

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

SENATE

Wednesday, February 15, 1933

Senate called to order by the President.

Prayer by the Rev. W. P. Bradford of Hallowell.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House:

Bill "An Act to prohibit the baiting of wild ducks in Hancock County." (H. P. 1097, L. D. 642)

In the House, referred to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Blaisdell of Hancock, tabled pending reference in concurrence.

From the House:

"Resolve proposing an amendment to the Constitution to provide for a bond issue, the proceeds to be disbursed for the relief of destitution." (H. P. 1117, L. D. 626)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Viles of Kennebec, tabled pending reference in concurrence.

From the House:

"Resolve in favor of Lawrence J. McCormack of Winterport." (H. P. 794)

(In the Senate on February 2nd referred to the Committee on Claims in concurrence.)

In the House, reference reconsidered and under suspension of the rules, leave granted to withdraw.

In the Senate, on motion by Mr. Weatherbee of Penobscot, the Senate voted to recede and concur with the House in the withdrawal of the resolve.

From the House:

Bill "An Act relating to the tributaries of Springy Pond, Hatcase Pond, Mountainy Pond, Burnt Pond, in the counties of Hancock and Penobscot." (H. P. 701, L. D. 366)

(In the Senate on February 7th referred to the Committee on Inland Fisheries and Game in concurrence.)

In the House, reference recon-

sidered and under suspension of rules, leave granted to withdraw.

In the Senate, on motion by Mr. Schnurle of Cumberland, the Senate voted to recede and concur with the House in the withdrawal of the bill.

From the House:

Bill "An Act validating the election of the City Assessor of Eastport." (H. P. 1004, L. D. 274)

(In the Senate on February 9th passed to be engrossed.)

In the House, that body adopted House Amendment "A" and the bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, the rules were suspended and that body voted to reconsider its former action whereby the bill was passed to be engrossed. House Amendment "A" was read and adopted in concurrence.

Thereupon, the bill was passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House:

Bill "An Act relating to manufacture of intoxicating liquor." (S. P. 116, L. D. 163)

(In the Senate on January 31st referred to the Committee on Temperance.)

In the House, referred to the Committee on Judiciary in non-concurrence.

In the Senate, on motion by Mr. Farnsworth of Aroostook, the Senate voted to recede and concur with the action of the House in the reference of the bill to the Committee on Judiciary.

House Bills in First Reading

Resolve in favor of George L. Page of Orland to reimburse him for loss of and damage to property in the construction of a state road in the town of Orland. (H. P. 1226, L. D. 607)

An act appointing a commission on medical education. (H. P. 91, L. D. 60)

Resolve authorizing the Commissioner of Health and Welfare to convey and acquire property. (H. P. 641, L. D. 191)

An act relating to the certificate to be given by the clerk of towns or cities to those declaring intentions of marriage. (H. P. 258, L. D. 131)

An act relating to the practice of vivisection in schools supported wholly or in part by public money. (H. P. 217, L. D. 122)

The following remonstrances were received and on recommendation by the committee on reference of bills were referred to the following committees:

Library

Mr. Weymouth of Penobscot: Remonstrance against the recommendation of the State Budget Committee that no appropriation be made for stipend for free public libraries, signed by Mildred B. McKenzie and 32 others of Lincoln. (S. P. 399)

Sent down for concurrence.

Temperance

Remonstrances of

Belle Y. McCormick and 4 others or Orono (S. P. 400)

Earle F. Sanborn and 40 others of Greenbush (S. P. 401)

N. Mabelle Young and 56 others of Farmington (S. P. 402)

Ethel M. Cross and 135 others of Kingfield (S. P. 403)

Jennie F. Collins and 57 others of East Wilton (S. P. 404)

E. H. Toothaker and 9 others of Phillips (S. P. 405)

Amy W. Smith and 33 others of Jay (S. P. 406)

Charles F. Frederick and 24 others of Rangeley (S. P. 407)

