by having the supply of small lobsters on hand, it will enable our local dealers to sell, along with them, the large lobsters which they might purchase from our local fishermen, thereby giving our local fishermen a chance to make a living; and I think that in justice to the dealers and the lobster fishermen and the inhabitants of the State of Maine, this bill should receive passage. I am in favor of the motion of the gentleman from Kennebunk, Mr. Wentworth.

The SPEAKER: The pending question is the motion of the gentleman from Kennebunk, Mr. Wentworth, that the House recede and concur with the Senate in the acceptance of the ought to pass report of the committee on Sea and Shore Fisheries.

Mr. HILL of South Portland: Mr. Speaker and members of the House: I rise again in defense of the lobster fishermen of Maine. I hope there will be no misunderstanding. I want it understood that I have not the slightest animosity or ill-feeling toward any lobster dealer in the State. There are, I think, some three or four lobster dealers residing within the city which I

represent. If I had any political reason to support one side or the other of this measure, I should certainly favor the passage of the bill. The matter has been discussed here at length before and I do not wish to take very much of the time of this House to discuss it again. I should like, however, to briefly summarize some of the objections that have been raised against the bill.

The bill permits the Maine lobster dealer to go into Canada and buy there the short lobsters, as has been brought out before and I think it is only a matter of common sense that if the Maine dealer is to be permitted to buy short lobsters in Canada, he will soon find it to his advantage to buy lobsters there in larger quantities because it will enable him to get a cheaper price. Now the gentleman from Kennebunk (Mr. Wentworth) has denied the assertion that if the Maine dealers buy short lobsters in Canada, they would buy all their long lobsters there. I have not heard that statement made. I had said, however, that they would buy some of their long lobsters there instead of buying them from the fishermen of our State.

The argument has been made here by my friend the gentleman from Rockland, Mr. Walker, and it sounds like a very good argument, that the prosperity of the fisherman depends upon the prosperity of the dealer and that the two go hand in hand. As a general statement of principle, I should not wish to deny that assertion; but I fail to see how if the prosperity of the dealer is to be established by enabling him to trade in Canadian lobsters, instead of our Maine lobsters—I fail to see how that is to promote the prosperity of the Maine lobster fishermen.

One further consideration that I hope the members will bear in mind is the affect which this law would have on the enforcement of our 10-1-2 inch lobster law. It seems to me it would handicap very greatly the enforcement of that law. If Canadian short lobsters are to be brought into our Maine waters, it would give the Maine fishermen a very much better opportunity of disposing of Maine short lobsters if he saw fit to violate the Maine law. Suppose that a lobster warden were to go down on the shore somewhere and find in some spot a considerable quantity of short lobsters. It would, of course, be argued that those short lobsters were legally imported

from Canada, and I submit that it would be very difficult, if not impossible, for the warden to prove whether those lobsters were brought in legally from Canada or whether they were caught in our own waters in violation of the laws of the State of Maine.

It has been pointed out by the gentleman from Vinalhaven (Mr. Smith) that this law would enable the Maine dealers to keep on hand great quantities of Canadian short lobsters in our pounds and to release them at such time as they saw fit, and thus enable them to control the price to the fishermen of the Maine lobsters.

It seems to me that what is needed by the lobster dealers and by the lobster fishermen, if anything in the way of legislation is needed, is a tariff against the importation of any foreign lobsters. They have thus far been unsuccessful in obtaining any tariff legislation in Washington. Due to the Federal law, it would be impossible for the State of Maine to prohibit importing large lobsters from Canada, but we can prohibit importing the short lobsters in direct competition with our own fishermen.

One other thing that I hope will be borne in mind here is the fact that was brought out by the gentleman from Vinalhaven (Mr. Smith) when this matter was discussed before that at the hearing on this bill the fishermen had no opportunity to be heard because the entire afternoon was taken up in the discussion of the other bill. I do not believe that the members of this House would deem it fair to pass this legislation without an opportunity for such a hearing.

In conclusion, just one more point! When this House voted—and I believe it voted wisely—to retain the minimum legal size of lobsters as it is, it denied to the lobster fishermen the right to deal in short lobsters. Now under this bill that very right would be granted to the lobster dealer. To the majority of the members of this House who come here from inland communities, some many miles removed from the sea, the failure of this bill can make no possible difference, but in hundreds of homes in the little fishing hamlets and on the remote islands scattered along our coast, the outcome of this issue is of grave concern. It means bread and butter to

those who toil upon the sea and to their wives and children. I believe that the members of this House who do come from those inland places are nevertheless interested, and none the less anxious, in the welfare of the fishermen of Maine. I believe that tonight this matter is under consideration in the home of every fisherman from Kittery to Quoddy Head and that the decision of this House is anxiously awaited.

