

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

ERRATA:

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

Page 854—New draft H. P. 1804, L. D. 1031—Should be H. P. 1704, L. D. 1031.
 Page 882—Should be Tompkins of Houlton.
 Page 885—Hamel of Wales should be Ham.
 Page 888—An Act Relating to the Forty-eight Hour Law, (H. P. 1060) (L. D. 184)—Should be (H. P. 1060) (L. D. 450)
 Page 897—An act for the regulation of the practice of hairdressing and beauty culture (H. P. 1513, L. D. 833)—Should be (H. P. 1513, L. D. 823)
 Page 900—An act regulating the manufacture and sale of ice cream and other frozen desserts (S. P. 287, L. D. 544)—Should be (S. P. 297, L. D. 544)
 Page 912—An Act to provide for a constitutional convention to pass on the proposed twenty-first amendment to the Constitution of the United States (S. P. 661, L. D. 1024)—Should be (S. P. 661, L. D. 1042)
 Page 951—Mr. President in 1st paragraph should be Mr. Schnurle.
 Page 951—Fernald of Penobscot should be Fernandez.
 Page 963—(H. P. No. 1152) (L. D. No. 607) An act relating to state salaries for persons receiving pay from United States Government.—Should be (H. P. No. 1152) (L. D. No. 601)
 Page 994—Resolve in favor of the chaplains of the Eighty-sixth Legislature—Should read Senate chaplains.
 Page 1000—Act for protection of savings banks and depositors (S. P. 500)—Should be (S. P. 590)
 Page 1004—Resolve in Favor of Harriet R. Cushman, (L. D. 1027)—Should be Lilian R. Cushman.
 Page 1005—“On this twenty-second nay of—Should be day of.
 Page 1011—Delete second (S. P. 639, L. D. 1026)
 Page 1011—Delete (L. D. 360) in (S. P. 670) (L. D. 360)
 Page 1016—“Resolve in favor of the town of Arrowsic”. (H. P. 244)—Should be (S. P. 244)
 Page 1017—“Resolve in favor of the town of Garland.” (H. P. 294)—Should be (H. P. 295)
 Page 1018—“Resolve in favor of Highland Plantation.” (H. P. 303)—Should be (H. P. 505)
 Page 1018—“Resolve in favor of the town of Knox.” (H. P. 273)—Should be (H. P. 293)
 Page 1018—“Resolve in favor of the town of Leeds.” (H. P. 353)—Should be (H. P. 253)
 Page 1018—“Resolve in favor of the town of Marion.” (H. P. 678)—Should be (H. P. 679)
 Page 1018—“Resolve in favor of the town of Morrill.” (H. P. 302)—Should be Merrill.
 Page 1020—“Resolve in favor of the town of Warren.” (H. P. 222)—Should be (H. P. 522)
 Page 1021—“An Act for the assessment of a state tax for the year nineteen hundred thirty-three.” (1751)—Should be (H. P. 1751)
 Page 1023—An act to provide for a constitutional convention to pass on the proposed twenty-first amendment of the Constitution of the United States (S. P. 661, L. D. 1043)—Should be (S. P. 1023, L. D. 1042)
 Page 1058—Town of Knox, H. P. 273—Should be 293.
 Page 1058—Town of Leeds, H. P. 353—Should be 253.
 Page 1059—Town of Warren, H. P. 222—Should be 522.

HOUSE

Tuesday, March 28, 1933

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

Prayer by the Rev. Mr. Porter of Gardiner.

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

Labor
Pownal State School
Temperance

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the committee on Inland Fisheries and Game on bill an act relating to Back Bay Sanctuary, S. P. 312, L. D. 700 reporting a second new draft, S. P. 637, L. D. 1028, under title of "An act relating to the Back Bay Sanctuary in the city of Portland" and that it ought to pass.

Comes from the Senate report read and accepted and the bill passed to be engrossed.

In the House, on motion by Mr. Plummer of Portland, tabled pending acceptance of report in concurrence, and specially assigned for tomorrow morning.

Senate Bills in First Reading

S. P. 638, L. D. 1025: Resolve in favor of the Pownal State School for additions and improvements.

S. P. 639, L. D. 1026: Resolve in favor of Pownal State School for additions and improvements.

S. P. 642, L. D. 1034: An act relating to roadside improvement.

S. P. 277, L. D. 1038: An act relating to the licensing of aircraft.

From the Senate: Report of the committee on Public Health on bill an act regulating the manufacture and sale of ice cream and other frozen desserts, S. P. 297, L. D. 544 reporting same in a new draft, S. P. 640, L. D. 1024 under same title and that it ought to pass.

Comes from the Senate report read and accepted and the bill passed to be engrossed.

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

and specially assigned for tomorrow morning.

From the Senate: Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to the Making of Local Regulations for Fishing, and Game Sanctuaries" (S. P. No. 315) (L. D. No. 523) reporting same in a new draft (S. P. No. 642) (L. D. No. 1032) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. Angell of York
Schnurle of Cumberland
Harmon of Hancock
—of the Senate
Hescock of Monson
Burgess of Rumford
Fogg of Rockland
Bussey of Dixmont

—of the House
Minority Report of same committee reporting "Ought not to pass" on same bill.

Report was signed by the following members:

Messrs. Sterling of Caratunk
Smith of Masardis
Crowell of Weston

—of the House
Comes from the Senate with the Majority Report accepted and the new draft passed to be engrossed.

In the House, on motion by Mr. Fogg of Rockland, the majority report was accepted in concurrence.

Thereupon the bill had its first two readings and tomorrow assigned.

From the Senate: Majority Report of the Committee on Judiciary on Bill "An Act relating to Expenditures in connection with the Nomination of Candidates for Elective Office" (S. P. 39) (L. D. 13) reporting same in a new draft (S. P. 648) (L. D. 1039) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. HOLMES of Androscoggin
WEEKS of Somerset
HOLMAN of Franklin
—of the Senate
HILL of So. Portland
ELDRIDGE of Eastport
TOMPKINS of Houlton
FARRIS of Augusta
GOUDY of So. 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 member:

Mr. FERNALD of Winterport
—of the House

Comes from the Senate with the majority report accepted and the new draft passed to be engrossed.

In the House, on motion by Mr. Tompkins of Houlton, the majority report was accepted in concurrence, and the bill received its first two readings.

Thereupon Miss Laughlin of Portland offered House Amendment A and moved its adoption as follows:

House Amendment A to S. P. 648, L. D. 1039, entitled An Act relating to expenditures in connection with the nomination of candidates for elective office.

Amend said bill by inserting after the word "office" in line three of section two, the words 'whose remuneration for such employment shall exceed the sum of five dollars.'

Miss LAUGHLIN of Portland: Mr. Speaker, the bill reads, without that amendment, that any person accepting employment must go on the docket of the Secretary of State. One could not send a messenger boy with a package for fifty cents unless he had to report to, and go on the docket of, the Secretary of State; so it seems to me that in cases of casual employment, where the total amount paid is not above five dollars, there should not be the necessity of putting it on the docket of the Secretary of State. I have called the attention of the Senator who introduced this bill, Senator Murchie, to the way this might work out, and he told me that he had not thought of just casual employment, and said he was perfectly agreeable to this amendment which, after all, conforms to the draft of the bill, making no report unless the amount expended is up to five dollars.

Thereupon House Amendment A was adopted and tomorrow assigned for its third reading.

From the Senate: An Act to incorporate the Town of Lincoln School District (S. P. 230) (L. D. 796) which was recalled from the Governor to the Senate and which was passed to be enacted in the House on March 22nd and passed to be engrossed as amended by Senate Amendment "A" in concurrence on March 17th.

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

In the House, Senate Amendment B read.

Thereupon the House reconsidered its action of March 22, under suspension of the rules, whereby this bill was passed to be enacted; and it further reconsidered its action whereby this bill was passed to be engrossed. Senate Amendment B was adopted in concurrence, and the bill as amended by Senate Amendments A and B was passed to be engrossed in concurrence.

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

Placed on File

Petition of H. J. Thing and 16 others of Belgrade in favor of the Weatherbee Amendment to the Prohibitory Laws (H. P. No. 1716) (Presented by Mr. Tillson of Belgrade by request)

Petition of Robert E. Castle and 17 others of Belgrade Lakes in favor of same (H. P. No. 1717) (Presented by same gentleman)

Petition of D. M. Marshall and 19 others of Oakland in favor of same (H. P. No. 1718) (Presented by same gentleman)

Petition of W. A. Clement and 13 others of Belgrade Lakes in favor of same (H. P. No. 1719) (Presented by same gentleman)

Petition of Clarence C. Bretler and 21 others of Oakland in favor of same (H. P. No. 1720) (Presented by same gentleman)

Petition of Bertrand E. Smith and 30 others of Belgrade in favor of same (H. P. No. 1721) (Presented by same gentleman)

Petition of Leo W. Hutchinson and 15 others of Oakland in favor of same (H. P. No. 1722) (Presented by same gentleman)

Petition of Charles H. Mills and 31 others of Belgrade in favor of same (H. P. No. 1723) (Presented by same gentleman)

Petition of William O'Reilly and 22 others of Oakland in favor of same (H. P. No. 1724) (Presented by same gentleman)

Remonstrance of Jean L. Makepeace and 36 other members of the High School Club of the Congregational Church of Farmington against same (H. P. No. 1725) (Presented by Mr. Luce of Farmington)

Remonstrance of Mrs. Tolman Gay and 118 others of Farmington and vicinity against same (H. P.

No. 1726) (Presented by same gentleman)

Remonstrance of Phidilene Demers and 35 others against L. D. 14 or New Draft 950, Change in Primary Law (H. P. No. 1727) (Presented by Mr. Carignan of Sanford)

Orders

Mr. Gray of Brooksville presented the following order and moved its passage:

Ordered, the Senate concurring, that H. P. 670, L. D. 201, resolve directing the State Highway Commission to make a bridge survey across Eggmoggin Reach, be recalled to the House from the committee on Ways and Bridges, H. P. 1728.

The order received passage and was sent up for concurrence.

Mr. Chase of Baring presented the following order and moved its passage:

Ordered, the Senate concurring, that the engrossing department be requested to return to the House legislative document No. 991, new draft of House paper number 717, An act relating to closed time on deer, H. P. 1729.

The order received passage and was sent up for concurrence.

Reports of Committees

Mr. Rea from the Committee on Ways and Bridges reported "Ought not to pass" on Resolve in favor of the town of Brownville. (H. P. 993)

Mr. Ellis from same Committee reported same on Resolve in favor of Jackman Plantation (H. P. No. 321)

Reports read and accepted and sent up for concurrence.

Passed to Be Engrossed

S. P. 42, L. D. 26: An Act relating to the pauperizing of unemployed wage earners.

Miss Laughlin of Portland offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. 42, L. D. 26, entitled: "An Act relating to the pauperizing of unemployed wage earners."

Amend the title of said bill by striking out all after the words "relating to the" and substituting therefor the words 'definition of the term pauper'; and further amend said bill by striking out all after

the enacting clause thereof and substituting the following:

'Chapter 33 of the revised statutes is hereby amended by inserting therein, immediately following section 8 thereof, the following:

'Sec. 8-A. Persons not to be deemed paupers. No person who, because of conditions growing out of the state-wide depression, has or shall become dependent upon any town or city for a period not exceeding 1 year shall be deemed to be a pauper or be subject to disfranchisement for that cause. This act shall be in effect for a period of two years, only, from the date of the taking effect thereof.'

Miss LAUGHLIN: Mr. Speaker, I desire only to explain the effects of the amendment and then leave it to those who are especially interested.

The effect of the amendment is simply to make it apply to all persons, not merely to wage-earners, who because of unusual conditions—and perhaps that might be a somewhat ambiguous word were it not that we have had half a dozen emergency clauses here referring, as a reason for the emergency, to the state-wide depression—so presumably that is sufficiently definite upon which to place an emergency clause. The effect is that all persons whether they are farmers or small businessmen, as well as wage-earners, who because of these conditions become dependent for a limited time—and the words "more than one year" are to define the word "temporarily"—shall not be considered paupers and thereby disfranchised. The bill is simply made to last for two years so as to apply only to the present unusual condition.

Thereupon House Amendment A was adopted, and the bill had its third reading as amended by House Amendment A.

(S. P. 602) (L. D. 947) An act relating to commitment to hospitals by municipal officers

(S. P. 635) (L. D. 1014) An act to protect the propagation and cultivation of quahaugs

H. P. 1609) (L. D. 936) An act relating to exemption of certain property from taxation

Mr. Deering of Hollis offered House Amendment A and moved its adoption as follows:

House Amendment "A" to H. P. 1609, L. D. 936, Bill "An Act relat-

ing to Exemption of Certain Property from Taxation.

Amend said bill by inserting after the word "rent" in the tenth line thereof the following words: "nor to a summer camp or other seasonal resort whose charitable benefits are conferred principally upon non-residents of the state of Maine."

On motion by Mr. Blanchard of Wilton, tabled pending adoption of House Amendment A, and specially assigned for tomorrow morning.

(H. P. 1689) (L. D. 1002) An act amending the Blue Sky Law

(H. P. 1697) (L. D. 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. 1706) (L. D. 1021) An act providing for the temporary support and regulation of insurance companies

(H. P. 1708) (L. D. 1022) An act relating to minimum wages for laborers

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

(S. P. No. 112) (L. D. No. 1011) Resolve providing for an increase in State pension for Addie L. Coombs of Montville.

(S. P. No. 631) (L. D. No. 1012) Resolve providing for a State pension for Hattie Boynton of Montville.

(S. P. No. 632) (L. D. No. 1013) Resolve providing for a State pension for Valdimir B. Jones of Waldo.

(S. P. No. 633) (L. D. No. 1015) Resolve providing for a State pension for Elida F. Whitcomb of Montville.

(S. P. No. 635) (L. D. No. 1010) Resolve in favor of Township No. 10.

(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.

(S. P. No. 570) (L. D. No. 860) An act enabling cities and towns to take advantage of Reconstruction Finance Corporation loans for construction of water works.

(S. P. No. 636) (L. D. No. 1016) An act to provide for alternative method of enforcement of tax liens.

(H. P. No. 199) (L. D. No. 108) An act closing Pleasant River and tributaries to trapping.

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

Passed to be Enacted

(S. P. No. 340) (L. D. No. 546) An act relating to lobster fishermen's licenses.

(S. P. No. 352) (L. D. No. 510) An act relative to rate of interest on taxes.

(S. P. No. 353) (L. D. No. 511) An act relative to collection of taxes.

(S. P. No. 568) (L. D. No. 859) An act relating to weights and measures.

(S. P. No. 577) (L. D. No. 926) An act to revise the Health and Welfare laws.

(S. P. No. 593) (L. D. No. 927) An act relating to beautification of landscape and roadsides.

(S. P. No. 595) (L. D. No. 929) An act relating to town meetings.

(S. P. No. 597) (L. D. No. 930) An act to reduce salaries of certain county officials.

(S. P. No. 601) (L. D. No. 945) An act relating to by-laws of towns, cities and villages, regulating vehicles.

(S. P. No. 603) (L. D. No. 946) An act controlling public utility relations with affiliated interests involving contracts and loans.

(S. P. No. 607) (L. D. No. 949) An act to provide a Town Council and Manager Form of Government for the town of Washburn, in the county of Aroostook.

(S. P. No. 608) (L. D. No. 981) An act relative to closed time, daily bag limits and transportation of wild hares and rabbits.

(S. P. No. 609) (L. D. No. 982) An act relative to transportation of deer within state.

(H. P. No. 592) (L. D. No. 238) An act exempting cities with more than seventy-five teachers from School Unions.

(H. P. No. 593) (L. D. No. 239) An act relating to supervisory unions of schools.

(H. P. No. 597) (L. D. No. 923) An act to revise the charter of the city of South Portland.