Rev. Charles H. Sims and 15 others of Bath (S. P. 408)

Charlotte M. Doyle and 22 others of Sagadahoc County (S. P. 409)

Mrs. Mertena Stevens and 7 others of Calais (S. P. 410)

Willard B. Boothby and 47 others of Westbrook (S. P. 411)

Helen M. Robbins and 40 others of Hallowell (S. P. 412)

Samuel B. Furbish and 68 others of Dexter (S. P. 413)

Olive M. Getchell and 75 others of Bangor and vicinity (S. P. 414)

Piscataqua Methodist Social Union of York Village (S. P. 415)

against the resubmission of the prohibitory amendment.

Sent down for concurrence.

Order

On motion by Mr. Blaisdell of Hancock, it was

Ordered, the House concurring, that the Committee on Education be requested to return to the Senate the following Senate Papers: (S. P. 416)

S. P. 308, "An Act relating to Gorham Normal School."

S. P. 309, "An Act relating to Farmington Normal School."

S. P. 310, "An Act relating to Presque Isle Normal School."

S. P. 311, "An Act relating to Machias Normal School."

Bills in First Reading

An Act to open Little Sebago Lake in Cumberland County to ice fishing. (S. P. 61, L. D. 661)

Resolve opening Jaquith Pond in Brownville to ice fishing. (S. P. 81, L. D. 660)

An Act relative to the use of pole traps so-called. (S. P. 82, L. D. 662)

Passed to Be Engrossed

An Act relating to the incorporation of the Hebron Water Company. (S. P. 115, L. D. 610)

Resolve regulating fishing in Weld Pond. (H. P. 92, L. D. 432)

An Act to incorporate the Wiscasset, Waterville and Farmington Railway Company. (H. P. 1208, L. D. 552)

Resolve providing for a state pension for Mary L. Haskell of Milford. (H. P. 1209, L. D. 549)

Resolve providing for a state pension for Emma C. Weeks, Sidney. (H. P. 1210, L. D. 550)

Resolve providing for a state pension for Charles A. Frohock of Lincolnville. (H. P. 1211, L. D. 551)

Orders of the Day

The President laid before the Senate, Majority and Minority Reports from the Committee on Judiciary on "Resolve proposing an amendment to the constitution changing the date of the biennial election"; Majority Report "Ought Not to Pass," Minority Report "Ought to Pass" (H. P. 16, L. D. 4), tabled by Mr. Weeks of Somerset on February 9th pending acceptance of either report and today assigned. The Chair recognized the Senator from Somerset, Senator Weeks.

Mr. WEEKS of Somerset: Mr. President and members of the Senate, in support of my motion which I now make—the acceptance of the Majority Report "Ought Not to Pass"—I wish to express to the members of the Senate the ideas of those members of the Judiciary Committee who voted with me in

the Majority Report. The resolve which you are considering this morning is a very simple one. It provides that State elections shall be held in November rather than in September, so that separate elections may be avoided and we may have merely one election once in four years for state and national offices, and in other years merely one state election. The question that you are now about to determine is a very simple one and one which you can all readily and easily understand.

Now it happens that back in 1820 the State of Maine was incorporated, or was established, for the purpose of creating a separate unit of government. The makers of our state constitution at that time determined that our elections for state offices should be held on the first Tuesday of September. They must have had reasons for doing this. They must have discussed and gone over the entire matter and done what they thought was best for the voters in the State of Maine. Being a lawyer I have always been conservative, I have always tried to look at matters with that same degree of conservatism which I think a great many laymen feel is too strong. I believe that the constitution of Maine is almost a sacred document and one which we should feel it is good to follow in its doctrines from start to finish.

Now it is true that we have had various amendments to the constitution. I think in many instances uncalled for, but nevertheless we have had them. But as a conservative lawyer and as an attorney I believe that before we change the constitution of the State of Maine we should find out that whatever we propose to do is urgently demanded and absolutely necessary. Now let us see what the demand is for the change in this particular constitutional amendment.

