

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, December 5, 1933.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

The SPEAKER: May I say again, as I said yesterday, that it is hoped that all members having bills to introduce at this special session will get them in at the earliest possible date. It is the plan now to have a session this afternoon at two o'clock for the reception and reference of such bills as have been presented this morning and may be introduced before one o'clock this afternoon.

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

Appropriations and Financial Affairs

An act creating a State Lottery Commission (H. P. No. 4) (Presented by Mr. Thompson of Belfast)

(1000 copies ordered printed)

An act regulating interest charges on unpaid State taxes (H. P. No. 5) (Presented by Mr. Tupper of Calais)

An act authorizing the Governor and Council to institute a building program for State institutions to relieve unemployment (H. P. No. 6) (Presented by same gentleman)

An act to provide for the issue of State of Maine improvement bonds (H. P. No. 8) (Presented by same gentleman)

An act creating a Fire Insurance Fund (H. P. No. 9) (Presented by Mr. Fernald of Winterport)

Resolve proposing an amendment to the Constitution to provide for an increase of the State Debt Limit (H. P. No. 7) (Presented by Mr. Tupper of Calais)

Resolve proposing an amendment to the Constitution to provide for a bond issue, the proceeds of which to be disbursed for the construction, improvement and equipment of State buildings (H. P. No. 10) (Presented by same gentleman)

(500 copies of each ordered printed)

Banks and Banking

An act prohibiting trustees of mutual savings banks from being on board of directors of other banks and providing against interlocking directorates of banks and trust companies (H. P. No. 11) (Presented by Mr. Fernald of Winterport)

An act relating to trust companies (H. P. No. 12) (Presented by same gentleman)

(500 copies of each ordered printed)

Inland Fisheries and Game

Resolve relating to fishing for salmon in Penobscot River (H. P. No. 39) (Presented by Mr. Devereux of Penobscot)

500 copies ordered printed)

Petition of Zimri Bridges and 47 others in favor of same (H. P. No. 40) (Presented by same gentleman)

Judiciary

An act authorizing and empowering the Register of Deeds for the county of Knox to make a true copy of contents of Volume 24 and of Volume 30 of the Knox County Records of Deeds and to certify that the same are true copies of said records (H. P. No. 13) (Presented by Mr. Fogg of Rockland)

An act to amend an act entitled "An act to incorporate Dexter P. Cooper Incorporated for the purpose of developing and utilizing the power of the tides in the Bay of Fundy and waters adjacent thereto." (H. P. No. 14) (Presented by Mr. Eldridge of Eastport)

An act relating to temporary number plates on motor vehicles (H. P. No. 15) (Presented by Mr. Fernald of Winterport)

An act relating to registration of trailers (H. P. No. 16) (Presented by same gentleman)

An act relating to chauffeurs' badges (H. P. No. 17) (Presented by same gentleman)

Resolve proposing an amendment to the Constitution changing the date of the biennial election (H. P. No. 19) (Presented by same gentleman)

Resolve proposing an amendment to the Constitution changing the date of the biennial election in the years of national elections (H. P. No. 20) (Presented by Mr. Lebel of Brunswick)

(500 copies of each ordered printed)

An act transferring the powers

and duties of the Treasurer of State to other State officers (H. P. No. 18) (Presented by Mr. Fernald of Winterport).

An act to ratify and confirm the reduction of capital of Libby, McNeill & Libby (H. P. No. 21) (Presented by Mr. Plummer of Portland).

An act permitting the building of a bridge between Southport and Capitol Island (H. P. No. 22) (Presented by Mr. Hawkes of Richmond).

Resolve proposing an amendment to the Constitution abolishing the office of Treasurer of State (H. P. No. 23) (Presented by Mr. Fernald of Winterport).

Legal Affairs

An act to incorporate the Town of Orono School District (H. P. No. 24) (Presented by Mr. Smith of Orono).

An act to provide a Town Council and Manager form of government for the town of Baileyville, in the county of Washington (H. P. No. 25) (Presented by Mr. Chase of Baring).

An act to amend the charter of Bridgton Center Village Corporation (H. P. No. 26) (Presented by Mr. McKinney of Bridgton).

An act relating to the term of office of members of the Police Department of the City of Bangor (H. P. No. 27) (Presented by Miss Martin of Bangor).

An act to incorporate the Town of Mexico School District (H. P. No. 28) (Presented by Mr. Goodwin of Mexico).

