

# 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 656—Bill an act relating to weights and measures, Senate Paper 568, Legislative Document 849—should be L. D. 859.

Page 656—Senate Paper 571 should be 578.

Page 661—An act closing Middle Range Pond to ice fishing, H. P. 693, L. D. 562—Should be H. P. 693, L. D. 362.

Page 662—New draft 1632, L. D. 948 should be L. D. 984.

Page 664—An act relating to school unions, H. P. 1624, L. D. 970—Should be H. P. 1634, L. D. 970.

Page 669—An act relating to publicity (H. P. 1639, L. D. 975)—Should be (H. P. 1639, L. D. 973)

Page 669—"An act extending the charter of the Fryeburg Village Fire Corporation" (H. P. 80, L. D. 380)—Should be (H. P. 870, L. D. 380)

Page 670—Reading misspelled.

Page 670—Resolve in favor of Frederick A. Burbish of Mt. Vernon (H. P. 747)—Should be Frederick A. Furbish.

Page 673—An act to revise the Charter of the City of South Portland (H. P. 597, L. D. 923)—Should be (H. P. 1597, L. D. 923)

Page 676—The President laid before the Senate, (S. P. 212, L. D. 278)—Should be (S. P. 212, L. D. 279)

Page 679—Resolve providing for a state pension for Mary A. Leighton of Gardiner, (H. P. 74, L. D. 670)—Should be (H. P. 74, L. D. 671)

Page 679—Resolve providing for an increase in State pension for Lester Paggan of Hermon, (H. P. 56) (L. D. 706)—Should be Lester Patten.

Page 680—An act to assure a Balanced Budget, (S. P. 827) (L. D. 998)—Should be (S. P. 627) (L. D. 998)

Page 684—Resolve in favor of a pension for Richard T. Kensall of Alna—Should be Richard T. Kensell.

Page 696—An Act relating to tax foreclosures (S. P. 636)—Should be (S. P. 317)

Page 696—Moe should be move.

Page 714—An act relating to Reports to Towns of Excise Tax Payments (H. P. No. 117) (L. D. No. 561)—Should be (H. P. No. 1170)

Page 716—"said sum to be used as an offset against any accounts due the State of Maine from the city of Maine."—Should be city of Eastport.

Page 727—Thereupon H. P. 1334, L. D. 970—should be H. P. 1634, L. D. 970.

Page 731—Resolve in favor of Lillian R. Cushman" (H. P. 900—Should be (H. P. 800)

Page 733—reported the same in a second new draft (S. P. 837)—Should be (S. P. 637)

Page 733—An Act concerning the improvement, protection or preservation of shade, forest or ornamental trees. (H. P. 164, L. D. 975)—Should be (H. P. 1641, L. D. 975)

Page 755—An Act relating to Disclosures of the Affairs of Corporations and the place within Counties in which Disclosures are to be made" (H. P. No. 110) (L. D. No. 584)—Should be (H. P. No. 1103) (L. D. No. 584)

Page 769—An act relative to closed time on deer, H. P. 1645, L. D. 921—Should be H. P. 1645, L. D. 991.

Page 796—(S. P. 34) (L. D. 696) An act relating to dealer's registration, fees for plates, etc.—Should be (S. P. 347) (L. D. 696)

Page 796—(H. P. No. 1694) (L. D. No. 1008) An act appointing a Commission on Taxation—Should be (H. P. No. 1694) (L. D. No. 1007)

Page 796—(H. P. No. 1694) (L. D. No. 1006) An act relating to pauper settlement.—Should be (H. P. No. 1694) (L. D. No. 1008)

Page 796—(S. P. No. 163) (L. D. No. 989) Resolve to repeal a resolve providing for a State pension for Carrie E. Fitch.—Should be (S. P. No. 165) (L. D. No. 989)

Page 807—An act relating to taxation of motor vehicles (H. P. 865, L. D. 299)—Should be (H. P. 665) (L. D. 299)

Page 812—S. P. 636, L. D. 1015: Resolve providing for a State pension for Elida F. Whitcomb of Montville.—Should be S. P. 633, L. D. 1015.

Page 839—An Act to repeal the act incorporating number XIV Plantation in Washington County (H. P. 623, L. D. 164)—Should be (H. P. 623, L. D. 184)

Page 840—"An act relating to the sale of real estate for taxes" (H. P. 112, L. D. 631)—Should be (H. P. 1122, L. D. 631)

Page 842—An act to Facilitate Recounting of Ballots (H. P. 1644) (L. D. 99)—Should be (H. P. 1644) (L. D. 992)

Page 846—Delete second paragraph.

**SENATE**

Thursday, March 23, 1933.

Senate called to order by the President.

Prayer by the Rev. Cymbrid Hughes of Augusta.

Journal of yesterday read and accepted.

At this point Mr. Abbott of York was escorted to the Chair, the President retiring, amidst the applause of the Senate, the members rising.

Papers from House disposed of in concurrence.

**House Bills in First Reading**

Resolve in favor of Kineowatha Camps, Inc., of Wilton to reimburse it for removal of floating bog on Wilson Lake (H. P. 1619, L. D. 961)

An act relating to School Unions (H. P. 1634, L. D. 970)

An act relating to support of state paupers (H. P. 1631, L. D. 955)

Resolve in favor of the road leading from Greenville to Rockwood (H. P. 1642, L. D. 978)

From the House:

The Committee on Claims on "Resolve in favor of Lillian R. Cushman" (H. P. 900) reported the same in a new draft (H. P. 1553) under the same title and that it ought to pass.

In the House report accepted, House Amendment "A" rejected and passed to be engrossed.

In the Senate, the report was accepted in concurrence and the resolve laid upon the table for printing under the joint rules.

From the House:

The same Committee on "Resolve in favor of City of Eastport" (H. P. 829), reported the same in a new draft (H. P. 1633, L. D. 977) under the same title and that it ought to pass.

In the House report accepted, and passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence, and the resolve given its first reading; House Amendment "A" was read and adopted in concurrence, and the resolve was tomorrow assigned for second reading.

From the House:

The Committee on Inland Fisheries and Game on Bill "An act relative to fishing licenses for residents and non-residents fees therefor; revocation thereof." (H. P. 725, L. D. 306).

In the House report accepted and passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence and the bill was tomorrow assigned for second reading.

From the House:

The Committee on Judiciary on Bill "An act relating to parking of vehicles on highways" (H. P. 1045, L. D. 446) reported that the same ought not to pass.

In the House, the bill substituted for the report and passed to be engrossed as amended by House Amendment "A".

In the Senate, the report of the committee was accepted in non-concurrence.

Thereupon, on motion by Mr. Weeks of Somerset, the Senate voted to reconsider its vote just taken whereby the report was accepted; and on further motion by the same Senator the report was tabled pending acceptance and this afternoon assigned.

From the House:

The Committee on State Sanatoriums on Bill "An act relating to the cost of treatment of patients at state Sanatoriums" (H. P. 1159, L. D. 606) reported the same in a new draft (H. P. 1589, L. D. 912) under the title "An act relating to payment of treatment of patients at state sanatoriums and that it ought to pass.

In the House the report accepted and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence and the bill was tomorrow assigned for second reading.

From the House:

The Majority of the Committee on Legal Affairs on Bill "An act providing for a new charter for the City of Portland" (H. P. 859, L.

D. 402), reported that the same ought not to pass.

(Signed) Blaisdell of Hancock, Page of Somerset, Farnsworth of Aroostook, Chase of Sebec, Martin of Bangor, Sargent of Brewer.

The Minority of the same Committee on the same subject reported the same in a new draft (H. P. 1617, L. D. 969) and that it ought to pass.

(Signed) Quine of Bangor, Plummer of Portland, Chase of Baring, Tompkins of Bridgewater.

In the House the Majority Report "ought not to pass" accepted.

In the Senate, on motion by Mr. Bissett of Cumberland, the bill and reports were laid upon the table pending acceptance of either report and this afternoon assigned.

From the House:

The Majority of the Committee on Judiciary on Bill "An act relating to the enforcement of liens for taxes on real estate" (H. P. 1108, L. D. 617) reported that the same ought not to pass.

(Signed) Weeks of Somerset, Holman of Franklin, Holmes of Androscoggin, Farris of Augusta, Goudy of South Portland, Laughlin of Portland, Fernald of Winterport, Eldridge of Eastport, Hill of South Portland.