Before the Judiciary Committee there was not one soul appeared either in favor or against this amendment. There was no discussion by anyone before that committee. In addition, there were no petitions received in either branch of this Legislature, to my knowledge, demanding such a change. There was no agitation in the newspapers, so far as I could see. There were one or two editorials. The Lewiston Journal, I believe, said that it stood for the amendment and afterwards,

I think it was last Friday or Saturday, stated that it believed that the Legislature should go slow in making this change. I have only seen one other editorial and that seems to me to express the view of one particular man and not the demand of the section where that article originated.

Now this matter has been before other Legislatures. I have only traced back to 1875 because at that time we had a constitutional convention and the constitution was put into one definite document, but since that time during various sessions up to 1909 this same amendment was proposed. Since 1909 it has been before every Legislature except four and in each and every instance the amendment has been turned down and not referred to the people. Now I say that while today we may discuss the matter, we should take into consideration the fact that men as good as we are have determined that such a change is not demanded and is not necessary. The only real demand that I have seen at all has been where a member of this Legislature has forwarded to the selectmen of the various towns a questionnaire as to their position upon this particular matter. I am informed that about 500 questionnaires were sent out, that 264 were returned, that 252 favored a change. That demand arose entirely in the mind of one man. Let us see how the selectmen felt about those questionnaires?

I don't know of a town in the State of Maine but where the selectmen are paid upon a yearly salary basis. If we have another election the salary of those selectmen will stay just the same and so upon this one election day they have to put in an extra day upon which they receive no compensation, and therefore in their own minds they have reacted selfishly, in a way, trying to save themselves that one extra day of labor. I put that to you for your consideration.

Now I say that such legislation as this is unnecessary. There has not been any demand. I doubt if any one of you here in the Senate has received from your constituents a real demand that such a change is necessary. I leave that, of course, to your own discretion.

Now let us see what the arguments are for retaining the constitution just exactly as it is. We have now, of course, our election in September for state, and some na-

tional offices. September is one of the most beautiful months in the State of Maine. We are usually blessed with the best of weather. We have usually finished or are about to begin our harvesting. We are in the best condition so far as travel is concerned and we can always attend the polls at that particular time if we so desire.

Now let us see what would happen if we changed to November. I can recall distinctly that just a few years ago on the 10th day of October we had one of the most severe snowstorms in the history of the State of Maine to my knowledge. In my little town of Fairfield I believe there were about six or seven inches of snow. As one went north toward the Canadian border there were fifteen inches of snow in places and cars coming from and going to Quebec were stranded for two or three days upon those roads. I understand that that same storm spread up into Aroostook County. Now I ask you, if our weather conditions are such in October that we are liable to have from ten to fifteen inches of snow, is it fair to ask the voter to come out under conditions like that and go to the polls? I say that it is not fair to the voter, to the citizens of the State of Maine, for you to ask them to take the chance of going out under weather conditions like those.

Furthermore, the month of September is better for campaigning. I do not say that with any personal desire to campaign, but I do know that the citizens of Maine wish to hear and see the men who are running for office. In September it is possible to have outdoor meetings. That cannot be done during the last two weeks in October when conditions of travel may be such that the campaigners cannot reach the various sections of the State into which they wish to go. And so I say that in addition to the inconvenience in voting, if the elections are held in November, that so far as the campaigners themselves are concerned and their information and instruction to the voters you are running up against a proposition which makes it difficult for the voters to get necessary information in order for them to decide how they may wish to vote.

