

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

ERRATA:

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

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

SENATE

Thursday, March 30, 1933.

Senate called to order by the President.

Prayer by the Rev. J. H. Bessom of Hallowell.

Journal of yesterday read and approved.

Paper from the House disposed of in concurrence.

From the House:

The Committee on Pensions on "An act to provide for old age pensions" (H. P. 1010, L. D. 354) reported the same in a new draft (H. P. 1698, L. D. 1020) under the same title 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, on motion by Mr. Jackson of Sagadahoc the report of the committee was accepted in concurrence and the bill was given its first reading; on further motion by the same Senator the rules were suspended and the bill was given its second reading; House Amendment "A" was read and adopted in concurrence.

Thereupon, on motion by Mr. Weeks of Somerset, the bill was tabled pending passage to be engrossed and this afternoon assigned.

From the House:

The Committee on Taxation on Bill "An act relating to exemption of certain property from taxation" (H. P. 166, L. D. 88) reported the same in a new draft (H. P. 1609, L. D. 936) under the same title and that it ought to pass.

In the House the report accepted, House Amendment "A" indefinitely postponed and the bill passed to be engrossed.

In the Senate, the report was accepted in concurrence and the bill was given its first reading; the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

From the House:

Bill "An act relating to parking of vehicles on highways" (H. P. 1045, L. D. 446)

(In the Senate on March 23d the report "ought not to pass" was accepted in non-concurrence.)

In the House that body having insisted on its former action whereby the bill was substituted for the re-

port and passed to be engrossed as amended by House Amendment "A," and asked for a Committee of Conference, the Speaker having appointed as members of such committee

Messrs. Scates of Westbrook, Plouff of Dexter, Wright of Bath.

In the Senate, on motion by Mr. Weeks of Somerset, the Senate voted to insist on its former action, whereby the "Ought not to pass" report was accepted in non-concurrence, and join in the committee of conference, the President appointing as members of such committee on the part of the Senate:

Senators Weeks of Somerset, Holman of Franklin, Holmes of Androscoggin.

From the House:

Bill "An act relating to the pauperizing of unemployed wage earners" (S. P. 42, L. D. 26).

(In the Senate on March 29th it was voted to adhere to its former action whereby the Minority Report "ought not to pass" was accepted.)

In the House, that body having insisted on its former action whereby the Majority Report "ought to pass" was accepted and the bill passed to be engrossed as amended by House Amendment "A" and asked for a Committee of Conference, the Speaker having appointed as members of such Committee

Messrs. Breen of Lewiston, Lord of Lebanon, Miss Laughlin of Portland.

On motion by Mr. Holman of Franklin, the Senate voted to adhere to its former action whereby the Minority Report "ought not to pass" was accepted.

Orders

On motion by Mr. Littlefield of York, it was

ORDERED, that the State Librarian be directed to provide each officer and member of the Senate with a copy of the Acts and Resolves of the Eighty-sixth Legislature.

Placed on File

Mr. Littlefield of York presented Eleven Remonstrances containing 177 names against special tax on Chain Stores (S. P. 665).

Sent down for concurrence.

On motion by Mr. Viles of Kennebec, it was

ORDERED, that a message be sent to the House of Representa-

tives proposing a Joint Convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the convention and present such communication as he may be pleased to make.

The Secretary conveyed the message.

Subsequently a message was received from the House, by Mr. Pease, its Clerk, concurring in the foregoing proposition for a Joint Convention.

The Senate then proceeded to the House of Representatives where a Convention was formed.

(For proceedings in Joint Convention see House Report.)

AFTER CONVENTION

On return of the Senators to the Senate Chamber the Senate was called to order by the President.

Orders of the Day

On motion by Mr. Viles of Kennebec, the rules were suspended and that Senator was granted unanimous consent to introduce, out of order. An act to provide flexibility in the handling of State revenues and expenditures during the period of the present State cash stringency, and on further suspension of the rules the bill was given its first reading without reference to a committee and without printing.

The PRESIDENT: The Chair will suggest, if it meets with the will of the Senate that this bill be passed to be engrossed at this time and that copies be printed during the time between now and the afternoon session from a copy of the bill in order that the original paper may go to the House immediately.