(H. P. No. 662) (L. D. No. 205) An act relating to prepayment of taxes.

(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.

(H. P. No. 1071) (L. D. No. 455) An act relating to roads in unincorporated places.

(H. P. No. 1112) (L. D. No. 621)

An act relating to pauper settlements.

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

(H. P. No. 1513) (L. D. No. 823)
An act for the regulation of the practice of hairdressing and beauty culture.

(H. P. No. 1527) (L. D. No. 836)
An act relating to apothecaries and the sale of poisons.

(H. P. No. 1557) (L. D. No. 900)
An act relating to size of fish and weight of catch limited.

(H. P. No. 1569) (L. D. No. 879)
An act extending the powers and rights of the Fryeburg Village Fire Corporation.

(H. P. No. 1589) (L. D. No. 912)
An act relating to payment for treatment of patients at State Sanatoriums.

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

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

(H. P. No. 1599) (L. D. No. 925)
An act to grant a Commission-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.

(On motion by Mr. Carignan of Sanford, the rules were suspended and the members permitted to smoke during the remainder of the forenoon session.)

(H. P. 1607) (L. D. 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. 1611) (L. D. 940) An act legalizing amateur sports and games under certain conditions on Sunday.

The House voted to reconsider its action whereby on March 23 this bill was passed to be engrossed.

Mr. Ward of Thorndike offered House Amendment A and moved its adoption as follows:

House Amendment A to H. P. 1611, L. D. 940, an act legalizing amateur sports and games under certain conditions on Sunday.

Amend said bill by striking out in the third line of the third paragraph of said bill "an annual" and inserting in place thereof the words "any annual or special".

Thereupon House Amendment A was adopted and the bill as amended was passed to be engrossed.

(H. P. No. 1618) (L. D. No. 953)
An act requiring the licensing of operators of milk gathering stations.

(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, jack-light and trapping.

(H. P. No. 1629) (L. D. No. 960)
An act relative 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. 1634) (L. D. No. 970)
An act relating to School Unions.

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

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

(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. 1644) (L. D. No. 992)
An act to facilitate recounting of ballots.

(H. P. No. 1646) (L. D. No. 993)
An act to acquire the American portion of the Union Bridge, so-called, at Calais in the county of Washington, connecting Maine and New Brunswick; and to provide for its maintenance.

Finally Passed

(S. P. No. 591) (L. D. No. 951)
Resolve appropriating money to pay pauper claims heretofore approved by the Committee on Claims

(S. P. No. 592) (L. D. No. 948)
Resolve appropriating money to pay World War veteran claims heretofore approved by the Committee on Claims

(S. P. No. 594) (L. D. No. 928)

Resolve in favor of Julia A. Bradman Estate

(S. P. No. 598) (L. D. No. 942)

Resolve in favor of several academies, institutes and seminaries

(S. P. No. 599) (L. D. No. 943)

Resolve in favor of Celia I Fowler of Ellsworth

(S. P. No. 600) (L. D. No. 944)

Resolve regulating the taking of smelts in the York River and Smelt Brook in the towns of York and Eliot, in York County

(S. P. No. 610) (L. D. No. 983)

Resolve extending open season on Mousam River

(S. P. No. 657) Resolve in favor of Amelia Rittal, of Dresden

(H. P. No. 35) (L. D. No. 937)

Resolve for the purchase of one hundred copies of "Sketches of Brooks History"

(H. P. No. 387) (L. D. No. 976)

Resolve providing for a State pension for Fred E. Hilton, of Pittston

(H. P. No. 649) (L. D. No. 781)

Resolve providing for an increase in State pension for Olive E. Brann, of Augusta

(H. P. No. 889) (L. D. No. 783)

Resolve providing for an increase in State pension for Harry E. Troop, of Pittston

(H. P. No. 897) (L. D. No. 782)

Resolve providing for a State pension for Harrison B. Bowley, Jr. of Rockport

(H. P. No. 900) (L. D. No. 784)

Resolve providing for a State pension for Addie L. Wakefield, of Saco

(H. P. No. 901) (L. D. No. 785)

Resolve providing for a State pension for Frank C. Davis, of Jefferson

(H. P. No. 911) (L. D. No. 786)

Resolve providing for a State pension for Nellie E. Hatch, of Monmouth

(H. P. No. 912) (L. D. No. 787)

Resolve providing for a State pension for Eva E. Binford, of Portland

(H. P. No. 918) (L. D. No. 788)

Resolve providing for a State pension for Clara M. Ware, of Pittston

(H. P. No. 1488) (L. D. No. 789)

Resolve providing for a State pension for Sidney Potter, of Gardiner

(H. P. No. 1489) (L. D. No. 790)

Resolve providing for a State pension for Charles Dowling Kidder, of Otisfield

(H. P. No. 1603) (L. D. No. 938)

Resolve in favor of L. S. Dixon, of East Hampden

(H. P. No. 1619) (L. D. No. 961)

Resolve in favor of Kineowatha Camps Inc., of Wilton, to reimburse

for removal of floating bog, on Wilton Lake

(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

(H. P. No. 1627) (L. D. No. 965)

Resolve relating to fishing in Baker Pond

(H. P. No. 1628) (L. D. No. 966)

Resolve regulating fishing in Day Mountain Pond, in the town of Avon

(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

Passed To Be Enacted

(Emergency measures)

S. P. 559, L. D. 920: An act to authorize the Treasurer and County Commissioners of York County to procure a loan, and issue bonds of said county therefor, for the purpose of rebuilding the Court House.

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 thirty-two voting in the affirmative and none in the negative, the bill was passed to be enacted.

H. P. 1608, L. D. 935: An act relating to the shipping and transporting of clams beyond the limit of the State during closed time.

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 thirty-seven voting in the affirmative and none in the negative, the bill was passed to be engrossed.

H. P. 1640, L. D. 974: An act relating to the buying, selling and transporting of clams.

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-five 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 business, bill an act relating to rate of interest charged by small loan agencies, H. P. 1690, L. D. 1004, tabled on March 23 by the gentleman from Augusta, Mr. Farris, pending second reading; and the Chair recognizes that gentleman.

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

The Chair lays before the House the second matter of unfinished business, House Amendment A, L. D. 1018, to bill an act relating to State salaries for persons receiving pay from United States Government, H. P. 1152, L. D. 601, tabled on March 23 by the gentleman from Augusta, Mr. Farris, pending adoption; and the Chair recognizes that gentleman.

Mr. **FARRIS**: Mr. Speaker, the gentleman from York, Mr. Young, was interested in this bill, and I have been requested to have it tabled and assigned for tomorrow morning. He is absent, owing to death in the family. I move that it be retabled and specially assigned for tomorrow morning.

Thereupon, the matter was retabled and specially assigned for tomorrow morning pending the adoption of House Amendment A.

The Chair lays before the House the third matter of unfinished business, majority report ought to pass and minority report ought not to pass of the committee on Judiciary on bill an act relating to the sale of real estate for taxes, H. P. 1122, L. D. 631, tabled on March 23 by the gentleman from South Portland, Mr. Hill, pending the motion of Mr. Hill to accept the majority report; and the Chair recognizes that gentleman.

Mr. **HILL**: Mr. Speaker and

members of the House: You will recall that this bill is the bill which was being discussed the other day, the bill introduced for the purpose of facilitating the disposition of land taken by a city or town for taxes.

You will remember that the bill limits the time within which a person may contest the validity of the tax sale, and was designed to make more effective tax deeds. You remember that during the discussion the gentleman from Houlton, Mr. Tompkins, rose and questioned the constitutionality of the bill, and that he presented some authorities which seemed to him to prove that the bill, if passed, would be unconstitutional.

I want to thank the members of the House for allowing me to table the matter in order that I might examine the authorities which the gentleman presented. I have examined those authorities. In my humble opinion, they do not bear out his contention. I have here the case of Bennett versus Davis, 90 Maine, 102, which is the case the gentleman cited.

In that case the statute which the court was called to pass upon was a statute which provided that if a tax sale be disputed, the person who was to dispute it must first make a deposit with the City Clerk or Town Clerk, or some other officer of the town; he must make a deposit in the amount of the taxes and fees and charges before any action whatever could be maintained by him in the court to question the validity. So that you will see that statute was quite different from the bill before the House, which does not require any such conditions to be performed before the action is brought, but simply limits the time within which the action may be brought.

Now the court said, on page 104: "The question therefore is whether the petitioner can be lawfully required to make the deposit made in the statute before contesting the authority of assessment and sale of his land for taxes." That was the only question in that case. Then the court said further: "It is evident that under this statute that citizens might in some cases be practically deprived of all remedy."

Now the bill before us, as I have said, makes no such requirements. The concluding words of the opinion of the court are as follows: "We only decide that the Legislature can-

not impose the condition named in this statute upon the owner's right to assert or defend his title or claim."

So I submit that the case is not an authority for holding that this bill is unconstitutional.

The gentleman further referred to the case of Marks versus Hantorn, 148 U. S. 172, a Supreme Court decision. In that case the situation was that the statute in question made the tax deed immediately conclusive of the title. Under that statute a person would have no opportunity to bring any action whatever, while under this bill a person would have such an opportunity if he brought his action within the time limited by the statute.

It seems to me to be simply, as I said before, a statute of limitations, providing that a person must assert his right, if he is to assert it at all, within a limited time, as is done in so many other respects of law. I just want to read one more quotation, and that will be very brief: 26 Ruling Case Law, 363—"It is competent for the Legislature to provide by curative statutes that irregularities in a tax sale shall not prejudice the purchaser after a certain time has elapsed and a deed has been given, for such a statute is in effect a statute of limitations."

Now, Mr. Speaker, I respect the legal opinion of the gentleman from Houlton (Mr. Tompkins.) I think it is a good plan, a good policy for the Legislature to go carefully in enacting statutes which might be held to be unconstitutional. There seems to be a difference of opinion among lawyers on this question as to whether the bill would or would not be sustained by the court. Inasmuch as doubt has been expressed here in this body, that doubt might result in the statute being questioned before the courts, which might cause real estate titles to be clouded for some time, at least while such litigation was pending. For these reasons, I withdraw my motion to accept the majority report of the committee.

The SPEAKER: The Chair understands that the gentleman from South Portland, Mr. Hill, asks unanimous consent of the House to withdraw his motion, which was to accept the majority report of the committee on Judiciary.

Unanimous consent of the House was granted.

On motion by Mr. Farris of Augusta, the minority report ought not to pass was accepted.

The Chair lays before the House the fourth matter of unfinished business, Report A ought to pass in new draft and Report B ought not to pass of the committee on Taxation on bill an act imposing a sales tax, H. P. 1172, L. D. 659, new draft H. P. 1804, L. D. 1031, tabled on March 23 by the member from Bangor, Miss Martin, pending acceptance of either report; and the Chair recognizes that member.

Miss MARTIN: Mr. Speaker, I move this matter lie on the table and be specially assigned for tomorrow.

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

Miss MARTIN: Then, Mr. Speaker, I move the acceptance of Report A, which is ought to pass.

Mr. Speaker and members of the Legislature: May I make myself perfectly clear on one subject, and that is that I did not introduce the sales tax with the idea of getting more revenue to spend, but it was with the idea that our revenue was falling off so rapidly that we must do something about it.

Do not the following facts and figures speak for themselves? A budget is balanced just so long as the taxes due the State are paid in full. There are fifteen cities and towns still owing the State their 1931 tax; and one hundred cities and towns who owe their 1932 taxes. Bearing in mind that these taxes were due in December, and on March 24th there was due to the State \$1,098,170 in unpaid taxes of 1932, it is easily seen that the budget for the year July 1932 to 1933 is askew.

Also, please look at L. D. 917 which is an emergency act setting up \$340,000 to take care of overdrafts in certain departments and institutions. Does this look like a balanced budget? But that is not all. The bank holiday and the resulting appointment of conservators in several banks means that the State loses approximately \$100,000 on excise taxes on savings accounts. In other words, our revenue has fallen and is falling off rapidly. What to do about it? There is the matter we are considering at the

present time, to increase the borrowing capacity of the State from \$800,000 to \$2,000,000. We are being optimistic when we think that will take care of the slack caused by unpaid taxes of 1933 and 1934.

Then, too, we have under consideration an added bond issue of \$2,000,000 to relieve destitution, but I feel that this is not a time to be borrowing any more; it is a time to be waking up and putting our house in order. It is a time when we should begin to pay as we go. If our predecessors had adopted that policy some years ago, we would not be paying \$2,233,190 in bonds and coupon interest this year. Neither would we have outstanding today bonds to the amount of \$30,778,500 and interest of \$15,772,990 which totals \$46,551,490, which we hope will be paid by 1978.

How many of those roads and bridges will last as long as the debts we have incurred to build them? Forty-six years is a long time. If we do not issue more bonds, some may say "cut expenses and raise the tax rate." Personally I feel that each one of us here realizes that cuts can go only so far and that tax rates can increase so far and no farther. For instance, 38½% of the wild land that has reverted to the State in the last five years was bid in by the State in 1932, and that was on the 1930 unpaid taxes. If taxes increase on property a greater proportion will be sold for taxes, thereby causing the cities, towns and states to lose the revenue which would be derived from those sources. Therefore it would seem undesirable to increase the tax rate. Assuming that we wish to adopt a pay-as-we-go policy, and have cut expenditures to the minimum, and that it is not advisable to increase the tax rate, what have you to suggest? I would suggest the Sales Tax with an estimated revenue of \$3,000,000.

The most convincing argument that I have to offer for it is that it increases the tax base so that more people contribute to the support of our government. Is there any reason why the poor man with the spending power of ten dollars a week should not contribute ten cents per week for the privilege he enjoys as a citizen of the State of Maine? He has his children educated at the State's expense. He walks over sidewalks provided by the town or city; he is given police and fire pro-

tection and finally given protection when he falls into distress. Why should he not bear his proportionate share?

Does the objection to the sales tax come from the man in the street? I really think not. From my experience, it comes from the merchant who is more scared than hurt. In other states the merchants have offered similar objections but when they realized the absolute necessity for additional revenue to meet the expenses of a reduced budget, they have willingly cooperated.

The following states have adopted a sales tax this year:

Vermont passed a gross sales tax, a graduated levy of 1-8 of 1% to 4% per dollar; Illinois passed a 3% sales tax; North Dakota passed a graduated sales tax; Oregon passed a 2% gross sales tax; Missouri has a luxury sales tax which proposes 1% tax on non-essentials which is up for final passage this week; Arizona's sales tax is effective April 30, but constitutionality of clause prohibiting referendum of it is holding it up.

While there are other states that are considering and have passed measures of this kind, Mississippi is the first one to offer a comprehensive survey of the advantages to be obtained by such a tax.

This survey, "Mississippi General Sales Tax—How It Works," is one I am sure you all are familiar with. May I beg your indulgence while I read their conclusions, which are brief and to the point!

"Conclusions:

1. The tax is exceeding estimates as a revenue producer.

2. According to the opinion of the majority of merchants interviewed the tax is being generally paid; that is, there is not an excessive amount of evasion.

3. The tax is being economically administered. The cost of collection for the first eight months of the operation of the law was only 3.8 per cent. This is a good record for a new tax. The Income Tax, which has been in operation nine years, costs 3.8 per cent to administer. The Ad Valorem Property Tax, which has been in operation continuously since 1870, costs approximately 5 per cent.

4. The Sales Tax has proved itself possible of administration.

5. Taking into consideration the fact that the tax is a new one for the present generation of Missis-

sippians, it is not an unpopular tax. A substantial majority of merchants and manufacturers approve it. The consumer registers far more approval than disapproval. The spread of the tax over the year and the small size of the payments appeal to the tax payer.

6. In the main the merchants shift the tax.

7. There is little loss of business in the state due to the tax.

8. The incidence of the tax is primarily on the consumer.

9. Failure to shift the tax is due either to the lack of cooperation among the merchants or to small sales of certain types of merchandise.