Now another thing which has been taken into consideration and which I believe has been discussed somewhat is the advertising value that our September elections have

to the State of Maine. Personally I believe that the advertising we get from holding our elections in September is worth every cent of the extra cost which they entail. I do not know how many of you have travelled from coast to coast, how many of you have travelled from the Gulf to Canada, but it has been my happy experience to do so. I have talked with men in the Army, with men in high official places in life, high official places in different states, and every one of them refers to the State of Maine as being the one that leads off in our national elections. If we can get before the people of this country the fact that Maine is up here in the northeastern portion of this grand Union, if we can keep calling attention to it, even once in four years—which extends over all the four years in between—the advertising that you have got, the calling of attention to the fact that Maine is before their minds, is justification, absolutely, for the extra cost which those elections entail.

Now in addition you have coming down here into the State of Maine once in four years the best representatives of the Republican and Democratic parties, expressing their views to the electorate of the State. If they did not come down the people of Maine would not have a chance to know what the national leaders think, would not have a chance to see them and to become better acquainted with them. And so I say to you that when those men, who are the best minds that I know of in the country, come down here and see the beautiful state that we have and then go back to their homes all over the country, they are spreading the propaganda that Maine is one of the most beautiful states in the Union. And I say that the advertising value of that is worth every cent which is expended in our State elections.

Another reason why to my mind the constitution should not be changed is that by having two elections you diversify the state and the national issues. The purpose of an election is not exactly to determine whether I or someone else shall go to the Senate or shall go to Washington. The real purpose of an election is to determine what is the sentiment of the voters toward any given question. So I

say that if you keep your State election where it is you can then best determine what the voters think regarding state matters; and if you elect a President separately you can tell how the voters of the State of Maine think upon national issues. And I say that that is a worthy reason why no change should be made.

Now the real basis upon which this change is suggested is the basis of economy. I am given to understand that the September election in the State of Maine costs about \$50,000. I think that is somewhat exaggerated. It has been stated that it is between \$30,000 and \$50,000. Let us call it \$40,000. Where is that money expended? It is expended in the towns and cities, for ballot clerks, for getting your voting booths ready. So that every cent that is received from taxes and paid out for elections is returned back into the towns from which it came.

Now the Republican party in its platform of this last year has said that it would stand for economy, but in this particular matter it seems to me it is false economy. Something has been said about the "slush fund" that we are receiving in the State of Maine. If we receive fifty or seventy-five or a hundred thousand dollars from outside the State of Maine—and I think probably a hundred thousand is very conservative—that money is out-of-the-state money and it comes down here into Maine and is distributed among the citizens of the State of Maine. The speakers who come down here every four years have to spend money for their care and support and I say that that is a financial advantage to the State of Maine. Now I don't know exactly the amount of the fund that is expended here but I do know that the Democratic organization in Somerset County expended \$750 in the last election and if that is carried out proportionately all over the State we are certainly getting a great deal of money from outside the State distributed to the taxpayers of Maine which more than makes up the expense of the election.

Now I have covered in a general way the arguments against this amendment. You are today going to vote as to whether or not you will resubmit to the people of Maine the opportunity to vote upon this amendment. Do not try to throw

upon them the responsibility of saying whether or not we shall adopt this amendment. It is your duty as individual Senators to say whether or not in your opinion you believe that this measure is a good measure and whether you will send it out to the voters of the State of Maine with your recommendation. Now if you believe the arguments which I have advanced against this amendment are sound, if you think that what I have said is right, stand not upon somebody else's opinion, but stand upon your own and vote "Yes" on this motion.

The PRESIDENT: The question before the Senate is upon the motion of the Senator from Somerset, Senator Weeks, that the Majority Report of the committee "Ought Not to Pass" be accepted.