(500 copies of each ordered printed)

Maine Publicity

An act to designate the State Highway from Waterville to Bar Harbor as "Acadia Trail" (H. P. No. 29) (Presented by Mr. Cook of Pittsfield).

(500 copies ordered printed).

Public Health

An act for the regulation of cosmetics (H. P. No. 30) (Presented by Mr. Bennett of Presque Isle).

An act relating to the practice of hairdressing and beauty culture (H. P. No. 31) (Presented by Mr. Fernald of Winterport).

(500 copies of each ordered printed).

Public Utilities

An act relating to power service in Lubec, Trescott and Whiting

Village (H. P. No. 32) (Presented by Mr. Peacock of Lubec).

(500 copies ordered printed).

Taxation

An act relating to licenses for retail stores (H. P. No. 35) (Presented by Mr. Fernald of Winterport).

(500 copies ordered printed).

Temperance

An act regulating the sale of spirituous and vinous liquors, for medicinal and mechanical purposes and the arts (H. P. No. 34) (Presented by Mr. Hescok of Monson).

(1000 copies ordered printed).

Ways and Bridges

Resolve in favor of the town of Searsport (H. P. No. 35) (Presented by Mr. Fernald of Winterport).

Resolve in favor of the road leading from Carmel Corner to Young's Garage in Winterport (H. P. No. 36) (Presented by same gentleman).

Resolve in favor of the town of Frankfort (H. P. No. 37) (Presented by same gentleman).

Resolve in favor of the town of Prospect (H. P. No. 38) (Presented by same gentleman).

Resolve in favor of the town of Winterport (H. P. No. 3) (Presented by same gentleman).

Orders of the Day

Mr. FERNALD of Winterport: Mr. Speaker, I would like to take from the table the order I introduced last night relative to requesting an opinion of the Supreme Court.

The SPEAKER: The gentleman from Winterport, Mr. Fernald, moves to take from the table an order introduced by him yesterday relative to requiring the opinion of the justices of the Supreme Court on a question of statutory law.

The motion prevailed.

Mr. FERNALD: Before my motion is put, Mr. Speaker, I believe the gentleman from Portland, Mr. Carleton, would like to be recognized for the purpose of retabling the order.

The SPEAKER: Do I understand the gentleman to make the motion that the order have passage?

Mr. FERNALD: Yes, Mr. Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Winterport, Mr. Fernald, that this order have passage.

Mr. FERNALD: Mr. Speaker, it seems to many of us that since the gravitation of the Brain Trust to Washington, all the political leadership of these United States has its

brain center in that community, and that perhaps the rock-bound coast of Maine has become barren of leadership; and that applies evidently not only to the Republican party but to the Democratic party.

We are confronted in this State by a menace, the tax dodger, who declines to assume his fair proportion of the cost of government, and by the tax striker, who refuses to pay taxes levied and assessed against him. They constitute the greatest menace today to the stability of the government of the State of Maine. We should also consider this passage of poetry, each and every one of us:

"We can't all play the winning game,
Someone is sure to lose;
Yet we can play so that our name
No one may dare accuse
That when the Master Referee
Scores against our name—
It won't be whether we've won or
lost
But how we've played the game."

And we as duly elected and constituted representatives of 800,000 people of the State of Maine are moving towards the time when, in deed and in truth, the public good will come first. Three times we have had the condition of the State of Maine presented to us by our Governor, and three times has he failed to present a constructive piece of legislation.

The SPEAKER: I call the attention of the gentleman from Winterport (Mr. Fernald) that discussion under this order is limited to the advisability of securing an opinion of the Justices of the Supreme Court as to the constitutionality of a section of the Statute. This discussion is going too far afield at this time.

Mr. FERNALD (continuing): I apologize, Mr. Speaker. The order before the House today is one of the small program that I wish to bring before the Legislature to at least help to solve some of our financial difficulties, and to help at least to find \$1,500,000, and to carry out a public trust imposed upon us by the electorate of the State of Maine in September, 1932, to come over here, as their representatives, and to do our job and stay on the job until the job is finished, and we have been making frequent tours of inspection to Augusta with that in mind. Again we are asked here for

the purpose of discussing State finances. My order, if you see fit to give it passage, will bring into the coffers of the State of Maine \$150,000 additional revenue, and, furthermore, there is not a single member present who will have to assume a single bit of responsibility for placing that additional tax burden upon a certain class of people in Maine who, in the past and at the present time, are evading their just and proportional share of taxation, because by your motion to refer this matter to the Supreme Court you will place—unwittingly perhaps—in the hands of the Supreme Judicial Court of Maine the power to do their duty, to clarify the Constitution and to provide for the State of Maine an additional revenue of \$150,000. Now how come!