10. The Sales Tax, judged by its efficiency as a revenue producer, and by its reaction on business in the state at a time of great business distress as a result of the most severe depression the business world has ever experienced, has justified itself, at least, as an emergency measure."

It took a great deal of courage for the Mississippi Legislature to blaze a trail by passing their law—but I have never known Maine people to lack courage. I hope that my motion will prevail.

Mr. FARRIS of Augusta: Mr. Speaker, and members of the House, if we wish to retain the affections of Maine people, we will not pass the sales tax at this session.

This is a tax upon the necessities of life, and the people sent us down here to cut expenditures and not devise more ways and means of raising taxes. We all know the merchants in our cities and towns in Maine are in the red, and this tax will have to be absorbed by the merchants or passed along to the consumer, and the consumer now is having all he can do to pay his real estate taxes, his personal property tax and his poll tax. There is a tax on everything we do here in Maine, an automobile tax, tax for registering automobiles, license fees, and all sorts of things.

We have enough taxes at this time, and the people of Maine are overburdened, and they are asking for relief. They are not asking for more taxes, and if we vote to accept the majority report, ought to pass, we will hear from home. We have already heard from many of the merchants and people in many of the various towns and cities.

Now it is possible that the Fed-

eral Government,—Congress is now in session—and it is possible that it will pass a manufacturer's tax or a sales tax, in order to balance the Federal Budget, and if it does, we will be under a double tax here in the State of Maine. I hope the motion of the member from Bangor (Miss Martin) will not prevail.

Mr. GOUDY of South Portland: Mr. Speaker, I want to go on record as vigorously opposing this measure. In this time of distress and national disaster, the citizens of the State of Maine sent us down here to do what we could to relieve the now over-burdened taxpayer. It seems as though some were continually looking for some new way to place an extra burden of taxation on the citizens of the State of Maine.

Now the citizens of the State of Maine, as the member from Bangor (Miss Martin) illustrates, are unable to pay the taxes as they are today; they are unable to contribute to their cities and towns, their cities and towns, in turn, are unable to pay their State and County taxes, all due to the fact that the citizenry of the State of Maine have not got the money with which to pay. Now if that is the situation—and I do not think there is any question but what it is—I cannot see the use of imposing upon them additional tax burdens. I believe, and I do not think I am alone in this belief, that the citizens of the State of Maine and the State can go a long way toward additional economies. I believe that there is money being thrown away uselessly in the State of Maine today. I have seen some resolves passed here that we have had absolutely no right to allow, but they were allowed. There are certain economies on that line and economies on other lines that can be accomplished. I think this is a great hardship on the taxpayer and a great injustice to those who trusted their future to us, for us to come down here at this time and tack another tax on them which they will be called upon to pay, when they have not the funds with which to pay it.

If this tax is on the necessities of life, which it is, and the citizens of our State, by purchasing goods in this State, are unable to pay the tax, that of course will mean that they will order by mail from merchants outside the State, which is a poor precedent to establish, and

I believe that there is only one thing to do with this bill and any bill of a like nature and any bill that tends to increase taxes, that is to vote it down by an overwhelming majority. (Applause)

Mr. SCATES of Westbrook: Mr. Speaker, last Friday I received fifty telegrams in opposition to this sales tax. Now those telegrams were unnecessary because from the very beginning of this Legislature I had been opposed to any new tax or the increase of any existing tax.

The trouble with this State and with this Nation today is the fact that we have too many taxes and too many debts. You have got to relieve the taxpayer, you have got to find some means of relieving the debtors.

Now the member from Bangor (Miss Martin) says that that will place an additional burden upon the people of this State of three millions of dollars. Our entire State tax, the tax levied by the State against the municipalities of the State, is only five millions of dollars, and the undetermined taxes which have fallen off lately, I will admit, is only five million more, so the total tax for the carrying on of the State is only ten millions of dollars, and are you going to increase that in these times three million more?

Mr. BREEN of Lewiston: Mr. Speaker and members of the House: We are servants of the people and not their masters, and the demonstration held in Lewiston a week ago last Sunday convinced me that the people of Lewiston do not want a sales tax at this time, and I am opposed to a sales tax.

Mr. CARLETON of Portland: Mr. Speaker, I am opposed to the sales tax for several reasons, and one is that we are not yet in a mood to talk economy. When we get the economy program before the people, it is time to talk about the sales tax after that, but when we set up our budget I found that everyone who came before us could not see why they should be cut.

Now, as a matter of fact, four and one-thirds of our taxes today are going to education. I know I am striking on a tender spot to the educator, but I believe that education is getting too much taxes, and we should cut that down to a certain extent, although we have cut it down this year \$250,000.

Every department and every in-

stitution that came before us wanted more, if anything. Only Sunday I was telephoned to by a lady who was very much interested in welfare, and she said "Are we going to get \$21,000 more for welfare?"

There is the stipend for fairs; they cannot get along and run the fairs without a stipend. Every one thinks they must have their aid, and it is so all along the line.

I am in favor of a sales tax when we stop and think what it is going to put on the people of the State of Maine, but I do believe in economy for the State of Maine, and there are lots of economies that can be practiced if the people are only willing to stand them. But you know how it is in this House. You have seen resolves put through here for everything under the sun, but how many people opposed them? No one opposed them; we passed them. When the time comes that we cannot practice economy, then I believe in a sales tax, but there can be a lot accomplished in the State of Maine to partially take care of our debts.

Mr. FERNALD of Winterport: Mr. Speaker, I have been labeled around here by my good friends as a "radical." That is all right, if we accept the dictionary definition of the word, and go to the root of the problem.

I would like to talk about a sales tax today, and confine myself strictly to the sales tax, and go to the bottom of the problem, and give to the members of the House the result of some little effort spent on my part in determining for myself whether or not we should adopt a general sales tax in Maine. To back up my argument, I have a few authorities with me here today, which I will quote from very briefly.

Now I am familiar with the editorial attitude of the Kennebec Journal of March 24th, when they opposed it; the attitude of the President of Bowdoin College, the Portland Press Herald, the Portland Evening News, and the Lewiston paper.

I am familiar with the general arguments that have been brought around here for and against a sales tax. I will not repeat those, because I think we are all familiar with them, but I would, for a moment, like to quote three or four sentences from Professor E. R. A. Seligman, Professor of Political Economy of Columbia University, in

his book "Incidence of Taxation." Now Professor Seligman, in this book, takes about seventy-eight pages in taking up the various theories in regard to the sales tax. I will not burden you with these arguments pro and con, but I will give you in brief his conclusion: ". . . the better opinion, as we have seen, and the one which gradually gained an ever-increasing number of adherents, was that the excise tax tends to be shifted to the consumer, and that it augments the burdens resting on the mass of the laborers. . . ."

That is his general conclusion. He substantiates it by seventy-eight printed pages.

Now another point of view is from the book "General Sales or Turnover Taxation," published by the National Industrial Conference Board, written in 1929, with contributions made by officials of the American Telephone and Telegraph Company, Delaware and Hudson Company, Lybrand, Ross Brothers and Montgomery, Tax Attorneys for the General Electric and various other corporations. I will read you from page 54 several lines:

"A general sales or turnover tax would be essentially a consumption tax. It would tend to increase the prices of goods purchased for consumption more or less by the amount of the tax. Consequently, in proportion to their incomes, it would tend to burden the poorer classes more heavily than the richer classes, because the consumption expenditures of the former absorb a relatively larger proportion of their incomes, and because a considerable proportion of the expenditures of the latter are for services which are not subject to many forms of turnover taxation."

In closing I will give you seven reasons from "Report on Taxation in West Virginia," seven reasons why we should not adopt a general sales tax:

1. It violates the first and most fundamental principle of equity in taxation in that it takes no account of ability to pay.

2. It usually lays heavier burdens upon the necessities than upon the luxuries of life, upon the poor than upon the rich. In effect, it tends to be an income tax in reverse.

3. It is condemned by nearly all economists.

4. Some of the advantages

claimed for gross sales taxes are of little value or of doubtful validity. Most of the real advantages can be secured by the use of other taxes which have less serious faults. If the people generally thoroughly understood the effects of gross sales taxes as compared with other and better taxes, they would not stand for them at all.

5. Sales taxes are the devices of peoples who are unwilling to face facts, but seek their ends by indirection. Such taxes are much more prevalent among the Latin than among the Anglo-Saxon peoples, some of whom prefer to know just what they are paying for government services and why, and so are willing to pay direct property and income taxes instead of having exactions concealed in the enhanced prices of commodities which they buy.

6. A sales tax discourages the development of new and promising industries by taxing them while getting on their feet, even though they are making no net profit. A net income tax would be much more favorable to them, and later secure revenue when they are able to pay.

7. A gross sales tax, if heavy enough to yield substantial revenues, is particularly injurious to industries and business with large turnovers sold at narrow profit margins. That is, it is especially antagonistic to the economies of mass production with specialized and expensive machinery, in other words, to the type of industry that has put America in the forefront of the world."

And for these reasons, which are reasons advanced by people that are in no way interested, in no way affected by the question before us today, I believe that the motion of the lady member from Bangor (Miss Martin) should not prevail.

Mr. HILL of South Portland: Mr. Speaker, I am opposed to this bill. I might go further and adduce a good many arguments against it, but so great has been the storm of opposition, and so many the arguments against the passage of this bill, that I personally believe it was dead and buried long before it was ever reached on the calendar this morning. For that reason, it seems to me to be unnecessary and unprofitable to discuss it further. I therefore move the previous question.

The SPEAKER: The gentleman from South Portland, Mr. Hill, moves the previous question. All those in favor of the Chair entertaining that motion at this time will rise and stand until counted and the monitors will make and return the count.

A division was had.

The SPEAKER: More than a sufficient number 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 being taken, the motion prevailed.

The SPEAKER: The pending question is on the motion of the member from Bangor, Miss Martin, to accept Report A of the committee on Taxation on bill an act imposing a sales tax, which report was ought to pass in new draft. All those in favor will say aye; contrary minded no.

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

On motion by Mr. Flanders of Auburn, Report B ought not to pass was accepted.

The Chair lays before the House the fifth matter of unfinished business, report A ought not to pass and report B, ought to pass in new draft of the committee on Taxation on bill an act relating to store licenses, H. P. 14, L. D. 5, new draft H. P. 1705, L. D. 1030, tabled on March 23 by Mr. Tompkins of Houlton, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. TOMPKINS: Mr. Speaker and members of the House: This is not a tax bill and I will explain to you why it is not a tax bill.

If you will notice, Section four provides that each store in the State shall pay a license fee of one dollar for doing business. If a man owns more than one store, not exceeding five, he shall pay a license fee of five dollars per store. If he owns more than five, and not exceeding ten, he shall pay a license fee of ten dollars from the five stores in excess of five. If he owns exceeding ten stores, and not exceeding fifteen, he shall pay fifteen dollars for the additional five stores. If he owns fifteen stores, but not

exceeding twenty, he shall pay an additional fee of twenty-five dollars for each store in excess of fifteen. If he owns and operates more than twenty five stores in the State, he shall pay a license fee of fifty dollars per store.

The object of this bill is not so much for income as it is to help assist in the correcting of an unbalanced situation that has arisen in this country. The retail business of the United States amounts to about fifty billion dollars a year, and whoever controls that business also controls the wholesale markets of this country. In 1924, the chain stores of this country did fourteen per cent of all the retail business in the country. In 1932, they did twenty-two per cent of all the retail business in this country, and thereby controlled more than fifty per cent of the retail prices in this country and more than fifty per cent of the wholesale prices in this country. Their object is to buy as cheaply as possible in order that they may sell as cheaply as possible. That is a good rule for the consumer but it is absolute annihilation for the producer.

In the year 1932 one chain store company alone in the United States had eighteen thousand stores, extending from Fort Kent, Maine to San Francisco. Their business was over one billion dollars, a larger business than the United States Steel Corporation or the General Electric Corporation. That one concern can control, and does control, not only the wholesale but the retail price of the principal commodity of this State, the principal agricultural commodity of this State. If you realize it, the agricultural income of this State is three-quarters derived from the sale of potatoes. They not only control throughout this State, but throughout the Nation, the retail and the wholesale prices of other food products.

There is another angle to this situation. We have a million and a quarter of home merchants, so-called, in the United States, and the tendency has been, and it is still going on, that these home merchants are gradually being driven out of business they are becoming clerks and that is not a good situation for any community because every community has built itself around its schools, its churches and its home industries, and when those

are destroyed the community itself is destroyed.

Mr. Speaker, I move the adoption of Report B in new draft.

Mr. VALLELY of Sanford: Mr. Speaker and members of the House: I would not be performing my duty to my constituents of Sanford and of the State of Maine if I did not say a few words in regard to this important bill. I am going to vote for the minority report, and I would ask for a yea and nay vote, that the members of this House can go home to their respective towns and cities and let the voters of their districts know whether or not they represented Wall Street or the corner store, the owner of which contributes so much to the support of our State and our State institutions.

Every time someone loses his or her job the earning power of this community is decreased to the extent of his or her salary. One or two or ten or a hundred lost jobs in a big city mean little, but in the smaller cities and towns the loss to society depends on the population. Take 275,000 salesmen as a class who have been largely eliminated because the national system of centralizing business in the hands of a few large corporations, whose policy is not to buy from salesmen, thereby adding to the unemployment. Take a salary of \$150 per month for a salesman, add to this the expense of traveling, automobile upkeep, gas, repairs, meals, hotel fees, and so forth, and we have a grand total of \$937,000,000 per year. The chain store is like a cancer eating the heart out of American industries and ideals. Walk down the main street of any of our Maine cities and towns and look at these idle stores that were one time prosperous. Where the home merchant was looked upon as one of the pillars of that community. He contributed to every charity and every good work which was a benefit to his town. His children were given a good education. Many of his boys were educated to the ministry, legal profession and received other educational advantages which allowed him to go out into the world and brought credit and honor to his town. The chain stores in my district are tax dodgers. They keep their stock down to the lowest possible point in March that they will have a low valuation on April 1st. I know of one instance where a

new stock of fixtures were purchased at an expense of \$10,000 (according to their ad. of that week) and they turned in a value of \$2,500 to the assessor.

Ex-President Theodore Roosevelt was known as the trust buster, but in his day we had no such menace to the prosperity of our State as the chain store where cold storage chickens from Ohio are sold in Maine chain stores to the disadvantage of the Maine farmer. The money taken from the Maine shopper is deposited over night in local banks, and then sent to Wall Street the next morning. The chain pays no real estate tax; they rent but do not buy their place of business.

President Franklin D. Roosevelt has said since his election: The unflattering statistics of the last 30 years show that the independent business man has been running a losing race against the big corporation. Our job is to realize that the day of the great promoter or the Titan to whom we granted anything if only he would build or develop is over. We should meet the problem of distributing wealth and products more equitably, and accepting existing economic organizations to the service of the people.

Mr. Speaker and members of this House, I hope I have made this plain to you, and that we will vote to impose this tax on Wall Street and thereby relieve the Maine taxpayer of some of the burden which he is now carrying.

Mr. PIPER of Bangor: Mr. Speaker, I am opposed to the passage of this bill. I believe, as a matter of principle, it is unwise in policy as a means of taxation. The gentleman from Houlton (Mr. Tompkins) says that this is not a tax bill, but it requires certain people who transact business to pay over to the State of a certain amount of money out of their sales at the end of the year, or at certain periods. If that is not taxation, I do not know what you would call taxation. It may be disguised in the shape of a license fee but it taxes just the same.

Now the motive behind this measure to tax the so-called chain stores is simply revenge and spite. It is based upon nothing else. I can carry my mind back to the days when we did not have these institutions. I remember sitting in the grocery store in the evening

in the country town or the village, and at a certain time hearing the proprietor go to the phone and call up a certain other man in the town and say "What are we going to charge for bacon tomorrow? What are we going to charge for sugar tomorrow? What are we going to charge for flour tomorrow? What are we going to charge for corn tomorrow?" They agreed upon the price and the man who went in to get the commodity paid that price.