The Minority of the same Committee on the same subject reported that the same ought to pass.

(Signed) Tompkins of Houlton. In the House the Minority Report "ought to pass" accepted and passed to be engrossed.

In the Senate, on motion by Mr. Weeks of Somerset, the Majority Report of the committee "Ought not to pass" was accepted in non-concurrence.

Sent down for concurrence.

From the House:

The Majority of the Committee on Judiciary on Bill "An Act to repeal the act incorporation No. XIV Plantation in Washington County" (H. P. 623, L. D. 184) reported that the same ought to pass.

(Signed) Weeks of Somerset, Holman of Franklin, Farris of Augusta, Laughlin of Portland, Tompkins of Houlton, Goudy of South Portland, Eldridge of Eastport.

The Minority of the same Committee on the same subject reported that the same ought to pass in a new draft (H. P. 1614) (L. D. 968) under the same title.

(Signed) Holmes of Androscoggin,

Fernald of Winterport, Hill of South Portland.

In the House the Minority report "ought to pass in new draft" accepted and passed to be engrossed.

In the Senate, on motion by Mr. Holmes of Androscoggin, the reports were tabled pending acceptance of either report and especially assigned for four o'clock this afternoon.

From the House:

The Majority of the Committee on Judiciary on Bill "An Act relating to the printing of public laws in newspapers" (H. P. 69, L. D. 43) reported that the same ought not to pass.

(Signed) Weeks of Somerset, Holman of Franklin, Holmes of Androscoggin, Farris of Augusta, Tompkins of Houlton, Goudy of South Portland, Laughlin of Portland, Eldridge of Eastport, Hill of South Portland.

The Minority of the same Committee on the same subject reported that the same ought to pass.

(Signed) Fernald of Winterport. In the House, the bill substituted for the report and passed to be engrossed as amended by House Amendment "A."

In the Senate:

Mr. WEEKS of Somerset: Mr. President, I move the acceptance of the Majority Report "Ought not to Pass" in non-concurrence.

Mr. LITTLEFIELD of York: Mr. President, do I understand that the acceptance of that report means that the laws will not be printed.

Mr. WEEKS: Mr. President, I will answer the question of the Senator from York, Senator Littlefield, by saying that if the Majority Report is accepted it means that the laws will be printed.

The motion prevailed and the Majority Report "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

From the House:

The Committee on Ways and Bridges on Bill "An Act relating to tolls of Maine Kennebec Bridge" (H. P. 667, L. D. 199) reported the same ought not to pass.

In the House the Bill substituted for the report and passed to be engrossed.

In the Senate, on motion by Mr. Kitchen of Aroostook, the report of the committee "ought not to pass"

was accepted in non-concurrence.  
Sent down for concurrence.

From the House, the following order:

Ordered, the Senate concurring, that notwithstanding the terms of the closing order adopted on the day of the convening of this Legislature, the separate bodies receive for consideration such measures as, in the opinion of a majority of the body in which any such measure is offered, are designed or are necessary to meet the conditions arising from the action of the Congress of the United States in making legal the manufacture and sale of malt beverages. (H. P. 1696)

In the House failed of passage.  
In the Senate:

Mr. WEATHERBEE of Penobscot: Mr. President, in the House the Chair ruled that it required a two-thirds vote to change the existing order. The proponents of this order lacked a few votes of having the necessary two-thirds and I therefore move the indefinite postponement of the order.

The motion prevailed and the order was indefinitely postponed.

### Reports of Committees

The Committee on State School for Boys, State School for Girls and Reformatories on "Resolve in favor of the State School for girls" (S. P. 29) reported that the same be referred to the next Legislature.

Which report was read and accepted.

Sent down for concurrence.

The Committee on Inland Fisheries and Game to which was re-committed "An Act relating to Back Bay Sanctuary" (S. P. 312, L. D. 700) reported the same in a second new draft (S. P. 837) under a new title "An Act relating to the Back Bay Sanctuary in the City of Portland" and that it ought to pass.

The Committee on Pownal State School on "Resolve in favor of the Pownal State School for additions and improvements" (S. P. 113) reported the same in a new draft (S. P. 638) and that it ought to pass.

The Committee on Pownal State School on "Resolve in favor of the Pownal State School for additions and improvements" (S. P. 114) reported the same in a new draft

(S. P. 639) and that it ought to pass.

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) reported the same in a new draft (S. P. 640) under the same title and that it ought to pass.

Which reports were read and accepted and the bills and resolves laid on the table for printing under joint rules.

The final report of the Committee on Agriculture was presented.

The final report of the Committee on Library was presented.

The final report of the Committee on Pensions was presented.

The final report of the Committee on Public Health was presented.

The final reports of the Committee on Sea and Shore Fisheries was presented.

The final report of the Committee on State Sanatoriums was presented.

Which reports were severally read and accepted.

Sent down for concurrence.

### Passed to be Engrossed

Resolve providing for a state pension for Fred E. Hilton of Pittston. (H. P. 387, L. D. 976)

An Act relating to publicity. (H. P. 1639, L. D. 973)

An Act relating to the buying, selling and transportation of clams. (H. P. 1640, L. D. 974)

(At this point the President resumed the Chair, Mr. Abbott retiring amidst the applause of the Senate, the members rising).

An Act concerning the improvement, protection or preservation of shade, forest or ornamental trees. (H. P. 164, L. D. 975)

### (Emergency Measure)

Bill "An Act relating to state aid to academies." (H. P. 1521, L. D. 833)

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate was passed to be enacted in concurrence.

### (Emergency Measure)

Bill "An Act to incorporate the town of Lincoln School District." (S. P. 230, L. D. 796)

Which bill being an emergency measure and having received the

affirmative vote of 26 members of the Senate was passed to be enacted in concurrence.

#### Orders of the Day

The PRESIDENT: As the first item under Orders of the Day before we take up the specially assigned matters the Chair will advise the Senate that there is in the possession of the Senate the bill which the Senator from York, Senator Littlefield, requested to be held, An Act relating to elections in the City of Biddeford, House Paper 1638, Legislative Document 972.

Thereupon, on motion by Mr. Littlefield of York, the Senate voted to reconsider its action of yesterday whereby this bill was passed to be engrossed in concurrence; and on further motion by the same Senator the bill was laid upon the table pending passage to be engrossed and this afternoon assigned.

On motion by Mr. Weeks of Somerset, the Senate voted to reconsider its action of yesterday whereby, An Act repealing the law relating to auxiliary state forests (H. P. 228, L. D. 128) was passed to be enacted; and on further motion by the same Senator the bill was laid upon the table pending enactment and this afternoon assigned.

The President laid before the Senate, House Report from the Committee on Education "Ought to Pass" on "An Act exempting cities with more than seventy-five teachers from school unions," (H. P. 592, L. D. 238), tabled by Mrs. Gay of Lincoln on March 21st pending acceptance of the report in concurrence, and this morning assigned; and the Chair recognized that Senator.

Thereupon, on motion by that Senator, the report of the committee "Ought to Pass" was accepted in concurrence and the bill was given its first reading.

On further motion by the same Senator the rules were suspended, the bill was given its second reading and passed to be engrossed in concurrence.

The President laid before the Senate, House Report from the Committee on Education "Ought to Pass" on "An Act relating to supervisory unions of schools." (H. P.

593, L. D. 239), tabled by Mrs. Gay of Lincoln on March 21st pending acceptance of the report in concurrence and this morning assigned; and the Chair recognized that Senator.

Thereupon, on motion by that Senator, the report of the committee "Ought to Pass" was accepted in concurrence and the bill was given its first reading.

On further motion by the same Senator the rules were suspended, the bill was given its second reading and passed to be engrossed in concurrence.

The President laid before the Senate, New Draft—An Act relative to application for parole by convicts in State Prison (H. P. 1579, L. D. 881), tabled by Mr. McLoon of Knox on March 22nd pending indefinite postponement in concurrence and this morning assigned; and the Chair recognized that Senator.

Thereupon, on motion by Mr. McLoon of Knox, the bill was indefinitely postponed in concurrence.