Once upon a time when I was in Grammar School we were taught that we had a constitution in Maine, and although we have been graduated from that idea, I still think that in the near future we will again return to sound, careful, reasonable and steady constitutional government in the State of Maine. I am leading up to a discussion of Article XXXVI of the Constitution of Maine. The 36th Amendment proposed to the people by a resolve of the Seventy-sixth Legislature, approved April 4th, 1913, and on March 13th, 1915, declared by a resolve of the Legislature to have been adopted by the people at a special election held September 8th, 1913, that is twenty years ago, took effect and became a part of the Constitution on March 13th, 1915, in accordance with the provisions of a resolve. This is the way that Article XXXVI reads. It is amusing to look back—and as I look back I am reminded of what Lincoln said, "I do not think much of a man who is not wiser today than he was yesterday"—in the light of Article XXXVI of our Constitution, to look back and see the way this Legislature pussy-footed and straddled on the intangible tax last winter when we had under this constitutional provision, Article XXXVI, power granted by the people, voted by the people, at a special election to place a tax on intangibles.

Perhaps again, if I may repeat this worn-out phrase: If we had done our job last year we would not have been here today at the expense of the State of Maine and our own expense over and above \$2 a day.

"Section XXXVI. Classification of property for purposes of taxation.

Section eight of Article nine of the constitution is hereby amended by adding to said section the following words: 'but the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property, so that said section as amended shall read as follows:'"

Here is the meat of the amendment:

'Sec. 8. All taxes upon real and personal estate assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof; but the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property.'

Now what does that mean?

I am going to venture this prediction: That you cannot find a lawyer in Maine well versed in law, who does not own bank stock or who is not controlled, owned or governed by the banking interests, who will deny this fact: That Section 77 of Chapter 12 of the Revised Statutes of Maine is unconstitutional and does not come within the confines of Article 36 of the Constitution of Maine, because when the people of Maine in 1913 voted that amendment they understood, the 76th Legislature understood, that the purpose of that amendment was to give an opportunity for the careful study, for the slow study of our tax laws, tax laws that it took 20 years for some of our leaders to find out needed revision.

In 1913 they saw the need of revision, and it was the intent of the 76th Legislature, and it was the intent of the people who voted that constitutional amendment through, that there should be a tax on all intangibles, and that a revision should be made, following the recommendations of our State Board of Assessors and our tax commissions who had made studies of the matter in 1909 and previous years, that we should have, if I may use a worn-out phrase, a new deal in taxation. But I prefer to use the phraseology of another Roosevelt, a former president: A square deal in taxation.

There was nothing new in giving

the home owner, the shop owner and the farm owner relief from taxation. That was the purpose of Article 36 of the Constitution. But from 1913, for a period of 10 years at least, and in a lesser degree to-day, there was in this State, as there is now, control of Legislatures, knowingly or unknowingly, wittingly or unwittingly, control levied by the vested interests. And you know, and I know, that when we came to this Legislature, regardless of how we are elected, whether as Democrats or Republicans, we divide ourselves on the floor of this House not as Democrats, not as Republicans, but whether we are with the corporations and the vested interests or for the people who sent us here. And from that period of 1913, especially for 10 years, the vested interests rushed over the State of Maine, setting up exemptions and privileges for themselves, especially in the field of taxation, that are shocking to every man, woman and child who will look at the picture just as it is and forget his pocket-book and his master.

And this powerful group of bankers, who, in this present crisis have cost the people of Maine, the depositors of Maine, hundreds of thousands of dollars—twenty-five millions of dollars in deposits wiped off from the books, with the interest thirty millions more they came to this Legislature in 1921 and proposed the proposition covered by this order—Section 77, Chapter 12—to wit: That they felt that since they were running the government of Maine and since they themselves held at that time a kind of personal property known as bank stock, that paid 30 per cent dividends, 60 per cent dividends and 80 per cent dividends—and I would not venture to go any higher, but undoubtedly there were some cases. The bankers held that that type of personal property should pay a preferred rate of taxation, that they should be only taxed 15 mills on the most valuable and most sought-after and most remunerative personal property held in the State of Maine at that time.