Mr. HOLMES of Androscoggin: Mr. President and members of the Senate, I hope not to take up too much time. I do not believe that in matters of great public interest debated in the Senate votes can be made or changed by arguments in debate. We are not a body of 151 members of whom perhaps a third do not make up their minds finally until they hear a subject debated, but we are a small body of 33 members and it usually happens that in these matters of public moment every member has formed his opinion, finally and irrevocably, before the question is adopted. I haven't talked with members of the Senate and I do not know, outside of a few personal friends with whom I am in daily contact, what the opinions of the individual members of the Senate are, but I feel that it is a matter of duty for me to say something in opposition to the motion of the Senator from Somerset, Senator Weeks, and in favor of this Senate concurring with the House in the adoption of the Minority Report. And confining myself as nearly as I can recall them to the arguments of the learned and distinguished Senator from Somerset (Senator Weeks) I want first to call the attention of the Senate to the question of whether or not there is a public demand for the abolition of the September election in the quadrennium when we vote for President and the change of the September election at other times to November.

The distinguished Senator (Senator Weeks) has referred to a hearing before the Judiciary Committee and calls attention to the fact that

there were no proponents, or but one I believe, and no opponents, except one who said a few words—a member of the House—that in editorials in the newspapers he sees no demand for such a change but rather the contrary. But I recall that there is a popular demand coming from 121,158 voters of the State of Maine for this very necessary and advisable change, because what else did they mean—although they had other questions submitted to them at the same time—when on the second Monday of September last they elected Louis J. Brann Governor of this State by a vote of 121,158 over Burleigh Martin who received a vote of 118,800 and over Mr. Maxfield, a Socialist, who received a vote of 1,135? Were those people unaware of the fact that the demand for a change was not only in the platform of the party which presented Mr. Brann to the electorate but that it had been in that platform year in and year out for so many years that I cannot remember to the contrary? Were they unmindful of the fact that it is true, as the distinguished Senator from Somerset, Senator Weeks, has stated, that in every session of this Legislature from 1909 to the present time with the exception of four sessions this very same resolve has been introduced and has been defeated on the ground that it was democratic doctrine? Were those people unaware of that fact? No, no! They are not so ill-informed. And I say then, with all respect to the remarks of the Senator from Somerset (Senator Weeks), I say to you members of the Senate that I can fairly argue to you that over 120,000 people demand this change.

They did not have to come here before the Judiciary Committee. Every member of that committee is a well-informed man or woman. No formal hearing was necessary. Everybody knew that the resolve would be introduced. Everybody expected that it would go to the Judiciary Committee, being a resolve to amend the constitution. And every member of the Judiciary Committee knew how he was going to vote. And so the committee naturally hurried it along to the House and Senate for action at the earliest possible moment.

Now if I had nothing to say for this measure but the fact that it is democratic doctrine and has been

the platform of the Democratic party for years I would take my seat and keep it, because I do not make an appeal to Democratic members of this Senate to vote for that measure merely because it is part of the Democratic platform. Neither would I expect that the members of this Senate who belong to the Republican party would vote against it merely for the reason that their platform is silent on the question. The question is before us as conscientious members of this Legislature. What is our duty? What do the people probably expect of us?

Now no one can dispute what my learned friend, the Senator from Somerset (Senator Weeks) has said to you that it is Republican doctrine as well as Democratic doctrine and that it is demanded by public opinion as reflected in the press and through public meetings and taxpayers associations and through resolutions of Chambers of Commerce and in every way that public opinion can make itself obvious to this Legislature, that it is public opinion that this Legislature must spend three months striving earnestly to reduce the cost of government in this State and when it adjourns show that it has accomplished something substantial. And first and most strongly in my mind is the fact that 't is a positive economy measure and is now before the Legislature at a time when economy is badly needed.

Perhaps we can save millions in the Highway Department, perhaps we can save a half million in the Educational Department and perhaps we can save \$150 or \$200 in legislative expense by cutting out Maine Registers, fountain pens and a few other odds and ends, but when we get a chance to save for the taxpayers of the State, regardless of whether they pay for the expense of a certain function done by their town or city or pay for the expense of the function as done by the State, when we can save for them at least \$40,000, and probably rising \$50,000, I think that we would be derelict in our duty not to do so. Now do not think that I mean \$40,000 a year. Of course not! I mean, of course, \$40,000 or \$50,000 every four years. But is it not our duty to try if we can to save that amount of money once in four years?