The President laid before the Senate, Senate Report from the Committee on Public Utilities and Ways and Bridges, Majority Report, "Ought to Pass in a New Draft"; Minority Report "Ought Not to Pass in New Draft"; on "An Act providing for the regulation of the of the highways by motor vehicles transporting property for hire in the State of Maine, and for the supervision and control of such motor vehicles (S. P. 168, L. D. 160), tabled by Mr. Weatherbee of Penobscot on March 22nd pending acceptance of either report and this morning assigned; and the Chair recognized that Senator.

Mr. WEATHERBEE of Penobscot: Mr. President, I move the acceptance of the Majority Report "Ought to Pass in a New Draft".

Mr. KITCHEN of Aroostook: Mr. President, inasmuch as the Senator from Penobscot, Senator Weatherbee, has decided not to make any debate on this subject at the present time and inasmuch as I feel that undoubtedly he would be able to consume considerable amount of time and I have notes before me and know I could take a great deal of time and inasmuch as he has decided not to release his ammunition on this bill at this time I will withhold mine. I will simply say that I hope the report will not be



accepted and I ask for a division when the vote is taken.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Weatherbee, that the Majority Report "Ought to Pass in a New Draft" be accepted and a division has been called for.

A division of the Senate was had.

Fifteen having voted in the affirmative and twelve in the negative, the Majority report of the committee was accepted and the bill was given its first reading.

Thereupon, on further motion by the same Senator the rules were suspended and the bill was given its second reading.

On motion by Mr. Kitchen of Aroostook the bill was then laid upon the table pending passage to be engrossed and this afternoon assigned.

The President laid before the Senate, An Act to assure a balanced budget (S. P. 627, L. D. 998), tabled by Mr. Weeks of Somerset on March 22nd pending consideration; and the Chair recognizes that Senator.

Mr. WEEKS of Somerset: Mr. President, I yield to the Senator from Cumberland, Senator Robie.

Mr. ROBIE of Cumberland: Mr. President and members of the Senate, I read in the periodicals somewhere two weeks ago that the country was in the wilderness listening for a voice. I think we are in about that same situation with reference to our appropriation from the state. If you will refer to the budget report on page 10 where it says "Indirect Income" you will see that the income for 1931-32 is approximately \$4,500,000. Now, the estimate for the two coming years was approximately \$3,100,000 which shows a shrinkage of \$1,400,000. That shrinkage is made up, three-quarters of it, in five items: Taxes on Corporations, Railroad Companies, Savings Banks, Telephone Companies and Trust and Banking Companies. We don't know and no one else knows what the income will be from these particular accounts.

This bill as presented, Legislative Document 998, is designed and intended to give the budget officer, with the approval and consent of the Governor and Council, an opportunity to reallocate any appropriations which we may make in conformity with whatever income

there is available and in my opinion the bill is absolutely necessary for the reasons stated. After we have gone home and have appropriated all these amounts I can picture the financial situation as in somewhat of a chaotic condition due to the uncertainty of receipts. I don't know what the pending question is on the bill, Mr. President—

The PRESIDENT: The Chair will state that the bill was introduced by the Senator from Somerset (Senator Weeks) on March 22nd. Under the rules the normal course would be reference to a committee. If any action is to be taken in the body without reference to a committee it will be necessary to make a motion that the rules be suspended.

Thereupon, on motion by Mr. Robie of Cumberland, the rules were suspended that the bill might be considered without reference to a committee.

Thereupon, on further motion by the same Senator the rules were again suspended and the bill was given its first reading.

On further motion by the same Senator the rules were again suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate, New Draft—Resolve providing for a State Pension for Joseph B. Pelletier of Winterville Plantation (H. P. 1490, L. D. 791), tabled by Mr. Kitchen of Aroostook on March 22nd pending second reading; and the Chair recognizes that Senator.

Mr. KITCHEN of Aroostook: Mr. President, I am frank to admit that I hardly know what is right in connection with this pension. It seems to me that it is the only one that has been asked of this Legislature coming from Aroostook County. I knew nothing of this pension until it was brought to our attention here, having been tabled. I talked with the Representative who introduced it. He knows nothing of the case. It is outside of his district. I talked with another member who appeared before the committee for the pension but he knows nothing of the case. Since then I have had a communication from that section stating that in their opinion this pension would be unjustified and for that reason I

am going to move the indefinite postponement of the bill.

Mr. HARMON of Hancock: I will say, Mr. President, that we have talked this over somewhat and I think the judgment of the committee was swayed somewhat by the fact that this was the only request for a pension coming from Aroostook County and their opinion was also based on letters received. I rise to second the motion of the Senator from Aroostook, Senator Kitchen, for the indefinite postponement of this matter in non-concurrence.

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Legal Affairs, Report "A"—"Ought Not to Pass" Report "B"—"Ought to Pass" on An Act to Provide for the Appointment of a Board of Commissioners of Police for the City of Augusta, (H. P. 862) (L. D. 304), tabled by Mr. Viles of Kennebec, on March 22nd pending acceptance of either report, and today assigned; and the Chair recognizes that Senator.

Mr. VILES of Kennebec: Mr. President, this matter was introduced early in the legislature and was thoroughly considered by the Committee on Legal Affairs. It came out with a divided report, five for the measure and five opposed. In my opinion, the report of those in opposition was entirely right, for the bill in the form in which it was then presented. The bill contained inconsistencies in the naming of officials, which has been corrected by amendment in the House. The bill, in the form in which it was presented to the committee, to my mind, defeated the real purpose of the proponents, in that instead of removing the police force from politics, it legislated three officials into office, with the express provision that they should and could take active part in politics, leaving our police force, according to the original bill, with restrictions on subordinates but with the three commissioners practically licensed to take active part in politics. That, of course, was not right. If it should apply to any members of the police force, it should apply to superiors as well as subordinates. That matter has been corrected by amendment in the House.

There remains one other unfair proposition in regard to this bill. Under the heading of "Present Officers Continued" that paragraph, if closely studied, reveals the fact that the present force is immediately legislated out of office on approval of this act and when it is put into operation. Now, we have a small police force in this city. It has some enemies, I judge, and also some friends. These men have been engaged for a term of two years, and none would care or desire to legislate these men out of office in an unfair manner.

The amendment which I propose to introduce will continue their term substantially to the end of their contract with the city, and will, in my judgment, be fair.

It is probably better to amend the bill, if we can, and send it along to the people of Augusta, as amended; but it would be entirely wrong to submit the bill in its original form, and that has been my position from the first, and is now.

In order to present my amendment, I presume, Mr. President, that I must move the acceptance of the report, "Ought to Pass."

The PRESIDENT: The Chair understands that the bill must also be given its first reading.

Thereupon, on motion by Mr. Viles of Kennebec, Report "B" of the Committee, "Ought to Pass" was accepted, in concurrence, and the bill was given its first reading.

Mr. VILES: Mr. President, I now offer Senate Amendment "A" and move its adoption.

"Senate Amendment "A" to L. D. 304. Section 18. Amend said section by adding thereto the following: 'and if so adopted, the terms of the officers hereunder provided for other than said commissioners, shall begin on the first Monday of December, 1934' so that said section as amended shall read as follows: 'Section 18. Effective date. This act shall not take effect until it has been adopted by the legal voters of the city of Augusta, at the next general election therein, or at a special state election; and if so adopted, the terms of the officers hereunder provided for, other than said commissioners, shall begin on the first Monday of December, 1934.'"

Senate Amendment "A" was adopted.

Thereupon, on further motion by the same Senator, House Amend-

ment "A" was adopted in concurrence, and under suspension of the rules the bill was given its second reading, and passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, New Draft—An Act to Extend the Charter of Kennebec Reservoir Company, (S. P. 611) (L. D. 985), tabled by Mr. Viles of Kennebec on March 22nd pending second reading, and today assigned; and the Chair recognized that Senator.

Mr. VILES of Kennebec: Mr. President, I yield to the Senator from Aroostook, Senator Farnsworth.

Thereupon, Mr. Farnsworth of Aroostook offered the following amendment and moved its adoption:

"Senate Amendment 'A' to An Act to Extend the Charter of Kennebec Reservoir Company, L. D. 985. Amend said bill by inserting in the first line of Section two, before the word 'section,' the words 'the first paragraph of,'"

Thereupon, Senate Amendment "A" was adopted and the bill as so amended, was given its first reading.

Thereupon, on motion by the same Senator, the rules were suspended and the bill was given its second reading, and passed to be engrossed as amended by Senate Amendment "A."

Sent down for concurrence.