I know that the jobbers and the middlemen have been hurt by the coming of these stores which sell to the public direct and cut out two or three middlemen's profits. I know they have been hurt but the consumer has been benefited; and let me tell you that in the petitions that were filed before the Taxation committee thousands and thousands of names came in of people who were buying from these stores protesting against the passage of this tax bill. Now this tax is not a burdensome tax and this license fee is not a burdensome fee. The income derived from this tax will only amount to fifty or sixty thousand dollars a year. You have got to set up certain machinery to carry out the provisions of the act. You have got to have certain inspections made. All of them must be done, and, when you have got through, you will not have any income from it but you will be levying the tax upon these people who are selling goods cheaply to the men and women of Maine who go to those stores and buy their goods today. Why? How much of a tax would you have to levy upon an A and P store to bring it up on a level with the old-fashioned independent store? I do not like to pay my money out as a "tightwad." I like to patronize the home grocer. I recognize him as being a permanent citizen of the community for years. I know that he either owns his store or pays rent on it, and let me tell you that not many grocerymen ever own the stores that they are trading in. The most of them rent them and somebody else owns them..

Now you talk about these chain stores crowding the independent stores out of business! Let me tell you that the failures of the independent stores before the chain stores came into existence were greater than they have been since.

What has happened? We now have the I G A stores. What were called the old independent stores have gone into a kind of chain. They are supervised, they obey certain rules and regulations in regard to the prices and display of stock and the purchase of their goods. It has brought them on a more modern basis of catering to the purchasing public. It has helped them. I know something about the conditions of business people. It has been my business for the last fifteen years to make up income tax returns in Eastern Maine and I have made up thousands of them. Let me tell you that you cannot say that the failure of a man in business is due altogether to competition. It is due to his lack of management or his mismanagement. I can cite you a groceryman in a country town and the town has been dead for three years. Go there and ask anybody how business is and they will say it is dead. He has had a store there for years; he is independent. Within one hundred feet is an A. and P. store, right on the same street. But let me tell you that in 1930 he made a profit from his store of over \$5,000 and his income tax return showed it. Let me tell you that in 1931, with business dead in the town and an A. and P. store within a hundred feet of him, he made a net profit in his store of \$6,500. That man does not fear the A. and P. store. He depends upon his own brains to make a profit in his business and he makes it. This is spite work. They say put some burden on them, lessen the competition. Enact this bill and you will not eliminate a single chain store. Let me tell you that chain stores include a lot of business. We have in mind the grocery stores and that is what has caused the introduction of this bill; but we have the dry goods stores, we have the McClellan stores, and other chain stores, I do not know how many all over the State. They give efficient service, keep a good class of goods and people go there to buy because they can buy advantageously. I believe that this bill should not pass. I do not think we have any use for it in the State of Maine and that it will accomplish no purpose whatever. The A. and P. store will be right across the street from the independent trader right along all the time and he will have his competition if you pass this bill. You cannot legislate them out of existence.

They spend money in the State of Maine. They buy Aroostook potatoes; and if they were not up there buying Aroostook potatoes, to whom would they sell them?

They pay taxes in the State of Maine. The Treasurer of the First National stores, having more stores in New England than any other chain, was before our committee, spent the afternoon there, had his figures and his facts before him,—a fine gentleman. He is the man who originated the First National Stores. He worked up in Vermont in a country store which had to go into bankruptcy. He went to Boston and he worked in another store which had to go into bankruptcy. Then he evolved this system of trading directly with the people, cutting out a great deal of overhead, cutting out extravagant waste and keeping the quality of goods up, maintaining the prestige in the community in which they serve, and they make just four per cent on their stock, which is owned by thousands of people scattered through New England. People have got money invested in these business enterprises.

I cannot endorse the passage of this bill and I rise to protest its passage.

Mr. MASON of Mechanic Falls: Mr. Speaker, the Constitution of Maine in levying taxes—and I contend that this is a tax bill—says that “all taxes upon real and personal estate assessed by the authority of this State shall be apportioned and assessed equally according to the just value thereof.” I do not think you have heard it brought out anywhere that the chain stores are escaping taxation. They are taxed on the same basis as any other stores. They give in their stock and it is taxed and it is subject to the judgment of the assessors. When they pass in their inventory of stock, if the assessors do not believe that it is a correct inventory, they have the same privilege as with anybody else who owns personal property, that is, they place an assessment on it in their own judgment.

Now the function of a merchant as I concede it, is to provide the community with quality articles at a reasonable price, and I believe that the public and the community are the judges of that, and I believe that they have judged that the chain store is doing the business

well. What the independent grocer is kicking about today is that they are doing it too well.

Now it has been said that they control the price of potatoes in Aroostook county. I would like to ask you this question: If the production of potatoes in Aroostook county should drop two per cent below the consumption, can you conceive that the A. and P., or any other chain stores, could control the profit? It is a matter of supply and demand.

It seems to me that this is class legislation and that those who sponsor it are thinking only of the A. and P. or some other chain stores. I would like to call attention to a situation that exists here in the State of Maine. I have a letter from Donald C. White, Vice President of the First National Bank in Lewiston, written in answer to a query of mine over the telephone:

“From Nov. 1, 1929, until Nov. 1st, 1932, our grain stores were leased to the General Mills, Inc. As stated over the telephone, they had the option to purchase our properties but did not exercise the option and on Nov. 1st last we again took them over and are now operating them.

The entire capital stock of the company is owned in Lewiston. I personally own one third, my brother-in-law, Jacob B. Ham, who is managing the business, owns one third, and my mother-in-law, Mrs. E. J. Ham, and James R. Craig (the latter being treasurer of the concern) own the other third of the stock.

We pay taxes on real estate in Auburn, Lewiston, Lisbon, Lisbon Falls, Bethel, West Paris, Buckfield, Oxford, Rumford, East Sumner, Monmouth, Oakland, Norridgewock, Damariscotta Mills, Winslows Mills and Livermore Falls totalling about \$5000 yearly. In addition there are the taxes on the merchandise in these towns where we own the real estate and in ten other towns where we lease stores. Most of our owned properties have been in our possession for fifteen years or more.

We are obliged to compete against out of state feed manufacturers who pay no taxes in Maine as their goods are sold out of the railroad cars and not from stores. We have a manufacturing plant at Auburn from which we supply these stores. We believe that if we are taxed under

the "Chain Store" law it might mean that we would be forced out of business.

I would appreciate your efforts in our behalf and hope you will give the above facts to your colleagues."

This concern comes within the highest bracket under this law. It is a Maine-owned concern, and has thirty stores.

Mr. FLANDERS of Auburn: Mr. Speaker, my friend goes back this morning to our forefathers and our fathers who came to this State, first built their homes and then built the schools and churches. Then came the stores and if the man was of the right caliber he grew with the community. He helped to build the community, he helped to make these communities what they are in the State of Maine today.

At the committee hearing before the Taxation committee we heard it said that the chain store proposition had been a community builder, that they were helping our communities. Now I have done a great deal of soliciting in the last twenty-five years in my home community. I have been to chain stores year in and year out and what did I receive? They told me at the time, "My boss lives in Portland" or "My boss lives in New York" or "My boss lives in Boston," but I want to be perfectly fair. In the last year or two, perhaps in the last three years, they have changed their methods and why did they do it? They saw that public sentiment had changed and that if they pursued the methods they had been pursuing, they would not stand in the public eye the way they had been; so they have adopted methods a little different than at first because they had to.

It has been said that they are buying Maine products. That is true but they are buying them at the lowest market they can possibly find. They are setting the price. The farmer today does not dare to give a price on his potatoes until he knows what the A and P are going to do.

Now I am going to confine my remarks to just one branch of the chain stores, those owned by the Hartford Brothers. The gentleman from Bangor (Mr. Piper) said that there are thousands of men who own stock in that company. I want to say that the Hartford Brothers

own a majority of the stock in the Great Atlantic and Pacific stores and they have done more than a billion dollar business in the last three years. That is more than Henry Ford has done in his business, more than Sears and Roebuck and more than Montgomery and Ward together. Since 1915 they have divided up to the Hartford family eighty million dollars. They have turned back into their business one hundred and thirty million dollars more. In 1913 their profit was over twenty-six million dollars, and in 1931 it was over thirty million dollars. Their profit last year—and I would like to have the gentleman from Bangor (Mr. Piper) or anyone else, show me a half dozen merchants in the State of Maine who have been in the black, they have all been in the red—their profits in the State of Maine in 1932 were \$29,783,000.

The committee on Taxation members will remember that the Treasurer of one of these stores at the committee hearing said that if they put a hundred dollar tax on them it would drive them out of business in some instances. Now the Great Atlantic and Pacific Stores Corporation own 15,500. You take \$30,743,000 and divide that by 15,500 and they make a profit of almost \$2000 to a store. Yet they have the audacity to tell us that if they are taxed fifty or a hundred dollars it will drive them out of business.

I am opposed to them for a great many reasons and one is their method of doing business and I know of a neighborhood store in my community that was doing a good business. They were paying their manager twenty-five dollars a week and a commission of what he sold above a certain amount. He was bought out by one of these large stores. The fellow managing the store store went to him and asked him if he could make an application for employment by them and they said that they would be glad to make him one; but they told him that he would have to wait until they could find a store for him to manage. He was a married man with a wife and child to support. He has worked for them a year managing stores and what have they paid him? They have paid him ten dollars a week. Now I ask you as members of this Legislature if a man can be a com-

munity builder and receive the magnificent sum of ten dollars a week? I hope this bill passes. (Applause).

Mr. ASHBY of Fort Fairfield: Mr. Speaker and members of the House: I infer from what the gentleman from Bangor, Mr. Piper, stated that the most desirable thing to those who live in the cities is cheap products. Now I wonder if that is so. In the first place, when you come to think about it, if flour, for instance, is a dollar a barrel, if you haven't got a dollar it does not do you much good. Now it has begun to dawn on the officials of the Federal Government, and pretty nearly all others who think along these lines, that until you put the fifteen million farmers of the United States in a position where they can buy, just so long your factory and mills will remain idle and just so long your unemployed will be on the sidewalks looking for a job. The farmer is a great buyer both in quantity and variety. Your city buyer's wants are confined chiefly to food and clothing while your farmer runs the gamut of the whole line of products. He uses vast quantities of hardware, machinery, chemicals, leather goods,—and besides himself there are about fifteen million others allied with him that help to make up the buying power of the United States that the Federal Government is straining every nerve to return. The method of the chain store is to sell cheaply and to buy cheaply in proportion, and wherever they have gone blight has fallen on that section of the country. Six or eight years ago they went down into Georgia to buy peaches. When they arrived there peaches were selling for seventy-eight cents a basket. In less than four weeks they were down to sixteen cents a basket. Their method of putting on sales whereby they sell for instance—I am familiar with this because it affects me very vitally. About every two weeks they start a sale of potatoes in the cities of Eastern United States at below cost for advertising purposes. They are good psychologists and they send out a peck of potatoes and a can of tomatoes for a leader. They get an old lady into the store and sell her ten dollars worth of stuff and nine dollars worth of it will cost as much as in any other store. We feel that un-

less something is done, they not only will have ruined the potato business but various other kinds of business. More than that, we used to sell ten or twenty cars of potatoes at a time while now no one dares to buy a car at a time because they do not know what minute one of these sales is going to be put on for the A. and P. and they will have to sit back a week until they can sell their stocks.

Now if Brother Mason, who deals in bee supplies, was up against competition with dealers in his line of supplies in the South and they furnished them for less than it cost him to make them, I think he would be in favor of curbing their activities.

I sincerely hope, in the interest of one of the chief agricultural sections of Maine, that this bill will have passage.

Mr. SMITH of Masardis: Mr. Speaker, I did not intend to speak on this matter until it was brought up how much good these chain stores had done in going into Aroostook county. I feel that I am in a position to tell the members just how much good they have done and I do not intend to say anything that is not the fact. When they first came into the county they began buying from the farmer and the dealer, but that did not suit that great Wall Street Corporation. In the first year of the depression what did they do? They would run out their talons and grab a man in one good place and they would grab a man in another good place and say "You go to work for me." This has continued until the present time. The Atlantic and Pacific is handling one-third of the potatoes of the State of Maine, and any corporation handling one-third of any commodity can regulate the price. I want to tell you something about why this is so. In the year when we had 460,000,000 bushels of potatoes, I was operating and I sold that crop for myself and my farmers at a price of ninety-six cents per bushel. This last year we had 376,000,000 bushels and I was able to dispose of the crop for forty-three cents per bushel. Let's see what happened: This was last fall, and to tell you how much good they have done for the State of Maine and Aroostook county when the price of potatoes was around thirty-five cents per barrel what did the Great Atlantic and Pacific

Tea Company do? They jumped out to every place in Aroostook county that was available, hired potato houses and filled those houses with thirty-five and forty cent potatoes which the farmer was compelled to sell to them and the independent owner unable to buy. Go on a little further, what happened around the first of December? We advanced that market to eighty cents per barrel to the farmer and what did the A. and P. Company do? I will tell you what they did. They stepped off from the street, stopped buying from the farmers, opened up practically all these doors of thirty-five cent potatoes and in three days broke the market fifteen cents a hundred. They put on sales in New York and Pennsylvania, and, as I say, broke the market fifteen cents a hundred and cleaned out these thirty-five cent potatoes. After the market got down they stepped into the street again and began buying. That is what the chain stores have done for the potato business and it is doing the same to your corn industry. They are doing the same to every industry in the State of Maine. Now when the Atlantic and Pacific Company went into the potato business, did they go into New York, did they go into Pennsylvania, did they go into any New England State? No, they came into Aroostook county, and why? Because they could create a monopoly on an industry. I have been in competition with the chain stores for years and I have been in competition with them in the potato business, but I think we are all through. I say it bears out this contention I hope you will vote a tax on chain stores. (Applause.)

Mr. PIPER: Mr. Speaker, one thing I wanted to say and did not, that we ratify the resolution adopted by the Maine Canners Association which had a meeting three or four weeks ago. This resolution was sent to the Taxation committee and it remonstrated against the passage of this tax. It went on to say that chain stores were the first customers of the canners of the State, and without their being in the market, they did not know what the Maine Canning Association or the Maine canners would do for a market for their goods.

I recognized the logic of these various men who are talking in favor of the chain store. It simply confirms the statement I made in

the first place. If you pass this bill, you will not lessen the competition between the chain stores, they will be in business just the same. They will be buying potatoes in Aroostook county just the same and be buying Maine products just the same. You do not get rid of them, you simply leave this little spite license fee on them. It does not produce any revenue to amount to anything for the State. The State does not benefit from it. Shall I ask the question again? What is the sense of passing this bill?

Mr. MACK of Veazie: Mr. Speaker, I want to reply to the gentleman from Bangor (Mr. Piper's) insinuation that this chain store license fee will not bring any revenue to the State of Maine. I have asked the State assessor about the matter and we have figured conservatively the amount to be derived from this particular source of revenue. Mr. Holley advises me that on the setup under the new draft of the bill as it is at the present time, the lowest figure that he believes that would be brought into the Treasury of the State of Maine would be fifty thousand dollars. Now I believe the gentleman who would have the administration of this act in his hands, and the figures he gives me I believe I can rely on. I hope that answers the insinuation of the gentleman from Bangor (Mr. Piper) that there will be no funds coming to the State of Maine.

Mr. BREEN of Lewiston: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Breen, moves the previous question. As many as are 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, One hundred and fifty members being present and only 45 voting in favor of the motion to entertain the previous question, consent therefor was not given for entertaining it at this time.