Thereupon, the rules were suspended and the bill was given its second reading and passed to be engrossed; and on motion by Mr. Viles of Kennebec five hundred copies were ordered printed from a copy of the bill.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Labor "Ought to Pass in New Draft," on "An Act to Regulate Steam Engineering" (H. P. 1132, L. D. 594), tabled by Mr. Schnurle of Cumberland on March 29th pending acceptance of the report and today assigned; and the Chair recognized that Senator.

Mr. SCHNURLE of Cumberland: Mr. President, I want to make a motion to indefinitely postpone this bill but before doing so I wish to make some explanation of my reason.

In the first place I believe that the bill is unnecessary. There is no real demand for it. It simply means that we will be putting into a department additional duties, in other words, building up a department within the bureau. Now, the bill itself, to begin with, requires that an applicant must be a resident of the State of Maine for one year before his application can be considered. Now, that would work tremendous hardship on certain institutions, industrial plants, and so on, for the reason that a great many of those plants are very complicated and a man could not step in and run one of them unless he was qualified. A man has to be highly skilled in his branch of engineering to do that work. Take for a concrete example, for instance, Burnham & Morrill's canning plant in Portland. We will say that for some reason or other, perhaps because of illness or poor health, the engineer of that plant leaves and it is necessary to immediately provide another engineer. Now, engineers of that type are not walking the streets by the dozens and therefore it might be necessary for those people to go to Massachusetts or to Connecticut or Rhode Island or some other place to get a competent engineer. Now under this bill that man could not secure a license to operate in this State.

Now then, the classifications as set up in this bill do not distinguish between operators of boilers and operators of engines. Both, regardless of whether they are firemen or engineers must be licensed. In other words, a man who is simply a fireman, throwing coal into a boiler, no matter how small it may be, must have a license. If you lost your fireman you couldn't step out and get a fireman right off unless he had a license. I am not going to take up too much time but I want to discuss one part of this bill. There is one section of the bill that practically nullifies the entire body of the bill itself and that is this: "Any person desiring to operate any particular steam plant may so state to the examiner, and he shall be examined as to his fitness to operate that particular

plant and if found competent and trustworthy shall be granted a license, termed a special license, for that particular plant, and such license shall be in force five years." That means that any man who is now operating a plant can get a license to operate that particular plant. These fellows are not changing about from one plant to another every day or every two days. In other words, this would make no change at all in the present status of the men now operating our plants. The only hardship that this would impose, as I have explained, would be, if one of those men should suddenly have to leave for some reason or other, to fill the vacancy.

The only thing that this would really help is the situation that we occasionally have that outside contractors could come in here and bring their steam-shovel men or any of their skilled engineers of the kind covered by this bill who are connected with steam engineering, would have to license them. I am given to understand that in Massachusetts—and I don't know why everyone here continues to talk about Massachusetts because all of our contractors don't come up from Massachusetts; we have contractors that come from other states—but they say that Massachusetts has a license law providing that a man shall be registered two years and that because Massachusetts has it we should have it. Now if a contractor comes here on a competitive basis and gets a job his margin of profit is certain down to a reasonable figure because of the competition. Now already our highway department has said that we shall do certain things regarding labor but they have said that those contractors could bring in their skilled men. Now a shovel operator is a skilled man because an unskilled man could ruin one of those shovels in twenty-four hours or less. And that is the only protection that the bill would give to some particular man here who wanted to operate a shovel. It would exclude the man who is a member of the contractors' organization and whom maybe he has maintained through good times and bad and wants to keep him on his payroll because he is a good man for him. This is about the only thing it would do; it would exclude such men. And I do not believe that is a wise thing to do. I do not think

it is even fair. We have already put certain restrictions upon those contractors as to labor requirements and I do not feel that we should go so far as to tell them that they cannot even bring in a shovel operator because the man could not get a license for a year.