The President laid before the Senate, New Draft—An Act Relating to Certain Non-resident Operators and Exempting from Registration Certain Vehicles Owned by Non-Residents, (H. P. 1635) (L. D. 971), tabled by Mr. Littlefield of York on March 22nd pending second reading, and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the bill was retabled pending second reading, and especially assigned for this afternoon.

The President laid before the Senate, New Draft—An Act Relating to Transportation of Intoxicating Liquor, (S. P. 614), tabled by Mr. Weatherbee of Penobscot on March 22nd, pending passage to be

engrossed, and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the bill was retabled pending passage to be engrossed, and especially assigned for this afternoon.

The President laid before the Senate, An Act to Permit the Manufacture and Sale of Non-intoxicating Malt Beverages; to Derive Revenue Therefrom; and to Create a Legal Definition of the term "Saloon," (H. P. 38) (L. D. 22), tabled by Mr. Weatherbee of Penobscot on March 22nd pending consideration, and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the bill was retabled pending consideration, and especially assigned for this afternoon.

The PRESIDENT: Is there any further business to come before the Senate at this morning's session?

On motion by Mr. Jackson of Cumberland,

Recessed until four o'clock this afternoon.

#### AFTER RECESS

The Senate was called to order by the President.

On motion by Mr. Littlefield of York, out of order it was

ORDERED, the House concurring that the Senate and House adjourn Friday, March 24th directly after the morning session; that they adjourn to meet Monday, March 27th at four o'clock in the afternoon.

Sent down for concurrence.

Subsequently, the order came back from the House read and passed in concurrence.

Mr. HATHAWAY of Piscataquis: Mr. President, I would like to introduce out of order an emergency health measure. It is an act safeguarding the people from rabies, or hydrophobia, and I wish to say in explanation of this bill that in Waterville a few days ago there was a dog developed hydrophobia, or rabies. He bit a child and an adult, and countless dogs, and of course it is not known what dogs were bit. The State Board of Health are doing all they can but they find themselves handicapped for lack

of necessary legislation on this matter.

It has been something very unusual and as I understand it the schools are closed there. They have been to the Attorney General and he suggests this emergency measure and he, as well as Dr. Coombs and Mr. Leadbetter consider that this is very much an emergency matter.

I therefore make the motion that this bill be received and without any reference to a committee have its two several readings and be sent by messenger to the House.

The PRESIDENT: Is there any from Piscataquis, Senator Hathaway, moves that the rules be suspended that he may introduce a bill out of order. The bill being barred by the closing order adopted on the first day of the session, he asks unanimous consent for its introduction. Is it the pleasure of the Senate that it be received?

The rules were thereupon suspended and unanimous consent was granted Mr. Hathaway of Piscataquis to introduce An act relating to safeguarding the people from danger from rabies or hydrophobia (S. P. 645)

Mr. HOLMES of Androscoggin: Mr. President, the Secretary will read the bill in full of course?

The PRESIDENT: The Secretary will read the bill.

Thereupon the bill was given its first reading without reference to a committee.

Mr. HATHAWAY: Mr. President, I neglected to say that since this dog went mad, or had hydrophobia, we have had two or three other cases reported in the last twenty-four hours.

Thereupon the rules were again suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Page of Somerset the rules were suspended and that Senator was granted unanimous consent to introduce, out of order, an act to authorize the state, the several counties and several governmental units within the state to participate in and to enter into agreements for reorganization, management or continuation of banks or trust companies organized under the laws of this State or of the United States (S. P. 646)

Thereupon on further motion by the same Senator the rules were again suspended and the bill was given its first reading without reference to a committee.

The rules were again suspended and the bill was given its second reading and was passed to be engrossed.

Sent down for concurrence.

Additional papers from the House, out of order, disposed of in concurrence.

### House Bills in First Reading

#### (Out of Order)

An Act to facilitate recounting of ballots (H. P. 1644, L. D. 992)

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 (H. P. 1646, L. D. 993)

Which bills were, under suspension of the rules, given their second reading and passed to be engrossed.

From the House, out of order:

The Majority of the Committee on Claims on "Resolve in favor of the town of Turner" (H. P. 84), reported that the same ought to pass in a new draft (H. P. 1600, L. D. 994) under the same title.

(Signed) Rounds of Portland, Lindsey of East Machias, Bartlett of Eliot, Haggett of Wiscasset, White of Crystal, Dow of Livermore, Devereux of Penobscot.

The Minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Weatherbee, Kitchen.

In the House the Majority Report "ought to pass in a new draft" accepted and passed to be engrossed.

In the Senate, on motion by Mr. Weatherbee of Penobscot, the Minority Report of the committee "Ought not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

From the House, out of order:

The majority of the Committee on Legal Affairs on Bill "An Act legalizing amateur sports and games under certain conditions on Sunday" (H. P. 633, L. D. 186) reported that the same ought to pass in a new draft (H. P. 1611, L. D. 940)

(Signed) Blaisdell of Hancock,

Farnsworth of Aroostook, Page of Somerset, Chase of Baring, Martin of Bangor, Sargent of Brewer, Plummer of Portland, Quine of Bangor.

The minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Chase of Sebec, Tompkins of Bridgewater.

In the House the majority report accepted, and passed to be engrossed.

In the Senate, on motion by Mr. Blaisdell of Hancock, the Majority Report of the committee "Ought to Pass in a New Draft" was accepted in concurrence and the bill was given its first reading.

Thereupon, on further motion by the same Senator the rules were suspended the bill was given its second reading and passed to be engrossed in concurrence.

From the House, out of order:

The Majority from the Committee on Inland Fisheries and Game on Bill "An Act relating to the repeal of bounty on bear" (H. P. 729, L. D. 336) reported that the same ought to pass.

(Signed) Angell of York, Schnurle of Cumberland, Harmon of Hancock, Sterling of Caratunk, Burgess of Rumford, Hescok of Monson, Smith of Masardis, Fogg of Rockland, Bussey of Dixmont.

The Minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Crowell of Weston.

In the House the minority report "ought not to pass" accepted.

In the Senate, on motion by Mr. Angell of York, the Majority Report "Ought to Pass" was accepted in non-concurrence and the bill was given its first reading; the rules were suspended the bill given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

From the House, out of order:

The majority from the Committee on Legal Affairs on "An Act relating to the School Board of the City of Lewiston" (H. P. 637, L. D. 189) reported that the same ought to pass in a new draft.

The Minority of the same Committee on the same subject reported that the same ought not to pass.

(In the Senate on March 22d the

minority reported "ought not to pass" was accepted in non-concurrence.)

In the House that body having insisted on its former action whereby the Majority Report "ought to pass in a new draft" was accepted and asking for a Committee of Conference, the Speaker having appointed as House members of such a Committee:

Messrs. Audet of Lewiston, Hamel of Lewiston, Flanders of Auburn.

In the Senate, on motion by Mr. Holmes of Androscoggin, the Senate voted to join in a committee of conference and the Chair appointed as such members on the part of the Senate:

Senators Blaisdell of Hancock, Holmes of Androscoggin, McDonald of Washington.

From the House, out of order:

The Majority of the Committee on State Lands and Forest Preservation on Bill "An Act to authorize the town of Cooper to withdraw from the Maine Forestry District" (H. P. 659, L. D. 921) reported that the same ought not to pass.

The Minority of the same Committee on the same subject reported that the same ought to pass.

(In the Senate on March 22 the Majority Report "Ought not to pass" was accepted in non-concurrence.)

In the House that body having insisted on its former action whereby the Minority Report "ought to pass" was accepted and asking for a Committee of Conference, the Speaker having appointed as House Members of such a Committee:

Messrs. Clark of Cooper, Lord of Lebanon, Ashby of Fort Fairfield.

In the Senate, on motion by Mr. Page of Somerset, the Senate voted to adhere to its former action of March 22nd whereby the Majority Report "Ought not to pass" was accepted.

From the House, out of order:

The Committee on Inland Fisheries and Game on "Resolve relating to ice fishing in the towns of Porter and Hiram" (H. P. 752, L. D. 258) reported the same in a new draft (H. P. 1625, L. D. 964) under a new title "Resolve regulating ice fishing in York County" and that it ought to pass.

In the House the report accepted and passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence and the resolve was given its first reading; House Amendment "A" was read and adopted, the rules were suspended and the resolve given its second reading and passed to be engrossed as so amended in concurrence.