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

Mr. GOUDY: Mr. Speaker and members of the House: The attitude of some of the members in talking in favor of this bill reminds me of the story of the young man who thought he would go into the

egg business. He found out where he could purchase his eggs for twenty-five cents a dozen so he immediately purchased a stock of eggs and started in to sell them at two cents apiece. He then communicated the fact to his father that he did not seem to be making much money and his father immediately told him that the trouble was that he wasn't selling enough eggs.

I represent no chain stores and no independent stores. There is only one absolutely definite fact, and that is this: It makes no difference whether you license them or tax them, there is only one person who is going to pay that license or tax and that is the individual citizen of the State of Maine.

Mr. FERNALD of Winterport: Mr. Speaker, I realize the hour is late and that you want to vote on this and that the most of you have made up your minds, but I think there is still in the minds of some of us misinformation. I do not hold myself out as a fountain of truth, but inasmuch as one of the two chain store bills that were introduced into the Legislature was introduced by myself, and inasmuch as I gathered together some facts, I want to present the facts that have not already been introduced before you. I will try and not burden you with repeating information that is already at hand. I would like to clear up one thing that is in the mind of the gentleman from Bangor, Mr. Piper. My motive in introducing this bill was not one of revenge or one of spite. Although my early boyhood was spent in a general store and a part of the time during my college career was spent in clerking for the A and P Company, I was never fired from either job.

The statement has been made by my good friend from Bangor (Mr. Piper) that in the good old days in the country store we used to get together and agree on prices. Well, perhaps they did in some isolated cases; but did ever anybody hear of price fixing in the present modern era? As a matter of fact why have we got the Federal Trade Commission? One of the main purposes of the Federal Trade Commission, which was created in the days of President Wilson, was to do away with price-fixing. Does anybody believe for a moment that the price of Camel cigarettes, Chesterfield cigarettes, Lucky Strikes, Old Gold

and Corn Flakes or whatever brand you want to call them, are just the result of demand and supply? They are all sold at the same price and they are all made by different companies, but I have no doubt that they all got together and agreed on the price that they were going to sell them for. That would be the present day's sample of price fixing.

I do not want to disagree with what my good friend Mr. Mack says about the revenue that this measure will bring in. I believe that he is very conservative when he says fifty or sixty thousand dollars. I believe that a conservative estimate would be about one hundred thousand dollars and I believe that figures will bear me out in that. There are four hundred First National Stores in Maine and at fifty dollars apiece that would give us twenty thousand dollars. There are an equal number of A and P stores, Kresge Stores, Newberry Stores and various other stores. I think you will find that it will be nearly a hundred thousand dollars, and why do I stretch the importance of that fact? It is due to the fact that my good friend Mr. Carleton says that we need one hundred thousand dollars, and my good friend from Bangor argues that it does not make any difference. Well, there is one good we will get out of this measure anyway and that is we will balance the budget.

Now what was the real motive in my mind in introducing this bill? I believe my real motive is this: I have seen in the small rural communities that I represent, the coming in of the chain stores, and where we had ten or twelve independent stores, we now have one or two chain stores with the result that ten or a dozen independent grocers have been displaced so that on April first, when our local assessors get ready to assess stock in trade, they now place their assessment on two stores instead of fourteen, and with the result further that the people in the community now have to bear that burden that was heretofore placed upon the stock in trade of the independent merchants. Just the same, going right along, these two chain stores are paying their local tax upon two inventories of a reasonable amount. The other taxes that we used to get from the other stores are not coming in, and the two chain stores are doing the business

of the fourteen other stores. Now it is not unusual for a chain store in Maine, and small chain stores at that, to have gross sales of forty thousand dollars a year. That is a very small amount.

Now my theory is this: That if a small independent grocer would pay a tax on his inventory, and do a very small business, and ten or twelve others would pay a tax and they have since been displaced by the chain stores doing a large volume of business, these chain stores should bear their burden of the tax. They should pay the tax that they had displaced. So my feeling is this: That a tax of fifty dollars, although it would not equalize the burden, would in a way make up for the loss of taxes that we lose through the displacement of the independent grocer. In other words, I am willing to admit right here that the chain stores have done an amount of good in the State of Maine. They have done a lot of good in a lot of States that they have gone into; but nevertheless I believe that they should pay their share of the taxes. I believe that the tax burden should be equalized, and that theory of equalization applies not only to chain stores but to every other form of taxation.

Our problem today, if I may divert from the question a little bit is not less taxes or more taxes, but the problem before us today is the equalization of the tax burden.

Now this tax in this bill before us, L. D. 1030, just considering the upper bracket of fifty dollars a store, means that each one of those stores would pay to the State of Maine fourteen cents a day, a very small amount; and considering the fact that we have four hundred First National Stores in Maine and considering the fact that they do an annual business of forty thousand dollars per store, that would mean that that tax would amount to one tenth of one per cent per gross sale dollar.

Far be it from me to disagree with my good friend from South Portland (Mr. Goudy); but I cannot see how they could pay on a twenty-five cent article a tax of one tenth of one per cent.

Then I want to call to your attention the facts and figures brought out by my good friend from Auburn, Mr. Flanders, pointing out that they make a profit of from one to two thousand dollars per

store. And now my good friend from South Portland, Mr. Goudy, interrogates me, through the written page, that he still believes that the tax burden should be handed on.

Now I will turn to a certain passage in my brief that I presented before the Taxation committee to show you my argument that I presented before that committee to illustrate and make clearer, if I can, the reason why I do not believe that this tax burden can be handed on to the consumer. On Page 38 of my brief I have pointed out reasons why the proposed tax would not be passed on to the public. It is not very long and I will read it:

"I submit that there are no less than three good and sufficient reasons why such burden as may be involved in the proposed law would be absorbed by the chains rather than passed on to the consuming public.

(1) The Boston News Bureau on November 23rd, 1931 quoted, 'a banker identified with a number of large chain store companies' to the effect of possible chain store taxation, as follows:

"The taxation problem is really the least of our worries, because if burdensome taxes are imposed savings can be effected in management to make up for increased taxes.'" Another argument carrying out the viewpoint of Mr. Flanders of Auburn. Continuing:

"If the above statement was good evidence for the stock exchange and the buyers of chain store stocks, it ought to be good evidence before the committee as to exactly what would happen, and all that would happen, if you enact such legislation as is here proposed.

(2) There is a sufficient surplus cushion available to every chain that would be affected by this legislation so that any tax burden that could not be offset by savings in management could be charged to such funds.

In the case of the First National Stores, for instance, that company has an abundant surplus reserve—"and I will refer you to the Boston Herald of November 26th, 1932—" against which such tax as is here proposed could be charged without seriously affecting the current rate of dividend to stockholders, or existing price levels to the consuming public.

(3) The very life and existence

of the chain in its competition with the independents depends upon its maintenance of lower price levels.

Once the chain pushes up its price level to anything like a parity with that of the independent then immediately, and at once, the chain loses its appeal to the buying public upon which its continued prosperity vitally depends."

In closing I will say that your Governor has indicated that this is a source of revenue that we should consider.

In answer to the question of constitutionality, I will say that the law is constitutional. It is based and modeled upon the Indiana law and that is constitutional. The main argument that is heard today is that the tax should be handed on to the consumer and my point in reply is this that I believe this tax would not be handed on to the consumer but would balance our budget and could be easily administered and collected.

Mr. FARRIS of Augusta: Mr. Speaker, I wish to go on record in favor of the motion of the gentleman from Houlton (Mr. Tompkins) that report B be accepted. In my opinion the chain store bill is desired to effect two purposes.

1. The raising of revenue from businesses which can make the payment without hardship; 2. The levelling of differences between the small independent grocer, your "neighborhood store," and the large aggregations of capital which operate entirely as chain stores.

It is not the purpose of the bill to lay any great burden upon any business, but it is felt that in this hour of stress these large businesses operating within our State, conducted by people who live in other states, may well pay a license fee such as is being required by many other states, for this proposition is not a new one here, but has been enacted in Iowa, California, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, New York, Oklahoma, Pennsylvania, and Washington, while the Indiana law has been approved by the Supreme Court of the United States.

It is admitted that the chain stores produce slightly lower prices, but low prices are not entirely a benefit because the producer, the farmer, cannot be a good producer while his products are kept at the low figure which is demanded for

quantity production. The farmer as a class is the biggest buyer in any community. By forcing the price of farm products down to the lowest level, we are producing a condition that may not be helpful to ourselves.

It is admitted that the chain stores enjoy the greater advantage, can operate more effectively in a large volume than the independent grocer, and the Supreme Court of the United States in sustaining the validity of this law has announced and recognized such differences as make a proper ground for asking these great agencies to make a contribution to the State in which they do business, based upon the number of stores which they operate.

It is the independent dealer, however, who gives credit in this time of emergency and who shows a neighborly spirit to help in time of stress and when he is driven out of business by the chain stores, which must eventually take place, the sale of articles now being sold by the chain stores will be placed exclusively in the hands of such stores as a monopoly. Chain stores indeed discourage other businesses by selling in such variety. In one of the large cities of Maine they have entered the photograph business and the business of cleaning and dyeing clothing as a sideline, thus disrupting and killing the business of those exclusively engaged in such occupations. The farmer is in a desperate situation. Recently there appeared in the press of the State the following news item:

"At New London, Wisconsin, truck loads of milk were spilled again today on Wisconsin highways as striking dairymen formed tight picket lines in their campaign for higher prices."

The chain store collecting money, giving no credit, employing labor at very low prices, runs along with military precision but stands without a heart. We ask such large businesses now to make a contribution to the welfare of the State for the privilege of doing a business in Maine of approximately \$76,000,000 a year.

It is my opinion that this bill should have passage at this time. It is not a tax bill as the gentleman from Houlton, Mr. Tompkins, pointed out, it is a license fee bill. I believe that this bill is constitu-

tional because it was framed after the Indiana law. It was considered well by the Taxation committee, and this comes out in new draft to obviate any of the many unconstitutional provisions that were found in other State laws, and for that reason I hope that the motion of the gentleman from Houlton, (Mr. Tompkins) will prevail.

Mr. REA of Lagrange: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lagrange, Mr. Rea, moves the previous question. As many as are 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 being had, obviously a sufficient number arose.

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; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The gentleman from Sanford, Mr. Valley, has requested that when the vote is taken, it be taken by the yeas and nays. It will be done by that method if one fifth of the members so desire. As many as are in favor of taking the vote by the yeas and nays will rise and stand until counted and the monitors will make and return the count.

A division being had, a sufficient number did not rise.

The SPEAKER: The pending question now is the motion of the gentleman from Houlton, Mr. Tompkins, to accept report B of the committee on Taxation which was ought to pass in new draft on bill an act relating to store licenses. All those in favor of his motion will say aye, contrary minded no.

A viva voce vote being taken, the motion prevailed and report B ought to pass in new draft was accepted.

Thereupon under suspension of the rules the bill had its two readings.

Mr. PLOUFF of Dexter: Mr. Speaker, I offer House Amendment A to this bill.

The SPEAKER: The Clerk will read House Amendment A.

House Amendment A to bill an act relating to licenses for retail stores, H. P. 1705, L. D. 1030.

Amend said bill by striking off from the end of Section seven thereof the following words: "to gasoline filling stations," and inserting in place thereof the following: "to any place of business conducted principally for the sale and distribution of gasoline and petroleum products."

Thereupon House Amendment A was adopted and tomorrow assigned for third reading of the bill.

Mr. FARRIS of Augusta: Mr. Speaker, we have been working hard nearly three hours and I move that we recess until 2:30 P. M. in an endeavor to clear up the calendar today.

A viva voce vote being taken, the House recessed until 2:30 P. M.

AFTER RECESS

The House was called to order by the Speaker.

The SPEAKER: The House is still proceeding under orders of the day.

The Chair lays before the House the sixth matter of unfinished business, bill an act relating to interest paid on certificates of deposit, H. P. 1687, L. D. 1029, tabled on March 23 by the gentleman from Westbrook, Mr. Scates, pending reference; and the Chair recognizes that gentleman.

Mr. SCATES: Mr. Speaker, I yield to the gentleman from Winterport, Mr. Fernald.

Mr. FERNALD: Mr. Speaker and members of the Legislature: I know you do not want to hear anything about banks; you want to hear something about another subject beginning with "B" so I will take only a few seconds of your time.

The prime object of this proposition was to strike out what I thought were two inconsistent statements, feeling, as I did, that the purpose of the banking bill, Legislative Document 919, was to revive the banks rather than to continue them under a conservatorship, so that I felt, when it said a non-interest-bearing certificate should bear interest, that the two statements were inconsistent and unnecessary, just the same as in Section 9, where it says that "any depositor or party in interest may present in writing a plan of reorganization," and then down fur-

ther in Section 9 it says "a majority of the depositors."

This proposition does not apply to many people in Waldo County; there does not seem to be of any great interest amongst the rest of the Representatives in the State in regard to this matter. As far as I am concerned, whatever motion you want to make on this proposition is all right with me.

Mr. SCATES of Westbrook: Mr. Speaker, in view of that, I would move its indefinite postponement, because those who have been familiar with the original bank bill think that it is unnecessary.

Thereupon, a viva voce vote being taken, the bill was indefinitely postponed.

The SPEAKER: Proceeding still under Orders of the Day 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 of the committee on Judiciary on bill an act relating to manufacture of intoxicating liquor, S. P. 116, L. D. 163, new draft S. P. 614, L. D. 986, under title of an act relating to transportation of intoxicating liquor. Came from the Senate, the majority report accepted and the new draft passed to be engrossed as amended by Senate Amendment A, tabled on March 24 by the gentleman from Rangeley. Mr. Ellis, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. ELLIS: Mr. Speaker, I move that the House concur with the Senate.

Miss LAUGHLIN of Portland: Mr. Speaker, concurrence, as I understand it, would carry with it the Senate Amendment?

The SPEAKER: The pending question is acceptance of the report of the committee in concurrence.

Miss LAUGHLIN: Meaning acceptance of the majority report without the amendment?

The SPEAKER: As the Chair understands it.

The pending question is the motion of the gentleman from Rangeley, Mr. Ellis, to accept the majority report of the committee, which was ought to pass in new draft. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed, the majority report ought to pass in new draft

was accepted, the rules were suspended and the bill had its two several readings.

The SPEAKER: The pending question now is on the adoption of Senate Amendment A in concurrence.

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

The SPEAKER: The member may state her point.

Miss LAUGHLIN: The point is that Senate Amendment A is out of order because it is not germane to the bill before us. Under the majority report of the Senate, the bill before us is found as Number 986, and is "Section 3 of Chapter 137 of the Revised Statutes is hereby repealed." That is all there is to the majority report, and all there is before us. Section 3, as the title shows, has to do with the transportation of intoxicating liquor. The amendment proposed by the Senate now proposes to amend two other sections of Chapter 137, one having to do with manufacture, the other having to do with sale. It is a certain principle of parliamentary law that ". . . . no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." That is Rule XVI of Congress.

It is a further established rule, as stated by Speaker Clark of the House, that where a section treats of only one subject, another subject cannot be added, and he also says that under the decision of the House the principle has been well established that an amendment must be germane to the particular paragraph or section to which it is offered.

The section here is, as I said, section 3, dealing only with transportation.

It is a further principle, as expressed by Speaker Carlisle of the House, that after a bill has been reported, no different subject can be introduced into it by amendment whether as a substitute or otherwise. Further, "that any amendment must be the natural and logical sequence."

All of these rules preclude the admission of this as an amendment to the repeal of Section 3. If anything further were needed, it would have been supplied by those who attended the hearing. Every argument before the Judiciary Committee for the repeal of Section 3 was that they wanted transportation

where there was no intent to sell, and we heard some tearful argument about a party carrying a pint of brandy to a poor old sick man, that they could not do it under this law; even though they never had any intent to sell it at all, they could not carry a pint of brandy to this poor old sick man.