That was 1921. And at that time our homes and our farms and our shops were burdened twice as much, and today we are burdened three times as much in taxes. And, through the influence of a well-directed lobby, they persuaded the Legislature in 1921 to enact this law, discriminatory, permitting tax

dodging, and giving them an exemption.

Now that was not the intent of the people. That was not the intent of the Legislature. And, gentlemen, if you will stay put, stand pat on this proposition and permit the question to go to the Supreme Judicial Court, we will get \$150,000 more for the people of Maine, and you won't have to explain to anybody when you go home—you can "pass the buck," as you always have. If you will stay with me on this proposition, in ten days, without bringing in any new tax, without raising the tax burden on any other class of property now taxed, I will raise \$1,500,000, if there is not anybody else here who can do it but I feel since we have 181 members of the legislature that it should not be necessary for one person to take it upon himself to do that job. If every one of you want to quit, you can, but I am going to stay put and do my job, even if I only get \$2 a day, and perhaps I am not worth that. We can put this job across and adjourn in ten days, if we want to do it that way.

I want to say this in closing: When your next speakers get up, if any of them do—probably they will not—when they get up tomorrow or next day—remember this saying of O. Henry.

"It is denied us to look further into man's bosom than the starch on his shirt front."

I thank you.

Mr. FARRIS of Augusta: Mr. Speaker, I rise at this time to oppose the passage of this order now before the House for the reason that I feel it is an inopportune time to raise constitutional questions in regard to Statutes from which the State has been deriving a tax revenue for the past twelve years. This order is intended to relieve the bank and banking institutions, and the stockholders thereof, from the payment of the tax imposed under a Statute passed by the Legislature of 1921.

There is another reason why I am opposed to the passage of this order. Section three of Article VI of the Constitution provides that the Supreme Judicial Court of Maine "shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when requested by the Governor, Council, Senate or House of Representatives." In my opinion no im-

portant question of law has been raised under this provision outside of the membership of this Legislature. Now are we coming down here as members of this Legislature and raise questions of constitutional law upon Statutes which were passed by a Legislature twelve years ago, by reason whereof the State has derived revenue of \$3,000,000, according to the figures of the gentleman from Winterport (Mr. Fernald) given us last night, or are we going to pass the order and ask the Supreme Court whether or not a law enacted by a previous Legislature is constitutional, without resorting to the good old fashioned way of deciding constitutional questions by going to law. Why not have the banks raise the question? They are the ones who pay the tax. Or are we coming down here and try to take away revenue provided by a former Legislature rather than raise new revenue? I understood that the Legislature was called in special session to provide ways and means for raising new revenue.

The gentleman from Winterport (Mr. Fernald) has said that within ten days, if this order is passed, he would see that we raise \$150,000. Of course I cannot figure the logic upon which he faces that statement, but I do say that in my opinion this is not a "solemn occasion," and no important question of law has been regularly raised, and it is not for this House of Representatives to come here and raise constitutional questions of law at a special session.

Furthermore Article XXXVI, Section 8, which has been quoted by the gentleman from Winterport (Mr. Fernald) provides that the Legislature shall have power to levy a tax upon tangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property. I contend that under this constitutional amendment of 1913, which was approved by a resolve of the Legislature of 1915, and I submit that the Legislature of 1921 was legally justified in passing the act which is now incorporated in Section 77 of Chapter 12 of the Revised Statutes. That section reads as follows: "The board of state assessors shall thereupon determine the value of said shares of stock and deduct therefrom the proportionate part of the assessed value of such real estate, vaults, and safe deposit plant. Upon the value of said

shares so determined after making said deductions, the board of state assessors shall assess an annual tax of fifteen mills for each dollar of such assessed value so determined, and shall, on or before the first day of June, certify said assessments to the treasurer of state, who shall forthwith notify said trust companies and banking institutions. All taxes so assessed shall be paid by said trust companies and banking institutions to the treasurer of state, on or before the first day of July, and said tax shall be in lieu of all municipal or other taxes upon said stock, and said trust companies and banking institutions may charge the tax so paid pro rata to the individual stockholders hereof."