From the House, out of order:

Bill "An Act relative to closed time, daily bag limits and transportation of wild hares and rabbits" (S. P. 608, L. D. 981)

(In the Senate on March 21st passed to be engrossed as amended by Senate Amendment "A".)

In the House passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence.

In the Senate, the rules were suspended and the Senate voted to reconsider its action of March 21st whereby the bill was passed to be engrossed as amended by Senate Amendment "A"; House Amendment "A" was read and adopted in concurrence.

Thereupon, on motion by Mr. Harmon of Hancock, the bill and amendments were tabled pending passage to be engrossed, and tomorrow morning assigned

From the House, out of order:

Bill "An Act relating to size of fish and weight of catch limited". (H. P. 1567, L. D. 900)

(In the Senate on March 17th passed to be engrossed.)

In the House passed to be engrossed as amended by House Amendment "A" and "B" in non-concurrence.

In the Senate, the rules were suspended and the Senate voted to reconsider its action of March 17th whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence; House Amendment "B" was read and adopted in concurrence.

Thereupon, on motion by Mr. Angell of York, the bill and amendments were tabled pending passage to be engrossed and tomorrow morning assigned.

### Reports of Committees

#### (Out of Order)

The Committee on Banks and Banking on Bill "An Act forbidding interlocking directorates of savings banks with other banks." (S. P.

615, L. D. 988) reported that the same ought not to pass.

The same Committee on "An Act requiring trust and banking companies to invest their savings deposits only in securities legal for savings banks deposits." (S. P. 616, L. D. 987) reported that the same ought not to pass.

Which reports were read and accepted

Sent down for concurrence.

The Committee on Appropriations and Financial Affairs on Bill "An Act relating to stipend for agricultural societies, aid to libraries, purchase of books, expenses of state historian, compensation and expenses of geologist, topographic mapping and abolishment of grade crossings." (S. P. 105, L. D. 133) reported the same in a new draft (S. P. 641) under a new title "An Act relating to aid to libraries, expenses of state historian, compensation and expenses of geologist, topographic mapping, and abolishment of grade crossings" and that it ought to pass.

The Committee on Ways and Bridges on Bill "An Act relating to roadside improvement" (S. P. 293) reported the same in a new draft (S. P. 642) under the same title and that it ought to pass.

Which reports were read and accepted and the bills laid on the table for printing under point rules.

The majority of the Committee on Inland Fisheries and Game on Bill "An Act relative to making and publishing of rules and regulations, by the Commissioner of Inland Fisheries and Game" (S. P. 313, L. D. 521) reported that the same ought to pass.

(Signed) Angell of York, Harmon of Hancock, Schnurle of Cumberland, Hescok of Monson, Burgess of Rumford, Fogg of Rockland, Bussey of Dixmont.

The minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Sterling of Caratunk, Smith of Masardis, Crowell of Weston.

On motion by Mr. Angell of York the Majority Report of the committee "Ought to pass" was accepted and the bill was given its first reading; and on further motion by the same Senator the rules were suspended the bill given its second reading and passed to be engrossed.

Sent down for concurrence.

The majority 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. 315, L. D. 523) reported that the same ought to pass, in a new draft (S. P. 643).

(Signed) Angell of York, Schnurle of Cumberland, Harmon of Hancock, Hescoc of Monson, Burgess of Rumford, Fogg of Rockland, Bussey of Dixmont.

The minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Sterling of Caratunk, Smith of Masardis, Crowell of Weston.

On motion by Mr. Angell of York, the Majority Report of the committee "Ought to Pass in a New Draft" was accepted, and the bill was laid upon the table for printing under the joint rules.

### Passed to Be Enacted

(Out of Order)

An act relating to absentee voters. (H. P. 1078, L. D. 435)

The President laid before the Senate, House Report from the Committee on Judiciary "ought not to pass" on bill, An Act relating to parking of vehicles on the highways (H. P. 1045, L. D. 446), tabled earlier in today's session by Mr. Weeks of Somerset, pending the acceptance of the report and this afternoon assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator the report of the committee "ought not to pass" was accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Legal Affairs; Majority Report "Ought Not to Pass," Minority Report "Ought to Pass in New Draft," on An Act providing for a new charter for the city of Portland (H. P. 859, L. D. 402), tabled by Mr. Bissett of Cumberland earlier in today's session pending the acceptance of either report and this afternoon assigned; and the Chair recognized that Senator.

Mr. BISSETT of Cumberland: Mr. President and members of the Senate, it has been impossible for me to get the information which I wanted on this matter and whereas the Senator from York, Senator Littlefield, introduced an order that

we adjourn tomorrow until Monday and the order has been passed I ask that this be retabled until Monday afternoon and I will guarantee that it will be taken care of at that time.

Thereupon, the bill and the reports were laid upon the table pending acceptance of either report and Monday afternoon assigned.

The President laid before the Senate, House Report from the Committee on Judiciary; Majority Report "Ought to Pass" and Minority Report "Ought to Pass in New Draft" on An Act incorporating XIV Plantation in Washington County (H. P. 623, L. D. 184), tabled earlier in today's session by Mr. Holmes of Androscoggin pending acceptance of either report and this afternoon assigned; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: President, I move the acceptance of the Minority Report "Ought to Pass in New Draft" and I yield to the Senator from Washington, Senator McDonald.

Thereupon, on motion by Mr. McDonald of Washington, the bill and the reports were laid upon the table pending the motion of Mr. Holmes of Androscoggin to accept the Minority Report "Ought to Pass in New Draft" and tomorrow morning assigned.

The President laid before the Senate, An Act relating to certain non-resident operators and exempting from registration certain vehicles owned by non-residents (H. P. 1635, L. D. 971), tabled by Mr. Littlefield of York earlier in today's session pending second reading and this afternoon assigned; and the Chair recognized that Senator.

Thereupon, on motion by Mr. Littlefield of York, the bill was given its second reading and that Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 971. Amend said bill by striking out all of said bill after the word 'person' in the second line of Section 2 thereof and inserting in place thereof the following: 'for one round trip only per year while they are touring in the State. No one owner or lessee of any such bus shall be entitled to so use or operate another such

bus in the State during the same year except on payment of the registration fees required in other cases for light vehicles but upon entering the State the operator of each such bus shall obtain from the Secretary of State or some of his agents or inspectors a permit describing and identifying the vehicle and he shall pay therefor a fee of \$10. Said permit shall state the time of issuance and thereon shall be printed a copy of this paragraph."

Mr. LITTLEFIELD of York: Mr. President, this is simply the old law as it stands on the books today.

Thereupon, on motion by Mr. Page of Somerset, the bill was laid upon the table pending the adoption of Senate Amendment "A" and tomorrow morning assigned.

The President laid before the Senate, An Act repealing the law relating to auxiliary state forests (H. P. 228, L. D. 128), tabled earlier in today's session by Mr. Weeks of Somerset pending passage to be enacted and this afternoon assigned; and the Chair recognized that Senator.

Thereupon, on motion by Mr. Weeks of Somerset the bill was passed to be enacted.

The President laid before the Senate, Senate Report from the Committee on Public Utilities and Ways and Bridges, Majority Report, "Ought to Pass in a New Draft"; Minority Report "Ought Not to Pass in New Draft" on An Act Providing for the Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire in the State of Maine, and for the Supervision and Control of Such Motor Vehicles; (S. P. 168) (L. D. 160), tabled by Mr. Kitchen of Aroostook earlier in today's session, pending passage to be engrossed, and especially assigned for this afternoon; and the Chair recognized that Senator.

Thereupon that Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment "A" to S. P. 629, L. D. 1000, entitled: "An Act Providing for the Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire in the State of Maine, and for the Supervision and Control of Such Motor Vehicles."

"Amend said bill by striking out section 5 thereof and renumbering the sections now numbered 6, 7, 8, 9, 10, 11, 12 and 13, as 5, 6, 7, 8, 9, 10, 11 and 12.

"Further amend said bill by striking out in section 6 thereof, wherever they appear, the words "and every contract carrier."

"Further amend said bill by striking out in section 7 thereof wherever they appear the words 'or permit' and 'permit or.'

"Further amend said bill by striking out in section 9 thereof the words 'or permits'; and by striking out in the last sentence the clause 'provided, however, that the bond or insurance policy required of the contract carrier need not provide for the protection of its patrons.'