I have not heard, nor have I seen

in the Legislative Record, where the figures were denied that 262 towns including ten cities reported on request of a member of the House that the last September election cost those cities and towns approximately \$15,000 and that it is a fair estimate that the other towns and cities in the State would run high enough so that \$35,000 must have been spent by the towns and cities and that \$9,900 was spent by the State, making approximately \$45,000 which I say is a totally unnecessary expense and can be defended only upon the ground that it benefits the State of Maine and the people of the State of Maine. Therefore the burden is upon the opponents of this resolve and must be assumed by my distinguished friend, the Senator from Somerset (Senator Weeks), to show that this unnecessary expense is good and advisable. And I say "unnecessary" because everything accomplished by the September election, he and everyone else must admit, can be accomplished by holding all our elections for state and national offices in November. They must show, then, that some good is being accomplished by the change. What is the good? Well, they say and the newspapers say that it is worth this money that once in four years the State of Maine may bask in the sunshine of a brief hour of political magnificence and that the people in the other forty-seven states have their eyes on Maine as the barometer to tell them how the nation is going in November, and that it is worth \$45,000 in advertising.

I listened to arguments in opposition to this resolve and heard the extraordinary statement that today the motto of the State of Maine—"Dirigo"—that Maine leads—means that Maine leads in nothing but holding an election once in four years before the rest of the country. Have we sunk so low, must I interpret the remarks of the distinguished Senator from Somerset (Senator Weeks) as corroborative, that we, a once proud citizenry who bore a share in the defense of the Union, whose name suffered the first shock in the war with Spain, have we have sunk so low that we not only no longer lead in anything but a beautiful bit of publicity and have we have sunk so low that our taxpayers want largess, that we need the little money that the treasuries of the Republican and

Democratic parties can send into the State of Maine and that we want to be enlightened by Ogden Mills, Secretary of the Treasury, coming to Portland on Saturday night before the September election to speak over the radio of WCSH and from that experience to get an idea of what a beautiful state this is and go back and tell the other citizens of New York State and in Washington so that Maine gets advertising? Why, what have we been doing all these years since 1923 when I was a member of the House and remember the first bill that went through to carry an appropriation to advertise the resources of the State of Maine and to advertise the beauties of the State of Maine as a recreational center? What have we been doing with all that money all those years? Has it accomplished nothing? Is it true that the real advertising has come from the brief hour of political magnificence when every eye is turned to Maine to find out how Maine is going in the September election as an indicator as how the Nation will go in the September election?

I say that if I were a Socialist or a Communist or an Anarchist and had a seat in the Senate and had never given the subject a thought before that I would not vote to continue this waste of money on the argument that it advertises Maine, that it brings money into Maine for needy taxpayers and that it enlightens us darkened citizens of the State of Maine, when the fact is that through the changes of time the advertising comes over the radio from WCSH in Portland.

The argument has been heard here, and has been heard in the other branch, that the month of November is not a good month for the holding of an election and that September is an ideal month—or June would be better, perhaps, for weather. But "we are liable to have storms!" True. And "it is a hardship on the people to come out in November and it is easier for them to come out in September"—and it seems to me that if we continue with the argument to the "reductio ad absurdum" we will arrive at the point where we do not expect people to pay any attention to that November election anyway—we settle all those matters in September.

Now, these people of Maine are a hardy people because the figures show that, in spite of the fact that

the weather is better in September than it is in November and in spite of the fact that they get all this enlightenment prior to the September election instead of the November election and in spite of the fact that the money reaches the pockets of the taxpayers prior to the second Monday of September rather than prior to the first Tuesday in November, in spite of these facts and the further fact that all of us politicians who want to get elected to the Senate and House and various other offices go out and get automobiles and help to carry the voters to the polls, in spite of all that, these extraordinary people in Maine walked out in November to the tune of 50,000 more than they did in September. How can you account for it?