Now that is the proposition of law supposed to be in conflict and the gentleman from Winterport (Mr. Fernald) did not read this section of the Revised Statutes which he proposes to refer to the Supreme Court. You will note the language of the Statute, includes all other property, the real and personal, also safe deposit vaults and plants, and deducts them from the intangible taxes. It is not a straight intangible property tax statute and the language of same will bear me out. For that reason I think it would be unwise at this time for this House to pass the order at this special session of the legislature.

What are the Constitutional grounds for objecting to the Statute? The gentleman does not state. However, there are certain rules of construction laid down by our Maine court, and I shall state them without prolonged debate. The wisdom, reasonableness and expediency of Statutes, and whether they are required by the public welfare are subject to exclusive and final determination by the law-making power. As to these matters the courts have no duty and no responsibility. Legislative power is measured not by grant, but by limitation. The court will pronounce invalid only those Statutes that are purely and conclusively shown to be in conflict with the Constitution; and I do not believe that the question of law is properly raised by this House in the order under debate. If the order receives a passage, I feel that the Supreme Court would send it back to us with the polite message that the constitutional provision upon which they are asked to give an opinion has no application to this occasion.

I hope the order will not receive a passage.

Miss LAUGHLIN of Portland: Mr. Speaker, it seems to me that we have got pretty far afield from the question before us. The only thing before us is, shall we pass an order asking the opinion of the Supreme Court as to whether a certain section is constitutional or not. Now as I understand the object of that is, when the Legislature has before it a bill and the question of its constitutionality is raised, then it is proper to ask the opinion of the Supreme Court so that the Legislature shall not pass an unconstitutional act; and if we had such a measure before us today it might be possible that it would be wise to ask the Supreme Court—I am not discussing the merits, I do not think it would be—but it might be. But, after that law has been passed, the proper way to raise the question of unconstitutionality is through a court, and I think this House would be silly to ask the opinion of the Supreme Court on the constitutionality of a measure already passed. Then we bring a suit in court and get a decision of the Supreme Court. The only time to take the opinion of the Supreme Court as to constitutionality is when a measure is before us for enactment, not after it has been passed, because our laws have provided a different way to raise the question of constitutionality, namely, through procedure in the court and a decision by the Supreme Court. (Applause).

Mr. SCATES of Westbrook: Mr. Speaker, this is a question that the gentleman from Winterport (Mr. Fernald) did bring before the last two sessions of the Legislature, and through it all I was somewhat in sympathy with him, but conditions have changed and changed materially in the last two years. He spoke about the tax on intangibles. I care nothing about that. The people passed on that at the general election.

That is water over the dam. The one thing that I am interested in is that part whereby you tax bank stock. Good God! have not the stockholders throughout this State been taxed enough already when they have been assessed one hundred per cent on their stock holdings? That is a double assessment on every dollar, in the western part of the State at least, on the stock

that they held. They not only lost their stock holdings but they have been assessed for the par value of their stock. Evidently the gentleman from Winterport has had nothing to do with the attempt to revive the banks in this State. The people out of civic pride and for the benefit of their municipalities and their friends, to relieve a serious condition, have voluntarily subscribed to bank stock in order that the banks might be revived. They did not do it as a straight investment. The Lord knows not! They knew that it would practically have no value for years to come. They have done it to help out their communities, help out those unfortunates who have lost a large part of their money in the banks, and instead of assessing them more, the Legislature, if it were possible, should remit every cent of tax that may be levied upon those stock holders for the next five years.

Speaking about raising \$150,000 from the stockholders of banks in Maine today! Good God it is another impossibility it cannot be done; and it would be a wicked thing to ever attempt it where people have contributed their money for the benefit of their community, for the benefit of their people, and penalize them for doing it. It is an outrage and I know well enough that the members of this House will never do anything of that kind.

The SPEAKER: The pending question is the motion of the gentleman from Winterport, Mr. Fernald—

Mr. FERNALD: Mr. Speaker, there has evidently arisen in the minds of some perhaps some misconception as to this problem. I regret my inability to bring tears to my eyes for the terrible condition that the bankers of Maine today are in, for this reason: that I have only scorn and contempt for many of the bankers of Maine. When a bank that is \$85,000 in the red will turn around, knowing that it has no undivided profits or surplus, and pay \$200,000 in dividends to its stockholders, money that belongs to the people of Maine—when they can get away with that and come over here to the Maine Legislature and cry for sympathy because they had to pay a stock assessment that they knew they had to pay when they bought the stock. And that is not just one example either. We are not out of this banking situation yet. We are just in the middle of it, and

some day somebody is going to come out and tell the people of Maine the whole story, well, I will be just mean enough to say "I told you so."