Mr. WEEKS of Somerset: Mr. President, this truck legislation is, of course, one of the most important matters receiving consideration which is before the Senate at this session. The truck dealers, the railroads, the officials of the Public Utilities Commission, have been in session not only since this Legislature started, but have been in session for a number of weeks previous to the starting of this session. Now this bill has come out of a joint committee composed of 20 members, with 18 in favor of the bill as it is, and I can see no possible reason why there should be amendments to it at this time. It is a question of whether you want to go into a discussion upon these various amendments which will undoubtedly be presented and which have undoubtedly been considered by all the interested parties, and it seems to me that I would not dare, and I hope and trust that most of the Senators would not dare to place their judgment against the consecrated judgment, as I would almost call it, of these men who have been working on this proposition for months and who have finally come to this agreement. I certainly hope that the adoption of this amendment will not prevail.

Mr. KITCHEN of Aroostook: Mr. President, I assume that there are many who might say that it was presumptuous on my part to even rise in this body to take a stand on this bill in view of the fact, as has been stated, that of this joint select committee, made up of twenty men consisting of the Committees on Public Utilities and Ways and



Bridges,—to think that I, one of two members, should raise my voice in opposition to this bill. I feel, however, that I would be derelict in my duties which I owe my people as a Senator if I failed here to raise my objection.

I, of course, have attempted, as a member of that committee, to make some compromise with them in the way of amendments to the bill, before it was reported out, but the answer which came to me was that this bill must come in its entirety or not at all.

I have no quarrel, of course, with the gentlemen who are here in the interests of this bill, but we all know it is a railroad bill. We know these gentlemen here are simply representing their railroads. I can, to a certain extent, agree with them on certain things. I agree there is need, undoubtedly, of the beginning of some sort of regulation in connection with the operation of trucks over the highway, yet I cannot agree that the bill should be passed in this drastic form.

This amendment I have offered, strikes out Section 5, which pertains to the contract carrier. Here is the situation insofar as I am concerned, and I am concerned for the people in that great northeastern empire, the county of Aroostook. We are engaged in the production of potatoes, and because of the excessively high rates charged by that railroad which operates through our county, we have been forced to transport these potatoes to tidewater by truck. Repeated efforts have been made by the people of that county to induce the railroads to lower their freight rates so that we could ship to all destinations, and I might say we would prefer to ship by rail, but because of high freight rates we have been unable to ship that way and make any part of a profit because it costs so much because of high rates to transport that product that there is nothing left. And so we feel in that county that the only way we can receive any ultimate relief will be by unrestricted regulation of the trucks, so we may, in a measure, be able to transport to tidewater, not under supervision of the Public Utilities Commission, unhampered by any commission, so we can move our product when we wish, and as we wish.

The railroad people have told me they didn't know as this would do

them any good. This may be a good bill, but I do think it is too broad, too drastic, too sweeping to start on this infant organization, the truck. They are with us now and are bound to be with us as long as the State of Maine exists, but it seems to me if you would grant us the right to except the contract carrier, whereby we could hire these trucks to transport our potatoes to tidewater, and it would do no great damage to the railroad in the lower section of the State, and would bring the railroad that is serving our county to a realization of the facts as they exist.

I do not want to take much time this afternoon, and I do not know whether there is another member of the Senate that will stand with me on this amendment, but I do know these are our feelings. We are not asking any favors for Aroostook County. All we want is a chance to live. I hope the Senate will see fit to accept this amendment.

Mr. WEATHERBEE of Penobscot: Mr. President and Members of the Senate, I want to differ with my distinguished friend, the Senator from Aroostook, Senator Kitchen, when he says that this is a railroad bill. About forty states of our Union have truck bills similar to this bill. Two years ago a truck bill was before this legislature and it was agreed between the truck men and the railroad attorneys that during the interim between that legislature and the next one, the organizations would get together and see if they could agree upon some transportation bill that would meet the needs of both interests fairly and equitably. And as a result of that agreement, the truck owners' organization of the State of Maine, with its committee, and its attorney met with the attorneys of the several railroads and there were many of these conferences. Tentative bills were submitted and changes were made. Practically every suggestion offered by the truck interests were accepted by the attorneys of the railroads, and when this bill came out, it could not truly be said to be a railroad bill. It is a bill that embraces the expressed wishes of the several interests, and is a bill that should be called a truck bill and a railroad bill. It is unfair to charge it with being a railroad bill.

We all sympathize with conditions that exist up in Aroostook County. It may be, and probably is

true, that freight rates from that county are higher than they should be, and we should be pleased, every member of the Senate I am sure would be pleased if those rates over the railroad from that point could be decreased, but that is no reason why this particular bill which is before you, should be rejected.

Should the amendment of the Senator from Aroostook, Senator Kitchen, prevail, its effect would be to completely annihilate this bill, and you would have nothing whatsoever left except the bond or insurance question embraced within the terms of this bill.

The gentleman admits there should be some regulatory methods adopted. He is not opposed to that section which protects the interests of the common carrier. Under this bill, the common carrier who has been operating since March 1st last over regular routes may receive a certificate for continued operations as a matter of rights. It will not be discretionary with the Public Utilities Commission as to whether it shall be issued. The law makes it mandatory; it is a right they have and a right which they enjoy. It provides that the certificate shall terminate at the end of the year, but all truck operators who have a certificate as a matter of right, shall have those certificates continued as a matter of right. It goes farther and provides that the representatives may be given a similar right. It requires those truck men who are called common carriers, and who are operating over a stated route, to file minimum rates with the Public Utilities Commission of Maine and the Public Utilities Commission is given the right to regulate those rates.

Now then, the amendment of the Senator from Aroostook, Senator Kitchen, would make nugatory all those rights because what good would it be to an operator of a truck line, to be submitted to minimum rates, and yet have every truckman in the State of Maine have a right to compete with him over his line at cut-throat rates, at any rate he might want to haul commodities for. The contract carrier means the fellow who has a truck and wants to haul merchandise for hire upon a truck for whoever will contract with him. He would be subjected, if the motion prevails, to no regulation whatsoever, and it would be grossly unfair to a common carrier on the

highway, and it would drive him out of business, and if you are going to do that, you have defeated this entire bill and you have made it impossible for any regulation to be set up at all.

Now, the contract carrier proposition need not alarm the citizens of Aroostook County any at all. The contract carrier, under the terms of this bill, shall make no smaller rates over a regular route,—and that is the route that is operated regularly by the common carrier—than the common carrier has for similar service. For instance, if a common carrier has the right to operate between Augusta and Waterville, then a contract carrier may not carry goods from Augusta to Waterville at a less rate than the minimum rate which the contract carrier may charge, but a contract carrier can take a load from Hallowell to Waterville, because he is not going over the same route. The termini is different and he would not be required to make any rates. Any rates that satisfy him would be satisfactory, and I haven't any doubt that factor would relieve all of the trouble apprehended in Aroostook County.

Further than that, this bill excepts from its operation all those who only occasionally haul goods for pay upon the highways. The bill just applies to the contract carrier who is regularly engaged in the carrying of merchandise,—regularly engaged,—so that a man may occasionally haul goods even over the same route that a common carrier is entitled to operate on, and make any rates he has a mind to. Certainly that is unregulated competition enough for a common carrier.

Further than that, any person may haul his own goods over any of our highways without getting any permit whatsoever, or being subjected to any regulation under this bill. Any farmer in Aroostook County can haul his own products to market without a permit or without becoming under the regulatory provisions of this measure. He may also hire his neighbor to haul potatoes for him, that neighbor not being regularly engaged in the trucking business, and he may work a week or two weeks or more for him hauling potatoes. A farmer in Aroostook may also hire trucks, even of contract carrier, and use them for the hauling of his own commodity without any permit

whatsoever, and without being subjected to any of the regulations of this bill.

Now, I say, after having carefully read this bill and after having worked on it with other lawyers, being one time attorney for a truck owners' association, and having been engaged as attorney for a railroad at one time, that the people of Aroostook County are amply protected, and there is no foundation for this fear which seems to exist in the mind of the Senator from Aroostook, Senator Kitchen, but I tell you again, if this amendment prevails, you better defeat the bill, because there would be nothing left in it that is worthy of continuation.