Now another thing. The question of steam pressure involved is not made a part of the act, and while certain exceptions to the act are provided, no exception is made to the fact that there are thousands of cast steam boilers in use in the state, designed and built in accordance with the American Society Mechanical Engineers Boiler Code, which is standard throughout the United States carrying a steam pressure of fifteen pounds per square inch or less but considerably in excess of the four horse power limitation included in the act. Those boilers are absolutely safe regardless of whether in use in residences or public buildings, and the requirement by this act that such boilers should be operated only by a licensed engineer is absurd. Now we have had no trouble with the engineering system here as regards accident. I have gone into the matter to some extent and cannot find any increase of accidents that we have had due to the negligence of operators.

And for these reasons I do not believe at this time that it is wise for us to simply build up some more work that is unnecessary and therefore I move the indefinite postponement of the bill.

Mr. BISSETT of Cumberland: Mr. President, at the hearing, which I attended, there was no objection to this bill at that time. All the objections have arisen since. It seemed at the hearing that those men in this State who are engineers and steam-shovel operators have asked the Commissioner of Labor if this thing could be done to protect those men who are employed in this State. If those contractors could bring in their engineers and operators and be allowed to work, they compete with engineers and operators in this State and this bill, as I understand it, would protect those men of this State.

Mr. JACKSON of Cumberland: Mr. President, I suggest that if this is a bill to protect certain contractors I would like to have a bill put in to protect me also.

Mr. BISSETT: Mr. President, in answer to the Senator from Cum-

berland, Senator Jackson, I will say that if he had had a bill put in to protect his business no doubt it would have been taken care of and heard at a hearing the same as this one was.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Schnurle, that this bill be indefinitely postponed in non-concurrence.

Mr. WEYMOUTH of Penobscot: Mr. President, I ask for a division.

A division of the Senate was had. Twenty-one having voted in the affirmative and eight opposed, the bill was indefinitely postponed.

The President laid before the Senate, Joint Order relative to Motor Vehicle Number Plates, tabled on March 29th by Mr. Weeks of Somerset, pending passage, and today assigned; and the Chair recognized that Senator.

Thereupon, the same Senator offered the following amendment and moved its adoption:

"Senate Amendment 'A' to Joint Order relative to Motor Vehicle Number Plates. Amend said order by inserting after the word 'Governor' in the eleventh line thereof, the words 'and Council.'"

The amendment was adopted.

Mr. WEEKS of Somerset: Mr. President, I now yield to the Senator from Androscoggin, Senator Holmes.

Mr. HOLMES of Androscoggin: Mr. President, first may I have the Secretary read the original order. The members will remember that the amendment merely puts in the words "and Council" following the word, "Governor."

The Secretary read the Joint Order.

Mr. HOLMES: Mr. President, in order to get a vote on the merits of this order, I move that it be indefinitely postponed. I want to say that I am opposed to it on two grounds. First, it is bad legislation because, in my mind, it is a combination of a legislative order and a bill, which, if passed in the ordinary way, would be a law when signed by the Governor. Therefore, technically it is bad and these technicalities have been worked out in the court of Maine for more than a hundred years in the best interests of legislation.

Now then, if it were separated into an order, insofar as part of it can be covered by an order, and

a bill insofar as the rest of it, in my opinion ought, if passed, to be an act, passed by the legislature and signed by the Governor. Even then I would oppose it.

In 1931 this legislature adopted the Hawes-Cooper act—an act of Congress, which relieves the states from the obstacle of the national control over interstate commerce insofar as convict made goods go. So that at the opening of this legislature the legislature was then in a position, by reason of the help afforded it by the Eighty-fifth Legislature, to pass a law taking advantage of the Hawes-Cooper act, a law which would forbid once and for all and effectively, the competition of convict labor with free labor.

A bill was introduced and referred to the Committee on Mercantile Affairs and Insurance, and I happened to be a member of it. And that bill was endorsed both by organized labor and by the Associated Industries, an organization which maintains a legislative agent here practically all of the time. And yet in spite of that double organization, that bill failed to get an "Ought to Pass" report, and as there were only one or two of us who were in favor of it, we did not think it was worth while to bring in a minority report and fight it out in the legislature. So the "Ought Not to Pass" report was accepted, and the bill failed.