In the last September election there were approximately—leaving out odd figures—240,000 votes cast, whereas in the November election there were approximately 290,000 votes cast, or 50,000 more. Also in 1928 in September there was a total of 213,000 plus and in November there was a total of 261,000 plus. That is almost 50,000 more at that time. Now if it is good for the Republican party—to revert again to the political aspect—and bad for the Democratic party, to hold the election in September which is a combination state and national election because we used to elect four Congressmen and now elect three and in some elections we elect one United States Senator, if it is good for the Republican party and bad for the Democratic party, it didn't work that way for me because in 1928 I was the candidate of the Democratic party for United States Senator and if I had come up for election in November, instead of September as I did, I would have gotten a worse beating than I did, because there were more came out and voted and the Republican majority was greater in November than it was in September.

Now I have had Democrats, not members of this Legislature, say to me, "Why, the last September election ought to be an eye-opener to you. You had better forget about that Democratic platform. It is a good thing for the Democratic party to have an election in September." Now I think those people are wrong. They are short-sighted, and I think the Republicans are short-sighted. The fact is that the people of this State will vote if they are interested, if their interest is involved, and

it doesn't make a bit of difference, so far as the vote getting out, whether the election is in September or in November.

There are some—I haven't heard the argument here and I don't believe I will—there are some who say that we want the election continued in September as it is, in order to keep our state matters separate from our national matters and hold our state election in September and our national election in November. Of course that would be really ideal if it were a fact, but it isn't. Of course the fact is that our September election is a joint state and national election and the November election is merely the presidential election. And after we cast our vote in September we decide that everything is all finished and we make no effort to change the minds of any of the electorate for the November election; and yet one wonders if there had been no September election this last year would Louis J. Brann be governor of this State today, because although he was elected by a small majority in September and two out of the three Congressmen were elected, in spite of that fact this State went Republican by about 38,000 majority in November.

Now I mention these things, members of the Senate, because I do not believe, as I said in the beginning, that the political aspect should be considered at all, that this measure, although it has good sound arguments behind it and has every time it has been offered in the Legislature, should be considered from the political aspect. Today it should be regarded as an economic measure and so again I remind you of a thought that each one of you has in his mind that when you go back to your people the first of April you are going to be called to account, each and every one of you, as to what actual savings you have made in the cost of running this State.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Weeks, that the Majority Report of the Committee "Ought Not to Pass" be accepted.

Mr. JACKSON of Sagadahoc: Mr. President, I regret exceedingly that I cannot entertain the members of this legislative assembly and our visitors as my two distinguished colleagues have done. I have neither the oratorical nor the histrionic ability to do that. Neither have I

any disposition to take the time at this late hour. I have listened intently to the arguments of the distinguished gentlemen from Somerset and Androscoggin counties. I care not what their political affiliations may be. I do believe, however, that as an economic measure the minority report of the committee is sound. I believe also that there is a very distinct popular demand for this amendment to the constitution. I am convinced that my constituents in Sagadahoc County are ninety per cent for this change. I am not bound to be right but I am bound to live up to the light I have. I will stand with any man who stands right regardless of his political or religious affiliations; stand with him while he is right and part from him when he goes wrong.

I hope for the adoption of the Minority Report in concurrence with the House and, Mr. President, when the vote is taken I ask for the Yeas and Nays.

The PRESIDENT: The Senator from Sagadahoc, Senator Jackson, asks that when the vote is taken on the pending question, which is the motion of the Senator from Somerset, Senator Weeks, that the Majority Report of the Committee "Ought Not to Pass" be accepted, it be taken by the Yeas and Nays. To call for the Yeas and Nays it is necessary that one-fifth of the membership of the Senate so indicate their desire. Those who desire that the vote be taken by Yeas and Nays will rise and stand until they are counted.

A sufficient number having risen the Yeas and Nays are ordered.