Mr. Speaker, I earnestly hope that this House will stand firm in its former position whereby it accepted the report of the majority of the committee, and I also hope that the motion of the gentleman from Kennebunk (Mr. Wentworth) does not prevail.

Mr. WENTWORTH: Mr. Speaker, I presume, and I think you all presume, that the lobster dealers in the State of Maine know more about their business than the gentleman from South Portland (Mr. Hill) He has made a long and flowery speech here, but I have not heard him put up any arguments against the bill yet. As a matter of fact the dealers in the State of Maine are already buying large lobsters in Canada, but they do not care to impound any more Canadian lobsters than they can help. They have to impound some to keep the market even. As I understand it, the Canadian lobsters do not impound so well as the Maine lobsters; that is those that are brought from Canadian waters do not last as long; there is more waste.

Mr. SMITH of Vinalhaven: Mr. Speaker and members of the House: I had hoped that it would be unnecessary to debate this question any farther; but it seems as though I must at least answer some of the gentlemen. The gentleman from Kennebunk (Mr. Wentworth) says he realizes what the dealers are up against. I wonder if he realizes what the fishermen are up against. We all admit that the dealers are up against economic conditions which are confronting everybody today; but if this law goes through the fishermen of the coast of Maine will have no market whatever for their lobsters while the dealers can always go to Canada and buy lobsters. The dealers are up against nothing. They can get lobsters in Canada all the time, get them direct in the market, but if this law goes through the fish-

ermen will have no market whatever.

Now it is late and I do not intend to go into a lot of details. It seems to me we have discussed this bill enough. Consistency, to me, is one of the rarest and most admirable of human virtues. The other day, when we took this vote in the House by a large majority, it seems to me that in harmony with that vote consistency itself demands that we adhere to our former action. It was said here the other day that it was about time that the House stood on its own feet, and I heartily agree with that statement. After talking with many of my lobster fishermen over the week-end, all the best informed of them tell me that this bill would be absolute ruin to the fishermen on the coast of Maine, and I consider in this time of extraordinary economic crisis, this bill is unpatriotic, un-American and thoroughly destructive, and I shall move that the House adhere to its former action.

Mr. FENLASON of Anson: Mr. Speaker, I move the previous question.

The SPEAKER: As many as are in favor of the previous question being put will rise and stand until counted and the monitors will make and return the count.

More than a sufficient number obviously arose, and the previous question was ordered.

Miss LAUGHLIN of Portland: Mr. Speaker, is the question of whether we shall vote on the main question debatable?

The SPEAKER: For five minutes, I understand.

Miss LAUGHLIN: I wish to oppose the putting of the main question at this time because I think there are several persons who would like to speak on this question.

The SPEAKER: The question now before the House is shall the main question be now put? As many as are in favor of the Chair putting the main question now will say aye, contrary minded no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The pending question is the motion of the gentleman from Kennebunk, Mr. Wentworth, that the House recede and concur with the Senate in the acceptance of the minority report of the committee which was ought to

pass. All those in favor will say aye; contrary minded no.

A viva voce vote being doubted,

A division of the House was had, Forty voting in the affirmative and 79 in the negative, the motion to recede and concur with the Senate in the acceptance of the minority report ought to pass failed of passage.

The SPEAKER: The pending question now is the motion of the gentleman from Vinalhaven, Mr. Smth, that the House adhere to its previous action. All those in favor will say aye, contrary minded no.

A viva voce being taken, the motion prevailed and the House voted to adhere to its former action.

Mr. SMITH of Masardis: Mr. Speaker, as one who was appointed last Friday to serve on the committee of conference on the act to repeal the bounty on bears, I would ask that my name be removed at this time.

Unanimous consent being given the request was granted.

The SPEAKER: The Chair appoints in the place of the gentleman from Masardis, Mr. Smith, to serve on that committee, the gentleman from Weld, Mr. Sanborn.

On motion by Mr. Webber of Auburn,

Adjourned until tomorrow morning at ten o'clock.