Now, regarding the matter as I do, I feel that I can only be consistent in opposing any measure which will open the bars to the competition of convict labor with free labor, especially in these days. The idea of this measure is, as I interpret it, if the Governor and Council find that number plates can be made as cheaply by convict labor in the State Prison as they can be made by independent contractors employing free labor in different parts of the United States, then they shall be made there, or may be made there in the State Prison to the loss of so much employment of free labor in some part of the United States.

Now, the State of Maine is still a member of this Union and we are all bound together by indissoluble ties, and the welfare of the State of California, the State of Florida, the State of Washington and the State of Texas, is one and

the same thing as the welfare of Maine.

Mr. President, I hope the order will not be passed in this branch.

Mr. HOLMAN of Franklin: Mr. President, it almost seems to me that we ought to legislate for the State of Maine rather than for California or any other state. I think the order is a good order and I think the procedure is all right in a matter like this. I look at it simply for the Secretary of State to take advantage of a financial proposition for the State, and I think further, that with a matter like this, if we can do something that is of financial benefit to the State, and at the same time work in more or less reformation of our prisoners, by doing so we are doing a good turn for the people of the State of Maine, and should do it, rather than look after labor in a foreign state.

Mr. HARMON of Hancock: Mr. President, I did not intend to speak on this subject, but as I was sitting here, I was thinking of our tourists from the State of Maine, who go to California, Florida or to the southern states, and I am wondering if the little saving that would be made by producing these plates in our State Prison is going to be worth the difference it makes to State of Maine cars going to other states, especially to California and Florida and other states, which would be pointed out as Maine State's Prison labor number plates. It seems to me that from an advertising point of view, that should be taken into consideration.

Mr. McLOON of Knox: Mr. President, we have a serious problem in Thomaston in our State Prison. It is the matter of unemployment. Everybody realizes it is better for the prisoners to be employed as much as is possible, and I would be in favor of this bill if we did not save a cent on it, in order to keep the prisoners employed.

Mr. KITCHEN of Aroostook: Mr. President, in connection with this order, there is one thought which I have. I have understood at Thomaston that they have a small workshop where they make various small articles for the State of Maine such as signs, etc., in order to keep the men busy. I want to bring this fact to the members of the Senate, that there is a bill going through this Legislature, if not now finally passed, providing for town line signs, and this was before the Ways and Bridges Com-

mittee and we learned they were making signs there and very cheaply. We recommended the bill pass, and provided that the State would furnish the signs and each town would do the labor in connection with placing these signs at the entrance of each town. The Committee figured as the State wanted the men at the prison to have something to do, and as it would give other employment, we recommended the passage of this bill. So far as I am concerned, I think this is a good order, and I believe we should give it passage.

Mr. HOLMES: Mr. President, speaking in reply to the Senator from Aroostook, Senator Kitchen, and in reply to the remarks of the Senator from Knox, Senator McLoon;—in the first place replying to the Senator from Aroostook, (Senator Kitchen),—the matters about which he speaks are articles which are not absolutely necessary. The articles which are involved in this order are articles which are absolutely necessary to have manufacturing. Replying to the Senator from Knox, Senator McLoon, I would like to have him ask himself, —I do not ask him to reply to me as a question put to him, but to ask himself,—and at the same time I ask every one of the Senators sitting here to ask themselves this question: Which is the more important thing, especially in these times, to furnish employment to convicts or to furnish employment to free labor which is self-respectingly trying to support itself?

Mr. WINN of Androscoggin: Mr. President, I do not desire to rise for extended remarks, but simply to say that the Senator from Androscoggin, Senator Holmes, has expressed my sentiments exactly. It seems to me as though we should get interested in providing employment for those who are the bread winners and who are trying to keep their families supplied, and not exercise our efforts in furnishing employment for those in our institutions and places like that, and it seems to me it would not be real good judgment for the State of Maine to carry prison made plates throughout the nation.