These provisions have been carefully studied, and the provisions in the statutes in other states have been studied, and this is as mild a bill as exists on the statute books in any State in the Union.

The railroads are interested as they recognize, as we all do, that it is necessary to have these two means of transportation, the railroads and the trucks. They are willing and desirous that these truck men may have an established business, that they may be protected in their business so that there will be a continuation of service, and they realize there is danger of competition from the fly-by-night fellow who perhaps gets a truck on credit and comes in on a cut-throat business. He can detract from the common carriers on the highway, and can take from the railroads a great deal of freight and that unfair competition should be terminated.

This bill would prevent these men who come down from Massachusetts with loads for the State of Maine and then pick up loads in Maine on their return from one point to another in Maine at anything they can get for that service—cut-throat, ruinous rates. I understand that the A. & P trucks have done it in many instances. It would prevent that kind of unfair competition.

This is, on the whole, the best bill that the attorneys who studied this matter, could make to meet this urgent situation. We must have some protection upon our highways. The railroads of the country must have fair competition and protection. This ruinous competition which spells insolvency for he who enters into it, must stop. If you

drive railroads out of business, you want to remember you have a greater financial fear than you have had recently. The railroads should and must be protected. The truck men, rendering this grand service for the people of Maine must be protected, and this bill should be passed by this legislature to provide this protection. I hope the motion of the Senator from Aroostook, Senator Kitchen, may not prevail.

Mr. LITTLEFIELD of York: Mr. President, I don't care to be quoted as on either side of this measure at this time but must I direct my talk to the amendment or may I ask a question of the Senator from Penobscot, Senator Weatherbee?

The PRESIDENT: The question before the Senate is the adoption of Senate Amendment "A." The Senator may ask any question that bears upon Senate Amendment "A" even though the main bill is also involved.

Mr. LITTLEFIELD: Well, Mr. President, if I get out of order you can call me to order. I would like to ask the Senator from Penobscot (Senator Weatherbee) through the Chair how this would work out: Supposing I had a million feet of sawn lumber up here two miles, off from the road where the common carrier goes and I wished to let that job to a truckman. Could he haul that lumber over the road where the common carrier goes without a permit from the Public Utilities Commission?

The PRESIDENT: The Senator from York, Senator Littlefield, asks a question of the Senator from Penobscot, Senator Weatherbee, which that Senator may answer if he desires.

Mr. WEATHERBEE: Mr. President, I will say that he could without any question whatever, at any rate that you and he might agree upon and without any permit being obtained from the Public Utilities Commission.

The PRESIDENT: The question is on the motion—

Mr. WEEKS of Somerset: Mr. President, I ask for a division when the vote is taken.

Mr. KITCHEN of Aroostook: Mr. President, perhaps I didn't understand what the Senator from York, Senator Littlefield, said. I would like to ask him if his question referred to a million feet of lumber,

that it could be hauled over the roads without taking out a permit.

Mr. LITTLEFIELD: Well, I didn't mean all in one load.

Mr. KITCHEN: I understand that. But, Mr. President, I understood him to say a million feet of lumber and I understood the reply of the Senator from Penobscot, Senator Weatherbee, to be that he might haul a million feet without being required to register. Now a man who is hauling a million feet of lumber on a contract would of necessity have to be registered as a contract carrier because he wouldn't be only taking a load now and then, he would be in the business of hauling lumber, and a million feet of lumber is a lot of lumber.

Now, Mr. President, I would like to say a few words more. I am, of course, unable to argue this question with the distinguished Senator from Penobscot County. He has told you what this bill would do according to his point of view. I respect the Senator from Penobscot. He is an able attorney. He has told you what this would do but it is only his guess. He doesn't know how this bill would work out. In fact, they have admitted that none of them know. They wish, of course, to try it. But I still maintain that this bill, for a start in the regulating of trucks, is too drastic and severe. There is too much connected with it in the nature of what we might call red tape and if a man wished to be a contract carrier he must file his application with the Secretary of State and he would then be given notice of the hearing, and it has been my experience in connection with that body that they are deliberate in their action and it would necessarily take a considerable amount of time.

He says that the farmers in Aroostook County could operate their own trucks, according to this bill. There is no question about that. They can operate their own trucks in Aroostook or in any other county. But we in Aroostook County, with the large amount of potatoes that we must move, must hire contract carriers, or what they have classed in this bill as contract carriers, and they necessarily, as I look at it, would be obliged to take out a permit and pay their \$15 license fee.

I feel that of course this amendment won't be accepted. I don't ex-

pect it will be. We do not ask for any favors in Aroostook County but we do in that section of the State want a chance to live. You have noticed—and perhaps I shouldn't say this—the Aroostook County has been in the habit of taking care of their poor.

And we feel in that great county of Aroostook that unless something is done whereby we can get relief from freight rates we will be forced out of the business of growing potatoes.

I do not wish to argue this any further. The matter is entirely in your hands. I feel that if the amendment could be granted it would give us something to work on in future years in the regulating of trucks so that we would not in the beginning tie up the business of trucking in quite as strict a manner as this bill probably will.

Mr. LITTLEFIELD: Mr. President, I would like to inquire whether I understand correctly that there is a \$15 extra charge besides the registration fee.

Mr. WEATHERBEE: I will say, Mr. President, yes, to carry on the operation of this bill.

Mr. LITTLEFIELD: And who is going to carry on that operation?

Mr. WEATHERBEE: Not the operator of each truck. The Public Utilities Commission. It will make necessary extra clerk hire.

Mr. LITTLEFIELD: Don't we pay enough to carry on now?

Mr. WEATHERBEE: It is estimated by the Commission that the \$15 will fully take care of this. If there is anything left it will go into the Treasury of the State of Maine.

Mr. LITTLEFIELD: Well, do I understand that all trucks doing any business for hire have got to pay the \$15 extra on their registration fee?

Mr. WEATHERBEE: No, not that. All common carriers and all contract carriers.

Mr. LITTLEFIELD: Well, what is a contract carrier.

Mr. WEATHERBEE: A contract carrier is one who is regularly engaged in the contract business but who has no regular routes, who does not hold himself open to the public to carry their commodities to certain places but who makes a special contract, for instance with the A. & P. to haul their goods to certain places over the highway of the State.

Mr. LITTLEFIELD: And if he

does that every day as a business?

Mr. WEATHERBEE: He is then regularly engaged. He is a contractor.

Mr. LITTLEFIELD: And if he should do that for a month right along would he be termed that?

Mr. WEATHERBEE: Well, for so long as that I should think he might.

Now, Mr. President, my distinguished friend, Senator Kitchen, referred to my opinion upon the legal effect of this bill as my guess. Well, I have studied it more or less and I think it would have been fair if he had said it was my judgment, but if his question on the question of law refers to it as my guess I will say that it might be as good as his guess upon the effect of this very important measure.

Mr. KITCHEN: Mr. President, I didn't mean that as to his opinion of law but as to how the truck bill would work out in actual practice.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Kitchen, that Senate Amendment "A" be adopted and on that question the Senator from Somerset, Senator Weeks, has asked for a division.

A division of the Senate was had. Ten having voted in the affirmative and twenty-one in the negative the motion did not prevail and Senate Amendment "A" was not adopted.

Mr. KITCHEN: Now, Mr. President, inasmuch as I have succeeded so well with that amendment I would now like to offer Senate Amendment "B" and move its adoption:—

"Senate Amendment 'B' to Legislative Document 1000, entitled An Act Providing for the regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire in the State of Maine, and for the Supervision and Control of Such Motor Vehicles.

"Strike out all of sub-section D under Section 5 after the words 'contract carriers' in the third line of such sub-section and add a period after the word carriers, so that sub-section D, Section 5 will read: The commission is hereby vested with power and authority and it is hereby made its duty to prescribe rules and regulations covering the operations of contract carriers."

Mr. WEATHERBEE: Mr. President, I hope that Senate Amend-

ment "B" may not be adopted because that, too, is of vital importance, and would materially injure the working of this bill, and would make it impossible for the regulation of contract carriers when they were competing with common carriers over given routes, and it fail.

The PRESIDENT: Is the Senate ready for the question? All who are in favor of the adoption of Senate Amendment "B" will say "Aye." and those contrary minded will say "No."

A viva voce vote being had, the motion to adopt Senate Amendment "B" failed.

Mr. KITCHEN: Mr. President, I wonder if I might be permitted to have this bill and the amendments lie on the table until tomorrow morning.