And then we had the further argument of the perennial tourist who wanted to bring in his private supply, without any intent to sell, but just for his own use. These were the arguments put up for the repeal of this section, saying that you should be allowed, if you were not going to sell intoxicating liquor, to transport it for your own use or for this poor old sick man.

Now this amendment attempts to amend the section which has to do with the sale, and to cut off all the rest of the section, which, not only under the general principles of parliamentary law is not germane, but is the absolute opposite of what was stated to be the object in the repeal of this section, namely, that without any intent to sell, they could transport intoxicating liquor.

Now they come in with an amendment, the sole and only purpose of which must be to permit the sale. We hear in the newspapers that it is intended to bring in revenue. That is not in the amendment. That proposal is to come afterward.

I maintain this is not germane, as the majority report on the bill had solely to do with transportation, and the amendment has to do with manufacture and sale.

The SPEAKER: The Chair understands that under parliamentary rules the point of order raised is debatable, with the consent of the Chair. Does anyone else desire to debate the point of order raised by the member from Portland, Miss Laughlin?

Mr. FARRIS of Augusta: Mr. Speaker, I regret that I have to disagree with the member from Portland (Miss Laughlin) because, going back to the original bill, which is Legislative Document 163, it provides amendment of Section 1 of Chapter 137, which relates to intoxicating liquors—the entire chapter relates to intoxicating liquors—and this Section 1 is the “manufacture.” It also amends Section 3 of Chapter 137, which is the transportation section of intoxicating liquors without Federal permit.

Now the Legislative Committee reported a new draft relating not only to Section 3, which the transportation section, but the Senate saw fit to include an amendment going back to the original proposition and also added another section in this amendment relating to sale. Now I contend that this all relates to intoxicating liquors, manufacture and sale and transportation, and is germane to the subject.

Miss LAUGHLIN: Mr. Speaker, I want to say, in answer to that, that if the gentleman's position is correct, you can introduce a repeal of one section of any chapter in these Revised Statutes, and then amend it by repealing wholly that chapter as an amendment, something that certainly has never been recognized in any legislative body before. As a matter of fact, I notice that the gentleman said,—going back to the original bill, there is a question of whether we can go back to Section 1 of the original bill although that has passed out of existence. It is not before us, because the Senate accepted the majority report as we have done, which had to do only with transportation, and there is nothing in the original bill or the new draft that has to do with sale, but if this amendment is germane and has to do with the section on sale, then he could amend this section by repealing every section of Chapter 137.

Mr. ELLIS: Mr. Speaker, if I understand the member correctly, there was nothing in the original bill that had any relation to sale. It says here “intent that same shall be sold in violation of law,” under the manufacturing clause, and under the third section “transportation of intoxicating liquors with intent that same shall be sold in violation of the law. Now the dictionary gives the definition of “germane” as “closely allied, appropriate and relevant.” I contend this Senate Amendment A comes in under all the words that germane means.

Mr. FARRIS: Mr. Speaker, I wish to state that it is my opinion that either body has a right, and it is proper under parliamentary procedure, to offer an amendment relating to the same subject matter in the bill which was originally placed before the committee. This is the situation with which we are now faced.

The SPEAKER: Referring to the pile of papers which the Chair has here, bearing upon this matter, the original bill was an act relating to the manufacture of intoxicating liquor, Legislative Document 163, the report of the committee, an act relating to transportation of intoxicating liquor.

The Chair understands that the Senate amendment which has been introduced, the first part of it, simply repeals that part of Section 6 which defines what is intoxicating liquor, as the words are used in the entire chapter, which is Chapter 137, and the Chair rules, without any further discussion, that the point of order is not well taken and that the amendment is germane.

The question now is on the adoption of Senate Amendment A in concurrence.

Miss LAUGHLIN: Mr. Speaker, I ask when the vote is taken that it be by roll call.

Mr. ELLIS: Mr. Speaker, I move that Senate Amendment A be adopted.

The SPEAKER: The pending question is on the motion of the gentleman from Rangeley, Mr. Ellis, that Senate Amendment A be adopted in concurrence. The member from Portland, Miss Laughlin, has asked for the yeas and nays. Before those can be ordered one-fifth of the members present must signify their desire for a yea and nay vote. All those in favor of taking the vote on Senate Amendment A by a yea and nay vote will rise and stand until counted and the monitors make and return the count.

A division of the House was had,

The SPEAKER: More than one-fifth of the members present having requested the yeas and nays, they are ordered. The pending question is on the motion of the gentleman from Rangeley, Mr. Ellis, to concur with the Senate in the adoption of Senate Amendment A. All those in favor of this motion will, when their names are called, answer yes; those opposed will answer no. Are there any questions? The Clerk will call the roll.

YEA—Allison, Ashby, Audet, Belanger, Berry, Berwick, Blanchard, Boyle, Breen, Burgess, Burns, Bushey, Bussey, Carignan, Carleton, Carswell, Carter, Chase, Baring; Collins, Cook, Devereux, Drisko, Dunn, Duquette, Eastman, Eldridge, Ellis, Farris, Fen-

lason, Fogg, Forgue, Friend, Goodwin, Goudy, Graves, Gray, Gross, Hall; Hamel, George; Hamel, Napoleon; Hancock, Hanson, Haskell, Hastings, Hescock, Hickey, Hobbs, Hussey, Jones, Knight, Labbee, Lancaster, Leathers, Lebel, Lewis, Lindsey; Littlefield, Bluehill; Luce, Mace, Mack, Martin, Mason, Mechanic Falls, Mason, Raymond; McKinney, Michaud, Morin, Nevers, Newcomb, O'Connor, Osgood, Peacock, Piper, Plouff, Quine, Rand, Raymond, Rea, Richardson, Rounds, Rush; Sanborn, Weld; Sargent, Scates, Shaw, Smith, Masardis; Smith, Orono, Smith, Vinalhaven; Soper, Sprague, Sterling, Stern, Thompson, Thurston, Tompkins, Houlton; Tupper, Vallely, Viles, Wallingford, Ward, Harrison; Ward, Thorndike; Wentworth, White, Whitney, Whitten, Wright.

NAY—Bailey, Whitefield; Bailey, Woolwich; Bartlett, Bennett, Bucknam, Chase, Limington; Chase, Sebec; Clarke, Clement, Cobb, Crowell, Deering, Dow, Livermore; Dow, Portland; Fernald, Flanders, Fowles, Gallagher, Haggett, Ham, Hawkes, Hill, Hills, Holden, Laughlin, Littlefield, Alfred; Lord, MacPherson, Mayers, Norris, Oliver, Plummer, Russ, Ryder, Sanborn, Baldwin; Stover, Thomas, Tillson, Tompkins, Bridgewater; Walker, Rockland; Walker, Rockport; Webber, Williams.

ABSENT—Gagnon, Young.

Yes, 105.

No, 43.

Absent, 2.

The SPEAKER: One hundred and five having voted in the affirmative, and 43 in the negative, and 2 being absent, Senate Amendment A is adopted in concurrence. (Applause)

On motion by Mr. Farris of Augusta, under suspension of the rules, the bill as amended by Senate Amendment A had its third reading and was passed to be engrossed in concurrence.

The SPEAKER: Proceeding still under Orders of the Day, the Chair lays before the House the eighth matter of unfinished business. House report ought not to pass of the committee on Aeronautics and Radio Control on bill an act relating to aviation, H. P. 1081, L. D. 557, tabled on March 24 by the member from Bangor, Miss Martin, pending acceptance; and the Chair recognizes that member.

Miss MARTIN: Mr. Speaker, I yield to the gentleman from Auburn, Mr. Flanders.

The Chair suggests that we take

a short recess while those who wish to go out may do so. The House may be at ease.

AFTER RECESS

The SPEAKER: The Chair had laid before the House the eighth matter of unfinished business, and the Chair recognizes the gentleman from Auburn, Mr. Flanders.

Mr. FLANDERS: Mr. Speaker, I hate to ask this body to lay this matter on the table until tomorrow, but, for the reason that I want to get into communication with those whom I introduced the bill for, I would like to have the matter lie on the table until tomorrow.

Thereupon, a viva voce vote being taken, the bill and accompanying report were retabled and specially assigned for tomorrow morning.

The SPEAKER: The Chair lays before the House the ninth matter of unfinished business, an act relating to eligibility of members of City Governments to certain offices, H. P. 1632, L. D. 984, tabled on March 24 by the gentleman from Portland, Mr. Rounds, pending third reading; and the Chair recognizes that gentleman.

Mr. ROUNDS: Mr. Speaker and ladies and gentlemen of this House: This bill was killed once in this House, although I put it in. It has been amended so that it applies only to five persons in the great State of Maine,—this bill. Four out of five voted for a City Chief of Police, therefore four voted for him and one against, so there is no collusion in the City Government at the present time for any officeholder. It is true that our Treasurer is sick, in Florida, at the present time. This is the most essential time for him to be in Portland. He is one of the best men we ever had and knows a great deal about banking. He started as an office boy and became the Treasurer of one of the largest banks in the State of Maine. Now he is barred. He will go out of office next December, and he will be barred for two years. If the Treasurer should die, he would be barred for two years from taking that job. Now that is only one.

They have said in this House—I will not say on the floor of the House—that another one wants to be Chief of the Fire Department. Let yourself rest. He is too old for

that, like myself, and I am looking for nothing. I know we have a good man, a great Democrat, in this State, who was elected only one year ago. He is fit for that office. There are two of them who know more about the city finances than anybody else in the city of Portland except the Treasurer, and he does not know anything at the present time, because he is sick down at Miami, Florida.

Now as for myself, I have done thousands of dollars' worth of work for the city of Portland; and I have done it on competitive bids; I have done it by day work for them; but while I have been in the City Government, which is three years, I have done no work whatever. I expect—although my age is against me, perhaps you will say,—I expect when I get out to go to contracting, and I would like to have a few jobs from the city, but under this bill it is a question whether I have a right to do work for the city or not for two years. I do not think there is any lady or gentleman in this House who wants to deprive me of a livelihood in what is my business. Except the running of a ferry, my business has been contracting for the last thirty years.

I have nothing more to say if this bill is killed, but I will say that if you put it on every Selectman and every City Alderman and Councilman, I will vote for it, and I will take my chances of not doing work for the city. Also put it on the Legislature. A number of them, I understand, have other jobs when they resign from the House all waiting for them as soon as they get through. Therefore I think I am duty bound, for myself and the others of the city of Portland to say that it would be better for them to have the two-years' contract stricken out, and if you want to put a referendum on it so the people can vote whether they should be eligible for office in the city of Portland, I am willing to abide by the consequence.

The SPEAKER: Does the Chair understand the gentleman from Portland, Mr. Rounds, to make any motion?

Mr. ROUNDS: I make the motion to indefinitely postpone the bill, Mr. Speaker.

Miss LAUGHLIN of Portland: Mr. Speaker, I occupied a good deal of

time of the House with the affairs of Portland, the other day, and I do not intend to occupy any more except to call attention to the fact that when this matter was up, four of the five members in this House from Portland were in favor of this bill, every one of whom had no personal interest in naming Council appointees. As the gentleman who has just spoken says, they have no personal interest, so their vote is absolutely disinterested and would have nothing to do with personnel.

I simply wish to call the Legislature's attention again to the fact that four of the five members of this House were in favor of this bill, which affects only the city of Portland. Therefore I hope the gentleman's motion to indefinitely postpone will not prevail and that the bill will go right on to third reading.

Mr. DOW of Portland: Mr. Speaker, without taking any more time of the House, I wish to say I am in favor of the bill.

Mr. ROUNDS—I would like to have a referendum attached to it, and then we would see whether four out of five were in favor of this bill or against it. What if our Treasurer should die? Are we going to take a green man who doesn't know anything about the workings of the finances of the city of Portland? This man has been on the Finance Committee for four years, and this is his fifth year. He goes out next year, and if this man should not get well, he will be a candidate when the two years are up, and he will be one of the best men. As I said before, he came from an office boy to be treasurer of one of the largest banks of this State.

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

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

Mr. Belanger of Winslow, introduced an order out of order, and moved its passage as follows:

Ordered, the Senate concurring, that the Secretary of State be ordered to furnish every member of the Legislature with a stein and a gallon of beer for each day of the remaining session. (Laughter and applause).

Mr. ROUNDS of Portland: Mr.

Speaker, I will give up my gallon if they pass the order, to anybody who wants it. I do not want it at all.

The SPEAKER: The House hears the remarks of the gentleman from Portland, Mr. Rounds.

Mr. FARRIS of Augusta: Mr. Speaker, I move that the order be indefinitely postponed. (Laughter).

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair lays before the House the tenth matter of unfinished business, bill an act reducing the compensation of State officials and employees, S. P. 576, L. D. 866, tabled on March 24 by the gentleman from Winterport, Mr. Fernald, pending third reading; and the Chair recognizes that gentleman.

Mr. FERNALD: Last week, Mr. Speaker, in regard to this salary proposition for State officials, we voted to indefinitely postpone the amendment so as to do away with the emergency clause and to permit employees of the State to take a salary cut beginning July 1st. In carrying that into effect we indefinitely postponed another section of the bill which I believe it was not the intent of the Legislature to do. That was the part of it that would cut the retirement pension provision for retired employees of this State, so at this time I am offering House Amendment A, with the explanation that I have just given. In other words, all this does is to provide that there shall be no cut in the retirement pay of State employees.

The SPEAKER: The Clerk will read House Amendment A.

House Amendment A to S. P. 576, L. D. 866, entitled: "An act reducing the compensation of State officials and employees."

Amend said bill by striking out the first section thereof and inserting in place thereof the following section:

'Sec. 1. Effective date and limitation of this act. From the effective date of this act until July 1, 1935, the operation of acts or parts of acts inconsistent with this act is hereby suspended and the provisions of this act shall remain effective only during the aforesaid period of suspension.'

Further amend said bill by striking out section 4 thereof and inserting in place thereof the following section:

'Sec. 4. Exception. The provisions of this act shall not apply

to official salaries which the Legislature has no authority to diminish nor to affect the retirement pay or pension rate of state employees and officials, and such officials and employees shall be allowed such retirement pay or pension as would have been due if this act had not become law, and for this purpose shall be considered as having received during the effective period of this act such salary or wages as they would have received if this act had not become law.'

Thereupon, House Amendment A was adopted, the bill as amended by House Amendment A was given its third reading and passed to be engrossed in non-concurrence.

The SPEAKER: The Chair lays before the House the first matter tabled and specially assigned for today, Senate Amendment A to bill an act to extend the charter of Kennebec Reservoir Company, S. P. 611, L. D. 985, tabled on March 24 by the gentleman from Fort Fairfield, Mr. Ashby, pending adoption; and the Chair recognizes that gentleman.

On motion by Mr. Ashby, Senate Amendment A was adopted in concurrence; and on further motion by the same gentleman under suspension of the rules, the bill as amended had its three several readings and was passed to be engrossed in concurrence.

The SPEAKER: The Chair lays before the House the second matter tabled and specially assigned for today, resolve providing for a State pension for Joseph B. Pelletier of Winterville Plantation, H. P. 1490, L. D. 791, which was passed to be engrossed in the House on March 3rd. Came from the Senate indefinitely postponed in non-concurrence, tabled March 24 by the gentleman from Eagle Lake, Mr. Burns, pending further consideration; and the Chair recognizes that gentleman.

Mr. BURNS: Mr. Speaker, I would like to make a motion to insist and ask for a committee of Conference.

The SPEAKER: The gentleman from Eagle Lake, Mr. Burns, moves that the House insist on its former action and asks for a committee of Conference. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair ap-

points on the committee of Conference the gentleman from Eagle Lake, Mr. Burns, the gentleman from Hermon, Mr. Leathers and the gentleman from Whitefield, Mr. Bailey.

The SPEAKER: The Chair lays before the House the third matter tabled and specially assigned for today, House report ought not to pass of the committee on Claims on resolve in favor of Como Monumental Works, H. P. 191, tabled on March 24 by the gentleman from Biddeford, Mr. Stern, pending acceptance; and the Chair recognizes that gentleman.