The question before the Senate is on the motion of the Senator from Somerset, Senator Weeks, that the Majority Report of the Committee on Judiciary "Ought Not to Pass" be accepted. The report is a seven to three report on a Resolve proposing an amendment to the constitution changing the date of the biennial election. As many as are in favor of the acceptance of the Majority Report "Ought Not to Pass" will answer Yes when their names are called. Those who are opposed to the acceptance of the majority report will answer No when their names are called. The Secretary will call the roll.

The roll was called:

YEA — Senators Abbott, Bissett, Blaisdell, Farnsworth, Fernandez, Gay, Harmon, Hathaway, Holman,

Andrew Jackson, Kitchen, Littlefield, McLoon, Pillsbury, Robie, Schnurle, Story, Towle, Viles, Weatherbee, Weeks, Weymouth—22.

NAY—Senators Bartlett, Cooper, Holmes, N. Gratz Jackson, McDonald, Page, Seavey, Winn—8.

ABSENT—Senator Angell.

Twenty-two having voted in the affirmative and eight in the negative the motion prevailed and the Majority Report of the Committee "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

The PRESIDENT: We are proceeding under Orders of the Day and have reached the unassigned list.

On motion by Mr. Robie of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby, An Act in relation to the investigation and prevention of fires and dangerous conditions in or near buildings and other structures (H. P. 1144, L. D. 597) was referred to the Committee on Mercantile Affairs and Insurance in concurrence; and on further motion by the same Senator the bill was laid upon the table pending reference.

On motion by Mr. Bisset of Cumberland, the Senate voted to take from the table, An Act increasing the jurisdiction of constables in cities of over forty thousand population (H. P. 1106, L. D. 586), tabled by that Senator on February 14th pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Littlefield of York, the Senate voted to reconsider its action taken earlier in today's session whereby, An Act concerning the improvement, protection or preservation of shade or ornamental trees (H. P. 1156, L. D. 603) was referred to the Committee on State Lands and Forest Preservation in concurrence; and on further motion by the same Senator the bill was laid upon the table pending reference.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to the Bounty on Bears (H. P. 762, L. D. 376), tabled by that Senator on

February 10th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Agriculture in non-concurrence.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, Resolve to appropriate money for the purpose of preventing damage to domestic animals by bears (S. P. 261, L. D. 382), tabled by that Senator on February 10th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Agriculture in non-concurrence.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act to grant a new charter to the City of Bangor (H. P. 860, L. D. 302), tabled by that Senator on February 10th pending reference.

Mr. LITTLEFIELD of York: Mr. President, I yield to the Senator from Cumberland, Senator Jackson.

Mr. JACKSON of Cumberland: Mr. President, I move that this bill be referred to the Committee on Legal Affairs in non-concurrence.

Thereupon, on motion by Mr. Weatherbee of Penobscot, the bill was laid upon the table pending motion to refer to the Committee on Legal Affairs in non-concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, An Act relative to closed season on bear (H. P. 691, L. D. 375), tabled by that

Senator on February 14th pending motion to refer to the Committee on Agriculture in non-concurrence.

Mr. WEATHERBEE of Penobscot: Mr. President, I yield to the Senator from York, Senator Littlefield.

Thereupon, on motion by Mr. Littlefield of York, the bill was referred to the Committee on Agriculture in non-concurrence.

Sent down for concurrence.

On motion by Mr. Page of Somerset, the Senate voted to take from the table, An Act relating to a bounty on crows (H. P. 1022, L. D. 470), tabled by that Senator on February 10th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Agriculture in concurrence.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, Resolve proposing an amendment to the Constitution to provide for a bond issue, the proceeds to be disbursed for the relief of destitution (H. P. 1117, L. D. 626), tabled by that Senator earlier in today's session pending reference; and on further motion by the same Senator the resolve was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Is there anything further that can be taken from the table this morning?

On motion by Mr. Fernandez of Penobscot

Adjourned, until tomorrow morning at ten o'clock.