Mr. WEATHERBEE: Mr. President, I ask for a division on that.

Mr. HOLMES: Mr. President, I wish to address myself to the time of assignment. I think as the time is growing late, and it is a pretty short time until tomorrow morning, and as the Senator has not asked to assign it for Monday, that tomorrow morning is a better time to complete consideration than today.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Kitchen, that the bill be laid upon the table and especially assigned for consideration tomorrow morning, and the Senator from Penobscot, Senator Weatherbee, has asked for a division.

A division of the Senate was had. Seventeen having voted in the affirmative and fourteen in the negative, the motion prevailed, and the bill was laid upon the table pending its passage to be engrossed, and especially assigned for consideration tomorrow morning.

The President laid before the Senate, An Act relating to elections in the city of Biddeford (H. P. 1638, L. D. 972), tabled earlier in today's session by Mr. Littlefield of York pending passage to be engrossed and this afternoon assigned; and the Chair recognizes that Senator.

Thereupon, Mr. Littlefield of York offered Senate Amendment "A" and moved its adoption:—

"Senate Amendment 'A' to Legislative Document 972. Amend said bill by striking out in the third line

thereof the word 'alderman' and by striking out in the ninth line of the said bill the word 'alderman' and by inserting in said bill after the word 'councilman' in the ninth line thereof the words 'fifty; for'. Further amend said bill by striking out in the twelfth line of Section 2 thereof the words 'last Monday in February' and inserting in place thereof the words 'third Monday in November'. Further amend said bill by striking out in the sixth, seventh and eighth lines of Section 5 of said bill the figures '25, 9', and '2' respectively and inserting in place thereof the figures '1', '11', and '14' respectively. Further amend said bill by inserting at the end thereof a new section to read as follows: 'Section 7. Inconsistent acts repealed. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed insofar as they are inconsistent with the provisions of this act.'

Mr. LITTLEFIELD of York: Mr. President, I would like to have this lie upon the table until tomorrow morning. Some of the Senators think that possibly it ought to be looked over. I don't know but I would like to have it lie upon the table until tomorrow morning.

Thereupon, the bill was laid upon the table pending adoption of Senate Amendment "A" and tomorrow morning assigned.

The President laid before the Senate, New Draft—An Act relating to transportation of intoxicating liquor (S. P. 614, L. D. 986), tabled earlier in today's session by Mr. Weatherbee of Penobscot, pending passage to be engrossed and this afternoon assigned; and the Chair recognizes that Senator.

Thereupon, Mr. Weatherbee of Penobscot offered Senate Amendment "A" and moved its adoption:—

"Senate Amendment "A" to An Act Relating to Transportation of Intoxicating Liquor (S. P. 116, D. L. 163, N. D. 986)

Amend said Act by adding thereto the following sections:—

'Sec. 2 R. S. c. 137, Par. 6, amended. Section 6 of chapter 137 of the revised statutes is hereby amended by striking out everything after the word "origin" in the 2nd line.

'Sec. 3 R. S. c. 137, Par. 1, amended. Section 1 of chapter 137 of the revised statutes is hereby

amended by striking out the word "fit" in the 3rd line thereof.'

Mr. WEATHERBEE of Penobscot: Mr. President and members of the Senate, in explanation of this amendment I wish to inform you that the bill which has already been given its second reading provides for the repeal of Section 3 of the liquor laws of the State of Maine and that particular section made it unlawful for anyone to transport intoxicating liquors, and that would be any liquors which contained more than one-half of one percent of alcohol; made it unlawful to transport those liquors from place to place within the State of Maine without a Federal permit. Well, if you had a Federal permit you couldn't obtain any liquors in the State of Maine to transport, so that statute should be repealed because if it were left upon the statute books it would prevent any person from transporting even beer that contained more than one-half of one percent of alcohol from his office to his home or from place to place anywhere in Maine and would subject him, if he were carrying it in his automobile, to the loss of his automobile and three months in jail and a fine of \$300. Of course, everyone feels that that section should be repealed.

Now, Section 2 of this amendment amends Section 6 of Chapter 137 of the Revised Statutes by striking out every word after the word "origin" that appears in that section. Now, that section forbids the sale of intoxicating liquors of any origin. I have stricken out those words that say that ale, porter, beer, strong beer, lager beer or any malt beer shall be deemed to be intoxicating, because the question should be one of fact. Are those beverages intoxicating or are they not?

The next amendment affected is the amendment to Section 1 of Chapter 137 which is amended by striking out the word "fit". That is a manufacturing section and in that it is made unlawful for anyone to have in his possession wort or mash fit for distillation. Of course "distillation" means the making of spirits or something stronger than beer but the language subjects you to punishment if you have in your possession anything fit for that purpose whether you intend to use it for that purpose or not, and I say that is unfair. You may have it for beer

purposes, non-intoxicating beer. So I got rid by the elimination of the word "fit" of the provision that it shall be unlawful to have it for the purpose of making spirits.

Now, this is what some have termed the beer bill. It is in strict conformity with the Constitution of the State of Maine. It gives, as it should, the people of the State of Maine all their constitutional rights. It does not make it possible for any person to sell any intoxicating liquors in the State of Maine. It puts the laws of our statute books back where they were before the enactment of the Volstead Law and where they were for thirty or forty years. Every friend of temperance ought to be satisfied with this. All those who believe in the 26th amendment to the Constitution of Maine ought to be satisfied because it conform strictly with the Constitution. It renews our law forbidding the sale of intoxicating liquors, and that ought to be satisfactory.

There may be some who will say that you ought to have made it possible under our laws to sell a 4% beer or something like that but if the Legislature of Maine were to enact a bill of that kind it would not be operative if that particular kind of beer was intoxicating. It would be in conflict with our Constitution and the court would so declare it. By making the prohibitions just against intoxicating liquors it gives us a right to sell in Maine any of those beverages which are not intoxicating and while the Federal government has enacted a beer bill permitting the sale of 3.2% beer by weight yet that may or may not be constitutional. The Federal constitution in this respect is identical with our own and Congress would not have the power to authorize the sale of any intoxicating liquor. That question will presumably be settled early by the Supreme Court of the United States and that Court will rule whether 3.2% beer is intoxicating. If it is, then the Federal beer bill falls by the wayside. If the Supreme Court of the United States should rule that it was not intoxicating it would be quite reasonable, I assume, to expect that the Courts of the State of Maine would follow that rule and if they did of course it would be possible to sell in Maine 3.2% beer because it would not be intoxicating.

Now, with my associates we have covered this broad proposition and

condensed it in these amendments. It is very probable that when this bill goes to the House that body will attach to it revenue features. That we cannot do because those matters must originate in the other branch but presumably the State will get considerable revenue from the bill.

I move the adoption of the amendment.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Weatherbee, that Senate Amendment "A" be adopted.

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

Sent down for concurrence.

The President laid before the Senate, An act to permit the manufacture and sale of non-intoxicating malt beverages; to derive revenue therefrom; and to create a legal definition of the term "saloon." (H. P. 38, L. D. 22), tabled earlier in today's session by Mr. Weatherbee of Penobscot pending consideration, having been previously recalled from the files, and this afternoon assigned; and the Chair recognized that Senator.

Thereupon, on motion by Mr. Weatherbee of Penobscot, the bill was returned to the files.

On motion by Mr. Story of Aroostook, the rules were suspended and that Senator presented, out of order, the following order, and moved its adoption:

Ordered, the House concurring, that a survey be made under the direction of the Governor and Council to ascertain the extent to which wood can be used as fuel in all state controlled plants, and be it further ordered that those in control of the fuel supplies purchased from the state funds are hereby directed to use wood when found practicable so to do.

Thereupon, the order received a passage.

On motion by Mr. Harmon of Hancock, the Senate voted to reconsider its action taken earlier in today's session whereby, An Act relative to closed time, daily bag limit and transportation of wild hares and rabbits (S. P. 608, L. D. 981) was laid upon the table pending passage to be engrossed as amended by House Amendment "A"

and Senate Amendment "A" in concurrence and tomorrow assigned; and on further motion by the same Senator the bill as amended by House Amendment "A" and Senate

Amendment "A" was passed to be engrossed in concurrence.

On motion by Mr. Holmes of Androscoggin,

Adjourned, until tomorrow morning at ten o'clock.