Mr. McLOON: Mr. President, the Hawes-Cooper bill which the Senator from Androscoggin, Senator Holmes, referred to, is an interstate commerce bill and I am in sympathy with it. Now these other states, the prisons of other states are making goods for the depart-

ments of those states, and there is no reason why we should not make plates for our department here—our Highway Department. Furthermore, these plates would not be made in Maine anyway. They all come from the middle west, and would probably continue to do so unless we make them ourselves in the prison.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, that this order be indefinitely postponed in non-concurrence. The order has been amended by the adoption of Senate Amendment "A". As many as are in favor of the motion to indefinitely postpone will manifest by saying "Aye." and those contrary minded will say "No."

A viva voce vote being doubted. A division of the Senate was had.

Sixteen having voted in the affirmative and fourteen in the negative, the motion to indefinitely postpone in non-concurrence prevailed.

Mr. HOLMES: Mr. President, I now move the Senate reconsider its action whereby it indefinitely postponed this order, and I hope my motion will not prevail.

The PRESIDENT: As many as are in favor of reconsidering its action whereby this order was indefinitely postponed, will manifest by saying, "Aye." Those opposed will say "No."

A viva voce vote being doubted.

A division of the Senate was had.

Six having voted in the affirmative and twenty-three in the negative, the motion to reconsider did not prevail.

The President laid before the Senate, House Report from the Committee on Taxation, Report "A", "Ought Not to Pass"; Report "B", "Ought to Pass in a New Draft", and under title of An Act Relating to Licenses for Retail Stores, on An Act Relating to Store Licenses, (H. P. 14) (L. D. 5), tabled on March 29th by Mr. Jackson of Cumberland, pending acceptance of either report, and today assigned; and the Chair recognized that Senator.

Mr. JACKSON of Cumberland: Mr. President, I move that Report "A" "Ought Not to Pass", be accepted in non-concurrence, and I yield to the Senator from York. Senator Littlefield.

Mr. LITTLEFIELD of York: Mr.

President, I perhaps got myself in a little wrong by talking with the Senator from Cumberland, Senator Jackson. I was talking with him this morning and he said his voice had gone back on him and he could not say much and wanted me to say something about this bill.

Now, I have presented to this Legislature 15,000 names against the tax on chain stores, and I myself, did not realize what I see now, the benefit to the State of Maine, financially, from the chain stores.

(At this point, Senator Jackson of Sagadahoc, was escorted to the President's Chair, the President retiring, amidst the applause of the Senate, the members rising.)

Mr. LITTLEFIELD (continuing) I know that I do not know enough about this tax to make any particular talk in regard to it but I have here some figures which I wish to read to you, and I won't bother you but a few minutes. These figures are for A. & P. stores: "Rents paid in the State of Maine for the year 1932, \$214,840. Payroll paid State of Maine employees, \$1,065,010. Number of Employees in the State of Maine: 863. Amount of money paid public utility companies for gas, electric power, etc.: \$55,916. Amount of money paid railroads in the State of Maine for outgoing and incoming freight: \$272,650. Amount of money paid railway express in the State of Maine: \$102,198. Amount of money paid railroads by shippers on freight received in State of Maine via railroads: \$210,000. Amount of money paid steamship lines in the State of Maine: \$41,507. Amount of money paid truckmen in the State of Maine: \$420,152. Amount of money paid for taxes in the State of Maine: \$26,331. Merchandise purchased at branch stores from farmers, consisting of eggs, fruits, vegetables, etc. \$50,000. Purchases made from farmers within the vicinity of the City of Portland for use in stores, \$60,844. Number of cars of merchandise received and shipped from Portland distributing warehouse: 5,237. Money carried in State of Maine banks as of January 1, 1933: \$308,440. Purchases made within the State of Maine: (it seems to me this is a fair amount of money) \$10,507,533. Of this amount \$1,617,060 was used in our State of Maine stores. These purchases consisted of the following types of merchandise: sardines, mackerel, potatoes, all types of

canned goods such as corn, beans, etc. During the calendar year of 1932 the dollar expenditures by the Atlantic and Pacific Tea Company in the State of Maine exceeded the dollars taken in in sales over the counters in their State of Maine stores. In other words, during that period the Atlantic & Pacific Company spent more money in the State of Maine than it received through the sales of merchandise in its Maine stores. This is due to the fact that it purchased such large amounts of Maine merchandise for shipment to stores outside of the State."