Now this proposition, notwithstanding the opinion of the distinguished attorney from Augusta, will not take from the State of Maine \$76,000; it will add \$150,000 more to the revenue of the State of Maine. Now we won't have to pay back this \$3,000,000 that these philanthropic, patriotic bankers of Maine paid in taxes. We won't have to pay back that \$3,000,000 for the reason they have already been under assessed \$6,000,000—instead of paying \$3,000,000 they should have paid \$9,000,000, under the Constitution and under the law that has always existed in the State of Maine.

I am not over here to rebate any taxes to the bankers. In the first place, I am a member of the Legislature, and I am not employed by the banking interests or anybody else personally.

Now they raise this legal subterfuge that it is not a solemn occasion—it is not a solemn occasion today that we should pass upon the constitutionality of one of our laws under the constitution, but it is a solemn occasion that for the first time in seventy-eight years that the people of Maine have desired that we be called to Augusta to pass upon an extraordinary measure. That is a solemn occasion.

Now to get away from this legal subterfuge, I have another bill over in the room that can be inserted here at the proper time under Chapter 12 of Section 77, and then if you really want to raise a constitutional question—and I know you don't—you can raise it under that bill. But we are just raising a cloud of smoke to confuse the question to hide the real motive from the people back home.

My good friend, the Republican floor leader, says, "Let the banks raise the question." Well, I am somewhat familiar with courts, but I never heard of a man going into court and saying, "I paid \$76,000 and I think under the Constitution I ought to pay \$150,000 more. Wont you let me do it?" I never heard that proposition enunciated in New England.

Now my distinguished colleague has read from the Constitution that this provides for the taxation of intangibles. My interpretation is this: that it does provide for taxa-

tion of intangibles, but it does not say, "Gentlemen, select out one very nice, clean, easily hid, compact piece of intangible—guinea pigs, or something like that—and just tax that." It does not say one class of bank stock. No. My constitution training, limited as it may be, would not permit me to attempt to cloud anybody's mental reasoning with such subterfuge.

With the greatest respect for the lady member from Portland (Miss Laughlin) I would be glad to overcome her objection if I felt it was of any avail, and introduce another bill tomorrow and have the constitutional question raised on that. I am not over here to put a monkey-wrench in the cog-wheel; I am over here to show you where you can get the revenue, and if you do not want it you need not take it. It wont make me any richer and it wont make me any poorer. I am going to call them to your attention just as I see them.

Gentlemen and lady members, I think it is time that we assumed the attitude of the fellow from Missouri—we might well be shown. Now we have plenty of time. You know if you do not do something now you are going to be back in March. Of course lots of you fellows want to go to town meeting in March. Now let us be shown on this proposition. I am not trying to prove anything. I do not care. If you do not want the \$150,000 close up your state reformatory, close up your insane hospitals, stop shovelling out your roads. You have got 500 cases waiting for aid under the World War Veterans Act; you have got 150 people under your Mothers' Aid. In about two months more under this flexibility clause we will be burning kerosene lights in the State House. They wont even be able to pay you the \$2 a day you have got coming to you when you come over here next March. Let that go on your State tax

Now we are over here, and we might as well enjoy ourselves. Nevertheless, this is a serious question, and we have got to get away from this idea of attacking public questions as political questions. You gentlemen kicked last winter about paying the Court \$8000 or \$10,000 a year, or whatever their salary was. If they can find us \$150,000, all right, why not let them do it?

I just want to quote you the last words of Thomas Edison, the last public utterance that Thomas Edison made before he died:

"Be courageous, be as brave as your fathers before you. Go forward."

And I want to say to you ladies and gentlemen, the old State of Maine is at the cross-roads, and I say "Go forward."

Miss LAUGHLIN: Mr. Speaker, I never heard of anyone going into court and asking to pay \$150,000 instead of \$76,000, but I have heard of a taxpayer going into court and saying that a person who paid only \$76,000 ought to pay \$150,000; and that is the method after the law has been passed.