Mr. STERN: Mr. Speaker, I yield to the gentleman from Auburn, Mr. Flanders.

Mr. FLANDERS: Mr. Speaker, I move this be referred to the Eighty-seventh Legislature.

Thereupon, the motion prevailed, and the matter was referred to the Eighty-seventh Legislature.

The SPEAKER: The Chair lays before the House the fourth matter tabled and specially assigned for today, bill an act relating to parking of vehicles on highways, H. P. 1045, L. D. 446, the bill having been 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. Came from the Senate, the report accepted in non-concurrence, tabled on March 27 by the gentleman from Westbrook, Mr. Raymond, pending consideration; and the Chair recognizes that gentleman.

On motion by Mr. Raymond, the bill was retabled and specially assigned for tomorrow morning.

The SPEAKER: The Chair lays before the House the fifth matter, tabled and specially assigned for today, bill an act to provide for old age pensions, H. P. 1698, L. D. 1020, tabled on March 27 by the member from Portland, Miss Laughlin, pending motion of the gentleman from Dexter, Mr. Plouff, to indefinitely postpone; and the Chair recognizes the member from Portland, Miss Laughlin.

Miss LAUGHLIN: Mr. Speaker, I yield to the member from Biddeford, Mr. Stern.

Mr. STERN: Mr. Speaker and ladies and gentleman: I move the acceptance of the report of the committee.

The SPEAKER: The pending

question is the motion of the gentleman from Dexter, Mr. Plouff, that this bill be indefinitely postponed. Does the gentleman desire to speak on that motion, which has precedence over his own motion.

Mr. STERN: Mr. Speaker and members of the House: I do not feel like speaking on this matter and I think that the members know just as much about the old age pension bill as I know myself. Two years ago we had the same matter before the House and we had hearings on it. We had people before us from all walks of life who appeared for that bill. We had Dr. Tyson, who proved to us that we had about 300 people in the insane institution who were just as sane as we were, but because of the fact that they came from villages and towns that had no poorhouses, or some of their relatives were ashamed to have them in the poorhouse, they just shoved them over there so that they would not be disgraced by having them in the poorhouses. They feel better about it to have them in a home for feeble-minded than to have their relatives take care of them.

The report of the committee two years ago was ought not to pass, because the bill was too big for them; they did not have money enough for it; but the House voted then and there unanimously for an old age pension.

We had a similar hearing about three of four weeks ago. There were present social workers and people from all walks of life, and the fact remains that we have in this State 100 almshouses and there was not one municipality to come before the committee and appear against it, with 100 people holding offices in the almshouses who did not appear either. That shows that the people and the Overseers feel deeply in their hearts that it costs the State too much money and that it would be unjust to appear against such a humane proposition as this old age pension.

I personally thought that in this House we have so many doctors, we have so many lawyers, we have lady members, we have people with practical minds, business people, and I never expected I would have to appear for the old people myself. I thought, listening to some of our friends who fight for everything and who are speaking always in the name of Christianity,—I thought

they would be for that measure and not against it, because being against that measure is against Christianity.

Now, my friends, I am just coming to myself, because I am not in a position to make any speeches on the matter, but I will tell you that it looks to me like this: Not long ago, when I landed in this country, a friend of mine gave me a piece of paper. I had to read the law in the English language on my own, without any help. I remember I came to a shoe shop and I was in the same position as an Italian who had a brother who was only a couple of weeks in this country, and he told him "Tony, I have got to go into the market, and you attend to the stand." Tony said "I can't speak any English." "But," he says, "that is nothing—if anybody comes in and wants to buy some bananas, tell him they are two for a nickel, and if he argues, tell him they are three for a nickel, and if don't buy them, tell him somebody else will." A big fellow comes up and says "Tony, what time is it?" He says "Two for a nickel." And the big fellow says "What are you talking about?" And the Italian says "Three for a nickel." He says "You keep quiet or I will give you a punch in the jaw." And the Italian says "If you don't, somebody else will." (Laughter)

Now friends, I am not afraid to address this House. I am not afraid to talk facts. I am not going to make a speech. I have been thirteen weeks in this House, and we have had all kinds of speeches, necessary and unnecessary, all kinds of bills, and lots of bills came in that I thought, at least, should not come in. I know I am limited in my vocabulary. I know that I am not really the man to get up and hope to speak, but if I have to, I will do the best I can.

Now, first of all, why are we against the poorhouse? Are we the supporters of the bill, supporters of that kind of measure? Social workers, liberal, progressive people, are we only aiming for an ideal government with some practical features in it? I will not bother you with too many facts, but of course we are practical business men here, and I will prove to you that it is not only humane but it is also economically practicable.

To start with the bill, the matter which I have introduced to you, comes from the American As-

sociation for Old Age Security, Incorporated, Bishop Francis J. McConnell is President. They have a list of diplomats, what we call in American "the better element."

Two years ago the draft of the bill was my own. It was drafted by a Professor in college, but I helped him, and of course the bill was more progressive and was more to my taste. This time we accepted an amendment. It was drafted by Professor Chamberlain of Columbia University, who drafted practically all the measures for the nineteen states that are working under old age pensions. But in the meantime I assure you that this bill comes from the American Association of Old Age Pensions.

How much does it cost us for poorhouses here in the State? I asked a gentleman who is very practical about this. A few years ago a study made by the United States Department of Labor showed that there were in Maine a total of 100 almshouses, the largest number in any state except Massachusetts. The total value of property invested in these institutions amounted to \$1,209,000. Listen to these figures: The total number of inmates in these institutions were 701, and the direct maintenance cost amounted to \$505.02 per year per inmate. If five per cent interest were added to the investment involved, the actual cost of supporting an inmate in an almshouse in Maine would amount to \$591 per person. It is also important to bear in mind that 62 of the 100 institutions in Maine have less than ten inmates each and that the cost per inmate in these institutions amounted to \$763.21 per inmate outside of the investment involved, and \$850 per person if the investment is to be taken into consideration. It costs \$850 per person in the almshouses.

Here are some other statistics from the Department of Labor and Industry of the states that accepted the old age pension under that system. These figures show what it cost them now and what it used to cost them and how much they saved. California, it costs today to take care of people under the old age pension system \$275.28. Before, under the poorhouse, it cost them \$484.12, saving \$208.84. Delaware, it cost them today \$113.91, and used to cost them \$395.62. They are saving \$281.71. Idaho, it costs

them today \$132.21 and used to cost them in the poor house \$528.52. They are saving \$396.31. Kentucky, today it is costing them \$60 and it cost them in the poorhouse \$295.95 and the saving is \$235.95. Maryland, it costs them \$332.28 and formerly cost them in the poorhouse \$459.69, a saving of \$127.41. Massachusetts, today it is costing \$312.00 and formerly cost \$539.33, a saving of \$227.33. Minnesota, it costs them today \$192.36. It used to cost them \$631.86. They are saving \$439.50. Montana, it costs them today \$158.35. It used to cost them under the poorhouse \$634.19, a saving of \$475.84. Nevada, it is costing them today \$300.00, it cost them under the poorhouse \$949.16. They are saving \$649.16. New Hampshire, it is costing them today \$232.79. Under the poorhouse it used to cost them \$503.72. They are saving \$270.93. New York, it is costing them today \$302.88. It cost them in the poorhouse. \$405.59. They are saving \$102.71. Utah, Wisconsin and Wyoming, they are making substantial savings in all those states. You see in states of the same population it costs them more than in our State.

What I am trying to prove to you, members of the House, is that it is a pure saving of the State's money, saving of the people's money. I have shown you the figures of Wisconsin that the average cost of taking care of old age pensions now is \$13.50 per month. We have here California and it cost them there \$15.63 a month. We have every state. This is a report of our Secretary gathered together. Miss Martin was not against the old age pension bill but her point was that we could not raise the money and I agree that we could not. I will come to that later. We didn't have the money to spend. Here are the figures of the Secretary of the Research Committee. Taking the average cost in the other states, California and Kentucky, the cheapest cost in these states today is \$171.84 per person. Now we have today over four thousand people and it costs us \$600,000. We have one thousand in the almshouses. Who is feeding the other three thousand people? We are feeding them just the same through Overseers of the Poor, by private charities, but the fact remains that we have one thousand people in our poorhouses and its costs us \$600,000. Accord-

ing to the figures of the Secretary of the Research Committee the average cost in nine states for the year 1930 was \$817,776. Now friends here is what happened in our own committee, the pension committee. The pension committee received a resolve for a gentleman who applied for a pension of twenty dollars a month, and we found out that gentleman is taken care of by the government in an institution or private home, so we decided that ought not to pass. A week later Mr. Leadbetter, the head of the Social Welfare, explained the situation. What I would like to prove to you is the economic effect, the saving to the people. I say to you that nobody would suffer, and I think it would be a great saving if we were assured of a place at Augusta where we could take care of these people. This is not a lie. You can do down to the library and you can get hold of a report of the Federal Labor and Industry and if it does not conform with my statement you can call me a liar.

In this bill that you have before your eyes, if we are accepting that measure, we are only accepting it in principle. We have here the new draft and it is section 25, L. D. 1020, "Effective date of act. This act shall not become operative until the Governor and Council can find ways and means to raise or arrange for the finances necessary to carry out the provisions of this bill and to report thereon to the Eighty-seventh Legislature."

Now we are accepting nothing impracticable. We are not imposing upon anybody. We are just asking of you that when you adjourn you meet your people and tell them that you have done something which ought to have been done long ago. I think I have talked too long and I am sorry that you forced me to make such a long speech. I don't think I can tell you anything more about it than I have. I will not say anything about the moral and ethical side of it. I think you know what is right and what is wrong, but I wish no harm to anybody and I do not wish anybody to reach old age when everything is against him and he has no place to live. I hope none of you will ever have to make the almshouse your home. Sometimes when I stop to think of Edgar Allen Poe's poem "The Raven," I think perhaps he meant those people there

on the poor farm and had them in mind in his line "Never, nevermore."

My friends, I appeal to you from a business point of view and from a humane point of view. It is time for us to decide this thing and leave it with the Governor and Council and the next Legislature. I hope that you will accept the report of the committee. (Applause)

Mr. VALLELY of Sanford: Mr. Speaker, I wish to go on record in behalf of my people down home as in favor of this measure.

Mr. PLOUFF of Dexter: Mr. Speaker, I suggested that we indefinitely postpone this bill, particularly because of the fact that our State has not the funds with which to function. I am sorry that I have had to appear to oppose a measure so dear to Mr. Stern's heart. I do not like to pass the buck to the Eighty-seventh Legislature. Why can we not assume our responsibilities here? That is what Section 25 means. However, I withdraw my motion, if that has any effect, and let the members vote as they wish.

The SPEAKER: The Chair understands that the gentleman from Dexter, Mr. Plouff, asks unanimous consent of the House for the privilege to withdraw his motion to indefinitely postpone. Is there any objection? Hearing none, the Chair rules that consent is granted and the motion is withdrawn. The pending motion is the motion of the gentleman from Biddeford, Mr. Stern, that under suspension of the rules this bill have its first reading.

Mr. GOUDY of South Portland: Mr. Speaker and members of the House: I feel that in behalf of Mr. Stern and the bill he introduced, being a member of the last Legislature, in which Mr. Stern was also a member, that I should say something in behalf of Mr. Stern and his bill.

I have great admiration for Mr. Stern, and I feel that the citizens of the city of Biddeford should be proud to send a man of Mr. Stern's character to this Legislature. (Applause)

Mr. Stern has worked hard, efficiently and conscientiously, in behalf of the aged dependent citizens of our State of Maine who have spent their lives in toil for the State and its inhabitants. The work of Mr. Stern was so much appreciated

that the Legislature in a body gave him a vote of thanks for the efforts he had made in behalf of the elderly people of our State, and he is deserving of much credit. I feel that this bill should have passage. Mr. Stern has served on a Recess Committee, and has worked hard and diligently, and has made a study of this proposition. All this bill provides for is that it shall not become effective until the Governor and Council can find ways and means to raise finances necessary to carry out the provisions of this bill and report thereon to the Eighty-seventh Legislature.

Now I feel that this matter is of so much importance to the elderly dependent people of our State, that we should not indefinitely postpone this bill and close the doors for all time to its passage. I think we should let this bill have passage, and the Governor and Council, and the next Legislature, if conditions change, and if the economic situation of the State takes a new position, feel they can do anything for the elderly citizens of our State, I think we should pass this so they will be in a position to do it. I hope some of the members of the House feel as I do, that this same Mr. Stern from Biddeford is entitled to a lot of credit for his efforts in this direction. (Applause)

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Stern, that under suspension of the rules this bill have its several readings at this time.

Thereupon, under suspension of the rules, the bill had its three several readings.

Miss MARTIN of Bangor: Mr. Speaker, may I ask through the Chair if the gentleman from Biddeford, Mr. Stern, intends to introduce an amendment to correct the obvious mistakes in the bill?

Mr. STERN: Yes, Mr. Speaker, I think there are a few mistakes there.

The SPEAKER: The Chair understands that the gentleman from Biddeford, Mr. Stern, has an amendment he would like to introduce to take care of certain errors in the bill.

On motion by Mr. Stern, the bill was tabled and specially assigned for tomorrow morning, pending passage to be engrossed.

Miss MARTIN: Mr. Speaker, I

rise to a point of personal privilege.

The SPEAKER: The member may state her point.

Miss MARTIN: Mr. Speaker, I wish to make a statement. On March 1st, when the committee on Pensions reported on House Paper 111, Legislative Document 61, the report of the Recess Committee on old age pensions, they reported that report should be placed on file in the State Library with the 1926 report of a similar committee. For the information of the members, and to avoid confusion in the library, I should like to state there is no 1926 report, but there is a 1929 report, which evidently was meant by the Pension Committee. So I would like to correct that error at this time.

The SPEAKER: The House hears the statement of the member from Bangor, Miss Martin, and thanks her for correcting a mis-statement.

The SPEAKER: The Chair lays before the House the sixth matter tabled and today assigned, majority report ought to pass in a 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. This comes from the Senate the majority report accepted and the bill passed to be engrossed. Yesterday both reports were tabled by the gentleman from Bridgewater, Mr. Tompkins, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. TOMPKINS: Mr. Speaker, I now yield to the gentleman from Weston, Mr. Crowell.

The SPEAKER: The Chair recognizes the gentleman from Weston, Mr. Crowell.

Mr. CROWELL: Mr. Speaker and members of the House: Because the most of us here have been boys, we will not doubt the truth of the story I read recently. A young boy had been in a green apple tree and he had eaten a large quantity of green apples with the customary result. Under that tree he groaned and rolled in agony. A friend of his came along and said "Ah! you are just fooling; there's nothing the matter with you." But the boy, still with the agony said: "I know better, I have some inside information".

From the days of my earliest recollection I have my father and my grandfather tell of the result of

the convention system for nominating candidates for elective offices. During the days of my young manhood I took part in those conventions and saw some of the workings of the caucus system. Because of those recollections and observations, without extended remarks today, I want to make the motion that this House accept the minority report of the committee, and in behalf of the citizenry of Maine I hope this motion will prevail.

Mr. VALLELY of Sanford: Mr. Speaker, I think it is about the first time since we came here January fourth that I have agreed with my two dry members here, but I agree with them today. I note his remarks in regard to the convention. Such a thing never hits the Democratic convention because they always run them right. I second the gentleman's motion.

Mr. TOMPKINS of Houlton: Mr. Speaker and members of the House: I wonder how many of you have read Legislative Document 950? Section 2 provides "All nominations of candidates by political parties for any State or County office including the United States Senator, presidential elector, member of Congress or member of the Senate or House of Representatives of the State Legislature shall hereafter be made at assemblies of the several political parties in accordance with the provisions of this act."