It seems to me that there is a lot of money. It does seem to me that it helps everybody, not only in the purchasing of things to be sold in the stores, but you all know how they sell those goods.

Now, we have got to have some revenue from somewhere. Whether this is the place to get it or not, I do not know, but I would like to have the opinion of this Senate, and I would like to have it by their talking the matter over. It seems to me that a sales tax, a tax on the head, would be better than a tax on the articles of chain stores. Someone has got to pay the tax if you assess it on chain stores, and who is the one who is going to pay it?

Mr. HARMON of Hancock: Mr. President, these are impressive figures which have been read to you by the Senator from York, Senator Littlefield, and they are impressive figures, running into a vast amount of money in purchases, in freight, etc. It impresses our minds very strongly with the fact that the A & P stores, of which the Senator spoke, have paid out these vast sums of money, and it brings to our minds facts that our own native stores have lost an equal or a larger amount of trade. When we go up and down the streets in our towns, we see signs, "For Rent". The fact that A. & P. stores have paid this vast amount of money for rentals means that double that amount is lost by people running properly.

The tax assessed on these chain stores will be passed along eventually to the consumer. I certainly take issue with that statement which has been made in the corridors and around the legislative halls. Because a tax of \$50.00 on a store is \$4.25 a month and I do not believe that a store in the State

of Maine will close for this tax of \$4.25 a month. They are paying rents for the best locations in the towns in which they operate. In one town that I know they are paying \$2750 a year, I am told. Do you or anyone within the sound of my voice, believe a tax of \$4.25 a month is going to stop that store from operating?

And furthermore, if a tax is levied upon these stores, it would simply be that much less for them to pay out in dividends or in extending their business. If you take the history of chain stores, going back in a period of ten years, they have jumped by millions in surplus and in their business.

I have no quarrel with chain stores, but I do believe they should pay their proportionate part of the taxes in the State of Maine. Neither do I believe if the tax is assessed, it will go to the consumer, but it will go to the stockholders to pay from their surplus.

I hope the motion to indefinitely postpone will not prevail.

Mr. JACKSON of Cumberland: Mr. President, I have a communication from the Maine Cannery Association, which held a convention in Brunswick about three weeks back. I feel it is my duty to read it to you. The following resolution was adopted: "We believe that the Ashby, Fernald and Tompkins bills are harmful to the best interests of the State of Maine, and we therefore request you to oppose that act." The Maine Cannery Association is a big organization in the State of Maine, and they have made it possible for the farmer to get rid of his corn, peas, and other cannable products in the State of Maine. I think we want to be careful in enacting any law which would injure such a company. Again, when we pass this law, we want to take into consideration that we are not hitting alone the A. & P. Company. We are hitting other big companies who, all the way along, have been considered fair and honorable. We are hitting companies within the State of Maine who conduct chain stores. For instance, the Ham Company, with 28 stores, grain stores, competing with out of state corporations, conducting the same sort of business. Now, when we pass this act, we are handicapping them in their competition with out of state corporations just to the extent of the

tax that we impose upon them. We want to remember that.

I have heard around the corridors, all kinds of statements regarding the A. & P. and like corporations.

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

Mr. JACKSON, (continuing): They are called "a menace." I deny they are a menace. One individual who communicated with me said, "They should be taxed out of existence. They are scoundrels." Well, if we went upon that assumption, we could pass laws that would tax a lot of individuals and corporations out of existence.

I recall to mind an individual in the city of Portland. He is mean, unjust and unfair in his business methods. What I mean to say, Mr. President, he is mean. But it never occurred to the assessors in the city of Portland that they should tax him more than some other individual who is fair and square in his dealings, and they never have. If it is just a case of attempting to spank somebody because they are unfair, why I consider the legislation improper, and I hope my motion will prevail.

Mr. HOLMAN of Franklin: Mr. President, I look at this matter, not as a matter of spanking anybody, as the previous Senator has just suggested. It would seem to me that the motion to postpone this bill ought not to pass.

I have listened to the remarks of the honorable Senator from York, Senator Littlefield, and he has referred to lights, the sum received or paid for lights in the State, and he has referred to the bill paid for freight within and without the State, freight and gas and light bills. But those same items would have been paid were it not for the chain stores. The only difference, as I see it, a larger sum would have been paid.