I do not propose here to discuss the merits of this law or whether the banks should be taxed more or less because that is not before us. We have listened for an hour to a discussion on the merits of the bill when the only question before us is shall we ask the opinion of the Supreme Court. I am taking the position that that is not the method provided after a law has gone into effect and I therefore wish we could keep to the subject which is, shall we ask the Supreme Court. This procedure is not provided after a law has been passed. It is provided for getting the opinion of the Supreme Court when we do not want to pass an unconstitutional bill and so we take that opportunity to find out beforehand. After it has been passed the method is otherwise. I take that view regardless of the merits or demerits of the measure. It simply is not the way to get at it.

The SPEAKER: The pending question is the motion of the gentleman from Winterport, Mr. Fernald, on his order, asking for the opinion of the Justices of the Supreme Court on the constitutionality of Section 77 of Chapter 12 of the Revised Statutes. All those in favor of the passage of the order will say aye, contrary minded no.

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

Papers from the Senate, out of order, disposed of in concurrence.

From the Senate: The following order:

Ordered, the House concurring, that no bill or resolve be received by this Legislature at this special session, unless deposited in the hands of the Secretary of the Sen-

ate or the Clerk of the House, prior to ten o'clock in the forenoon on Friday, December 8, 1933, except bills reported by any joint committee in the regular course of business and such bills and resolves as are intended only to facilitate the business of this special session of the Eighty-sixth Legislature.

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

The SPEAKER: Under the terms of this order, as you have noticed, the introduction of bills is limited to ten o'clock Friday morning. May I urge on you again the necessity of putting in all bills as early as possible in the hope that we may have all the committee hearings Monday or Tuesday of next week. If we get the bills in early that will be possible.

Mr. CARLETON of Portland: Mr. Speaker, as a matter of information is there any way by which we can limit this "hot air" in this House for the rest of the session. I am down here to do my best for the State of Maine, and I wish that we could get down to facts here and not have so much "hot air." Is it possible to limit the debate?

The SPEAKER: The gentleman from Portland, Mr. Carleton, inquires if there is any way to limit debate. That may not have been the word he used but it is the word the Speaker is using. Apparently the Rules do not provide for any limitation of debate. So far as the Rules are concerned a man may take a week. It would be possible, answering the gentleman's inquiry, to introduce an amendment to the Rules, limiting debate to any number of minutes or hours if the House might desire. The Chair would be glad to entertain an amendment to the Rule if any member cares to introduce one under the provisions of the Joint Rule.

Mr. FERNALD of Winterport: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman rise?

Mr. FERNALD: I wish to inquire of the gentleman from Portland, Mr. Carleton—

The SPEAKER: There is no matter pending before the House, but if the gentleman cares to ask a question or make a motion he may do so.

Mr. FERNALD: Mr. Speaker, I make the motion that the "hot air"

alluded to by the gentleman from Portland (Mr. Carleton), in view of the financial situation of the State, be referred to the Superintendent of Buildings in order that the hall of the House of Representatives—

The SPEAKER: I shall have to rule that it is out of order.

On motion by Mr. Mayers of Hallowell,

Recessed until two o'clock this afternoon.

After Recess

The following papers were taken up out of order under suspension of the rules:

Mr. Goudy of So. Portland presented the following order and moved its passage

ORDERED. The Senate concurring, that the Secretary of State be authorized to furnish wrappers and postage stamps for each member of the House and Senate, not exceeding \$2.50 in amount each, for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

The order received passage and was sent up for concurrence.

The following bills and resolves were received out of order, and under suspension of the rules, and upon recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture

An act relating to the licensing of operators of milk gathering stations (H. P. No. 41) (Presented by Mr. Osgood of Fryeburg)

(500 copies ordered printed)

Appropriations and Financial Affairs

An act to obtain Federal Aid for the building of additional accommodations for the Augusta State Hospital (H. P. No. 42) (Presented by Mr. Rounds of Portland)

(500 copies ordered printed)

Banks and Banking

An act relating to the segregation of certain bank assets (H. P. No. 43) (Presented by Mr. Breen of Lewiston)

An act relating to the regulation of loans by Trust Companies (H. P. No. 44) (Presented by same gentleman)

An act relating to the election and duties of directors and officers of Trust Companies (H. P. No. 45) (Presented by same gentleman)

An act authorizing Trust Companies to acquire and hold stock in Federal Reserve Banks (H. P. No. 46) (Presented by same gentleman)

An act relating to individual liability of stockholders (H. P. No. 47) (Presented by same gentleman)