Now the great and outstanding defects of the old convention system was that it allowed the substitution indiscriminately of delegates. There was no check upon packing a convention. If a delegate was absent, any member of society could take his place. Now this bill takes care of that. It provides, in the first place, that these delegates to State and county conventions shall be elected in a caucus of each party. It also further provides the date when those caucuses shall meet and the hour when they shall meet. It provides further that any candidate may, on request, have the check list used in balloting for delegates. After the delegates are elected, a certificate of election is given to the delegate and his alternate, and then a list of the delegates is sent to the Secretary of State, who makes up a roll of the delegates elected to the state or county convention. When the delegates meet, only those duly elected delegates or their alternates are allowed to sit in the con-

vention. So that the rules of the old party conventions do not apply to conventions that are contemplated under this act.

Section 3 provides that "Caucuses of the several political parties for the election of delegates to all state and county assemblies shall be held in each voting precinct at the polling place for the time being in each such precinct at 7:30 P. M. as follows: Those of the majority shall be held on the Wednesday next preceding the fourth Wednesday in June of each year in which assemblies are required to be held in accordance with the provisions of Section 10, those of the ranking minority report shall be held on the Thursday next so preceding, and those of other parties on the Friday next so preceding."

So the matter is all established by statute, the day when the caucuses shall meet, and the hour, and where they shall meet. Then it provides for public notices in five places in the towns or the precincts, to be posted by the secretary of the party committee, or a majority of the party committee. Any member of a party desiring to be a delegate to a county or state convention shall hand in his name to the town clerk or city clerk at least five days previous to the meeting of the caucus. His name is then put upon the party ticket, and he is voted for at the caucus, and those delegates receiving the highest number of votes are the duly elected delegates, and those receiving the next highest number of votes are the alternates for that state or county convention.

Now the basis of representation is as follows: "Each voting precinct in the State shall be entitled to one delegate and each such precinct where in the preceding State election more than 200 votes were passed for the party candidate for Governor shall be entitled to one additional delegate for each 200 votes or major fraction thereof cast for such candidate therein excess of 200."

So that the representation of this convention is practically the same as it is today.

Here is a little side-light on what would happen and what does happen perhaps under our present Primary Law:

"Three hundred voters of Omaha, Neb., unknowingly signed a petition to place Zangara, slayer of Mayor Cermak, and attempted slayer of

President-Elect Roosevelt, in nomination for mayor of the city. One lawyer wagered another he could secure that many signatures for the candidacy of any man his college chose. The second lawyer took the bet and told his friend to use Zangara's name. The petition was prepared and circulated, and the 300 names were obtained. Those who signed were mostly professional men, who did not even look at the contents of the document."

In the six primary elections preceding 1932, in the county of Androscoggin, the seven minority nominees received from 6.2 per cent to 19.5 per cent of the actual number of votes in the whole county.

In Aroostook county eight minority candidates or nominees received 8.6 per cent to 34.6 per cent of the actual number of votes in the county that were available. So we are nominating candidates for public office by a minority vote.

In these same six elections, in four eight-cornered contests, the winner actually got an average of 20.97 per cent of all the votes cast in that primary; in eight seven-cornered contests, the winner received an average of 27.36 per cent of the votes actually cast; in nine six-cornered contests, the winner received 28 per cent of the votes actually cast; in eight five-cornered contests, the winner received 35 per cent of all the votes actually cast.

I hope the motion of the gentleman from Weston, Mr. Crowell, does not prevail.

Mr. SMITH of Vinalhaven: Mr. Speaker, the gentleman from Houlton, (Mr. Tompkins) wonders how many have read this bill. I can only answer for myself, and say I have read the bill carefully.

Two years ago a bill of very much this same nature was presented to the Eighty-fifth Legislature, and I think it came from the same source that this one comes from. I remember distinctly what I said that day. I said "I hope that the members of the Eighty-fifth Legislature will not force me to go home from this Legislature or any Legislature which would pass such a pernicious piece of legislation." I think those are the words I used.

Now we will admit that perhaps there are faults with the primaries. No doubt there are. But I do not believe that the primary with all its faults is nearly as bad as the old convention system was.

I remember distinctly two years ago that the witty gentleman from Lisbon Falls at where the gentleman from Dexter now sits. He got up there and he made a wonderful talk against that bill which was practically the same as this one. He read from a book—I think it was by William R. Pattangall—the Meddybemps Letters, if I remember correctly, in which book someone asked a character who was going to be the next Governor of Maine. He went to his desk and went to a pigeon hole and took out the file and started in and told him who was going to be Governor of Maine twenty years in advance.

Now I do not want to know who is going to be Governor of Maine twenty years in advance. I had rather sit, on the night of the election, by the radio, and hear the returns, and find out who is chosen for Governor at that time. I do not want to know twenty years in advance. I hope the State of Maine will always be fortunate enough to choose as well as it chose last September, when it elected Louis J. Brann, Governor. (Applause)

Let us not forget that Louis J. Brann was chosen under the primary system. I certainly hope the gentleman's motion to accept the minority report prevails.

Mr. ROUNDS of Portland: Mr. Speaker and ladies and gentlemen of this House: I have seen the old convention system. I have been there at midnight, the night before, and I have seen rum and money galore. I want to say now that the old-fashioned system is no good for me now, although I have been elected under the old convention system—nominated I would say.

Now what is the consequence? The Republican party, the night night before, is wet, and on the next day they are hollering for prohibition. (Laughter) That is the truth, members. I want to say now that I have seen more trading—why, I saw over nine votes in the County Convention that they offered to trade with a man who was on my side if he would only give them a deputy in that town. What do you think of that? At midnight they came to me. I went to his Leader, and what was the consequence? The man refused to do it. There has always been trading at all of these conventions.

I remember I went to one of the State Conventions in Bangor, when

I could get around at night as well as in the day, and they begun to bet, and they got to betting so high, —I was holding stake. I have seen the candidate for Governor giving delegates their passes to either Bangor or Portland. I know it took me almost eight months before I returned mine, and a Governor of the State said that was the first donation he had had from a political party. (Laughter)

Now I want to say this, that the old convention system is rotten to the core. (Applause)

Mr. ASHBY of Fort Fairfield: Mr. Speaker and members of the House: As I look over this House I see men and women from every walk of life. I see doctors, lawyers, farmers, lumbermen, and in fact you can scarcely mention any occupation that is not represented here. You could not find a better cross section by looking the State of Maine over, yet I think every one of you, or seventy-five per cent of you, know in your hearts that under the convention system you would not have been here. (Applause)

You look over the personnel of this House back under the old convention system, and you find over fifty per cent of it was lawyers in a good many of the Legislatures. Now lawyers are all right in their place. I have not got a word to say about them. They are a necessary evil, and if we did not have lawyers, we could not interpret what we have been doing here. They will tell us what we have been doing. But I do not believe that a bunch of lawyers has all the necessary viewpoints that pertains to the State. They are apt to look at it from the hard, technical, financial side of the question; and we need other viewpoints; we need the health viewpoint, the educational viewpoint, and the humanitarian viewpoint, as we have had put up to us today.

I do not believe this House today wants to go back to the old convention system, where the candidate knows just exactly how every member of the delegation is going to vote before he gets through, because every delegate is instructed, or he would not be nominated to go to the convention. I believe in the inalienable right of any citizen who aspires to any office to place his name before the voters of the State. I thank you.

The SPEAKER: The pending

question is on the motion of the gentleman from Weston, Mr. Crowell.

Mr. TOMPKINS: Mr. Speaker, I have listened to the flow of rum and money at the old conventions. I want to call attention of the gentleman to the fact that the flow of rum and money at those conventions was in the open, and everyone saw it, and they do not see it today under the present system of nominating candidates.

Mr. LEBEL of Brunswick: Mr. Speaker, on a question of this importance I feel it my duty to say a word. I feel this is an attempt to take away from people the right to nominate a candidate. I have always felt that the primary was one of the fundamental elements of government. If the people do not know whom to nominate, I would like to know who does. The convention system simply places the nomination in the hands of a ring in every locality. For these reasons I favor the adoption of the minority report.

The SPEAKER: The pending question is the motion of the gentleman from Weston, Mr. Crowell. The Chair recognizes the gentleman from Mechanic Falls, Mr. Mason.

Mr. MASON: Mr. Speaker, it seems to me that the situation in Androscoggin county has developed under the primaries some of the gravest faults of the old-fashioned convention system. I think a great many members of this House will remember Chester Sturtevant, and I feel quite confident that those who do remember him remember him in a favorable light. Chester Sturtevant was a candidate for Senator in the last primary and it was admitted that he did not have a ghost of a show, simply because he did not belong to Lewiston or Auburn. Under the primaries we cannot elect anybody who does not belong in Lewiston or Auburn. That is where the vote is concentrated and their candidate will defeat a candidate from outside in the primaries and is always sure to do it. This, it seems to me, defeats in a way bringing out the choice of the people in Androscoggin county.

I hold no brief for the old-fashioned convention. I am not familiar with its workings, but from all stories that come down from it I assume that it had very serious fault and I would not subscribe to

it. But I do not understand that the plan under consideration now is the old-fashioned convention. I think that the title of it has been misleading and I cannot see why the faults of the old convention system have not been corrected in this particular case and in the case of Androscoggin county. I do not know that that would apply to other counties, but in the case of Androscoggin county the primaries have developed a very serious defect in the fact that no candidate for State or county office has the least show if he comes from the outside.

The **SPEAKER**: The pending question is the motion of the gentleman from Weston, Mr. Crowell, that the House accept the minority report of the Judiciary committee on bill an act to provide for the nomination of candidates for elective office, the minority report being ought not to pass. All those in favor of this motion will say aye, contrary minded no.

A viva voce vote being taken, the motion to accept the minority report prevailed.

The Chair lays before the House a matter tabled and especially assigned for this afternoon, bill an act for the protection of savings banks and depositors therein, S. P. 590, L. D. 918, tabled March 27 by Mr. Tompkins of Houlton, pending passage to be enacted; and the Chair recognizes that gentleman.

On motion by Mr. Tompkins, tabled and specially assigned for tomorrow afternoon.

The Chair lays before the House L. D. 201, resolve directing the State Highway Commission to make a bridge survey across Eggemoggin Reach, recalled this morning by Joint Order, introduced by the gentleman from Brooksville, Mr. Gray; and the Chair recognizes that gentleman.

Mr. **GRAY**: Mr. Speaker, I ask unanimous consent of the House to withdraw this bill.

There being no objection unanimous consent was so given and the bill was withdrawn.

The Chair has in its possession L. D. 547, an act relating to measurement of lobsters, and understands that the gentleman from Vinalhaven, Mr. Smith, moves that the rules be suspended and that the action taken in this House March 17th,

whereby this bill was passed to be engrossed, be reconsidered.

The motion prevailed.

Thereupon Mr. Smith offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. 342, L. D. 547, an act relating to measurement of lobsters.

Amend said bill by striking out in the twenty-second and twenty-third lines thereof the words "or shorter than 5 1-2 inches in length."

Thereupon the House adopted House Amendment A, and the bill as amended was passed to be engrossed.

The Chair has in its possession L. D. 991, an act relative to closed time on deer, and understand that the gentleman from Baring, Mr. Chase, moves that the House reconsider its action of yesterday whereby the bill was passed to be engrossed.

The motion prevailed.

The **SPEAKER**: The Chair recognizes the gentleman from Calais, Mr. Tupper.

Mr. **TUPPER**: I offer House Amendment B and move its adoption.

The **SPEAKER**: Before taking up that amendment the Chair understands that the gentleman from Calais moves that the rules be suspended and the House reconsider its action of March 24 whereby the bill was passed to be engrossed as amended by House Amendment A.

The motion prevailed, and Mr. Tupper of Calais offered House Amendment B and moved its adoption as follows:

House Amendment B to H. P. 1645, L. D. 991, entitled an act relative to closed time on deer.

Amend said bill by inserting in the ninth line thereof after the word "Washington" the following words: '(in that part of the county lying northerly from the Air Line road, so-called)' further amend said bill by inserting after the word "Hancock" in the thirteenth line thereof, the following words: '(and the county of Washington in that part of the county lying southerly from the Air Line road, so-called)'

Mr. **CLARKE** of Cooper: Mr. Speaker, I move that the bill and amendment be tabled and be specially assigned for tomorrow.

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

The SPEAKER: The pending question is the adoption of House Amendment B.

Mr. CLARKE: Mr. Speaker, I would like to have the right to vote on that though I dislike to doubt the decision of the Chair.

Mr. LINDSEY of East Machias: Mr. Speaker, I want to second Mr. Clarke's motion because this thing has come on so quickly that I don't know just what it means. I would like to have it tabled until tomorrow so that I may find out what this amendment B means.

Mr. TUPPER: Mr. Speaker, I live in the northerly part of the county, and the residents there would like to go on with Aroostook and the other northern counties in their deer closing season. In that section we have several sporting camps and it means quite a business to the people there. In the fall they are guiding. In that section there are also a great many lakes and it is rather dangerous to go up these lakes hunting in December. The guides have asked me to see if this cannot be changed so that they may hunt a little earlier, that is, from the last two weeks of October to the first of December. This amendment B simply takes care of our section of the county. The Air Line runs very near the Hancock county border, to Wesley and then on to Calais. I believe that eliminates all of Mr. Clarke's section and certainly that of the gentleman from East Machias (Mr. Lindsey).

I have talked this matter over with members who live in the southerly part of our county but I did not talk with the gentleman from Cooper (Mr. Clarke) nor the gentleman from East Machias (Mr. Lindsey). I cannot see how they can have any objection to this measure. As a matter of fact the Commissioner of Inland Fisheries and Game would like to have the whole county line up with the northern counties but I have agreed with the southern members to let them have all they want. I think it is fair for this bill to go through as the amendment reads.

Mr. CLARKE: Mr. Speaker, this matter affects Washington county. It may be all right, but my motion to table it was so that the Washington county members might get together and talk it over. I do not understand fully just where the dividing line comes. I am willing to confer and consider the matter, but I

do not think it should be adopted right now until the Washington county delegation has an opportunity to get together on it, at least to see if it is in order. I will renew my motion, or make another motion, to table this until tomorrow.

A viva voce vote being taken, the motion to table prevailed and it was specially assigned for tomorrow morning.

The following paper from the Senate was taken up out of order under suspension of the rules:

From the Senate: The following Order:

ORDERED, The House concurring, that the members and officers of the Legislature be furnished with express and parcel transportation for all packages and department reports in a sum not exceeding three dollars for each member and officer thereof, and that such transportation be furnished and expended under the direction of the State Library Department and the unexpended balance at the close of the year 1934; (S. P. No. 658).

Comes from the Senate read and passed.

In the House read and passed in concurrence.

Mr. LEBEL of Brunswick: If it is in order, I would like to table that order until tomorrow morning.

The SPEAKER: The gentleman from Brunswick, Mr. Lebel, moves that the House reconsider its action just taken whereby it passed this order in concurrence with the Senate.

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

Mr. TILLSON of Belgrade: Mr. Speaker, I move that this order be indefinitely postponed if that is in order.

The SPEAKER: The House has just refused to reconsider its action whereby the order was passed in concurrence, and the Chair sees no way of renewing the motion at this time.

The SPEAKER: Our calendar today has been cleared up very satisfactorily. The Clerk has received a request from the Senate that the the House remain in session for about ten minutes longer in order to enact L. D. 989, an act relating to transportation of intoxicating liquor. If the members desire to stay

in session they may do so; otherwise the Chair will entertain any motion that the members desire to make. Hearing no motion the House may be at ease to be called together at the sound of the gong.

AFTER RECESS

The following bill on its passage to be enacted was taken up out of

order, under suspension of the rules:

Passed to be Enacted

S. P. 614, L. D. 986: An act relating to transportation of intoxicating liquor.

On motion by Mr. Hamel of Wales, Adjourned until ten o'clock tomorrow morning.