An act relating to loans by Trust Companies to directors, agents, or employees (H. P. No. 48) (Presented by Mr. Hescoek of Monson)

An act relating to loans by Trust Companies to their executive officers (H. P. No. 49) (Presented by same gentleman)

An act relating to the minimum amount of capital stock of Trust Companies (H. P. No. 50) (Presented by same gentleman)

An act relating to interlocking directorates and qualifications of directors (H. P. No. 51) (Presented by Miss Martin of Bangor)

An act authorizing Savings Banks to acquire and hold stocks in Federal Reserve Banks (H. P. No. 52) (Presented by same member)

An act relating to violation of sound banking practices (H. P. No. 53) (Presented by same member)

An act regulating the holding of stocks by Savings Banks (H. P. No. 54) (Presented by same member)

An act regulating pledge of assets by Trust Companies (H. P. No. 55) (Presented by same member)

An act defining unsound banking practices (H. P. No. 56) (Presented by Mr. Drisko of Jonesboro)

An act relating to the limitation of stock ownership and voting trusts (H. P. No. 57) (Presented by same gentleman)

An act restrictnig the ownership of real property by Savings Banks (H. P. No. 58) (Presented by same gentleman)

An act authorizing Trust Companies to acquire and hold stock and other securities not authorized by law to avoid loss (H. P. No. 59) (Presented by same gentleman)

(500 copies of each ordered printed.)

Claims

Resolve in favor of Roy A. Joslin of Brunswick (H. P. No. 60) (Presented by Mr. Morin of Brunswick)

Resolve to reimburse the town of Moscow for support of Bert H. Clark and family (H. P. No. 61) (Presented by Mr. Sterling of Caratunk)

Inland Fisheries and Game

An act relating to ice fishing (H.

P. No. 62) (Presented by Mr. Bushey of Waterville)
(500 copies ordered printed)

Judiciary

An act relating to stock holdings by corporations (H. P. No. 63) (Presented by Mr. Drisko of Jonesboro)
(500 copies ordered printed)

Legal Affairs

An act to incorporate the Town of Tremont School District (H. P. No. 65) (Presented by Mr. Graves of Mt. Desert)

An act to create the Town of Monticello School District (H. P. No. 66) (Presented by Mr. Tompkins of Bridgewater)

An act relating to the charter of the People's Ferry Company (H. P. No. 64) (Presented by Mr. Carleton of Portland)

500 copies of each ordered printed.)

Mercantile Affairs and Insurance

An act to enable domestic Mutual Fire Insurance Companies to obtain aid from the Federal Intermediate Credit Bank (H. P. No. 67) (Presented by Mr. Carleton of Portland)
(500 copies ordered printed)

Pensions

Resolve providing for a State pension for Henry King of Gardiner (H. P. No. 68) (Presented by Mr. Cobb of Gardiner).

Resolve providing for a State pension for Lydia J. Williams of Gardiner (H. P. No. 69) (Presented by same gentleman).

Resolve providing for a State pension for Mary Frances Savage of Gardiner (H. P. No. 70) (Presented by same gentleman).

Resolve providing for a State pension for Will Howard of Union (H. P. No. 71) (Presented by Mr. Walker of Rockport).

State Lands and Forest Preservation

An act creating the Baxter State Park Commission, and defining its powers and duties (H. P. No. 72) (Presented by Mr. Rush of Millinocket).

(500 copies ordered printed).

RECESS

Banks and Banking

An act relating to reduction of deposit accounts in Savings Banks in cases of insolvency (H. P. No. 73) (Presented by Mr. Hescoek of Monson).

An act relating to the organiza-

tion of Trust Companies (H. P. No. 74) (Presented by same gentleman).

(500 copies of each ordered printed).

Legal Affairs

An act to incorporate the Town of Norridgewock School District (H. P. No. 75) (Presented by Mr. Fenlason of North Anson).

(500 copies ordered printed).

Papers from the Senate disposed of in concurrence.

The SPEAKER: Tomorrow morning the hall of the House will be

used under an order we passed here yesterday for the Constitutional Convention to ratify the repeal of the Eighteenth Amendment. The work has progressed so well that it has been decided not to have any forenoon session tomorrow, and, if agreeable to everyone, we will meet here at two o'clock tomorrow afternoon for a session and have another one at seven tomorrow evening if it seems necessary.

On motion by Mr. MacPherson of Easton,

Adjourned until two o'clock tomorrow afternoon.