Now, in order to have society, in order to have a happy society, a good citizenship, you have got to have one where good will prevails and where everyone gets a fair and honorable deal. The chain store will come out with an item one day and sell that item perhaps at cost or below cost just for the purpose of getting the people in there to buy some item so that they can sell their other

products the next day at a good profit. There is nothing fair in that kind of competition. It simply drives the small grocer to practice the same tactics. Now, it seems to me that the chain stores take an unfair advantage. It is a fact they come to Maine, buy our potatoes, buy our canned goods, but how do they buy them? They buy from Maine canners and they buy our corn. They go to a Maine corn packer and say, "Here, you sell me your pack for a certain figure. If you don't sell it to me for my figure, I will go to the west and buy the corn, and make a sharper trade." They care not for the grade of corn, whether good or poor, but are just concerned in driving a sharp trade.

It seems to me they work every element of a trust in their conduct. A trust, as I understand it, is an organization that gets together to control the supply and also the price of a commodity. Now, what do the chain stores do? They get together and they buy their commodity in mass lots so that they can dictate not only the supply, but the price, and by doing that, they are doing everything that the trust does.

I have never been a follower of Theodore Roosevelt, but if he was President of the United States today, he would dissolve all large chain stores on the ground that they are monopolies.

It seems to me right here, why they had a sales tax presented. Why was a sales tax presented before this legislature? Was it wholly for the revenue which the State would receive or was it from the fact that the chain stores wanted to get a sales tax on the small, independent merchants so that they could have more power?

I say, if we put this tax on, it is not a burdensome tax, it is a reasonable tax. It would be no hardship, but at the same time, it gives a little protection to the independent merchants.

I believe we, as members of the Senate, representing the people of the State, that Maine should look after our independent merchants and do everything we can so that they can live and exist. If the chain stores keep going, it is only a question of time when they will drive all independent merchants of the State of Maine out of employment, out of business and their modes of living.

Every time an independent merchant is driven out of business in a community, the community has lost the center of interest, and every time you lose one independent store, your center of interest decreases, and finally your country villages as well as your large towns in the State are destroyed. It breaks up that citizenship that we have had here in Maine for years. I feel that the chain stores are doing more harm to break up our system of government and system of living in the State, than anything that has come into the State.

Look, as you go through the country towns, and small villages, at the abandoned grocery stores, and abandoned country stores. What is the result? The result is another element to decrease the population in the small town and bring it to the cities, and by reducing the population in the small towns, it results in reducing the taxable property in the State. I say the chain stores should pay a license or a tax, if you wish to call it that. The only trouble with Report "B", as I see it, is that the tax is not large enough.

I hope that the motion to accept the "Ought Not to Pass" report will not prevail.

Mr. JACKSON of Cumberland: Just one more word, Mr. President. The Senator from York, Senator Littlefield, wondered what the revenue would be. The best available figures by people who should know estimate the amount received, if this bill is enacted, as approximately \$48,000 notwithstanding the wild reports that we have heard to the contrary. I submit to you that that is a small amount and I have also been informed that it would take practically all of that amount to set up the machinery to collect the \$48,000.

Now, just this other thought. In the back of the minds of those who have brought into being this bill there is this thought, to attempt to legislate somebody out of business. It is dangerous to attempt by taxation that which you cannot do by legislation.

Mr. VILES of Kennebec: Mr. President, I think one point with regard to this measure has not been touched upon, the local merchant may have sales of \$60,000 or \$70,000 a year and in order to carry on his business he must carry a stock of perhaps \$20,000. The chain stores

who do an equal amount of business with a stock of \$5,000 because of their delivery facilities. Now, I say to the Senators that the people of Aroostook County sold their potatoes before the chain stores came and they sold them for a better price than they are getting today, and the canners of the State of Maine did likewise with their corn.

I agree with the Senator from Franklin (Senator Holman) that this tax is not large enough. This system of doing business is not only driving the real merchants out of business but it is driving out the jobbing houses in the State of Maine. It is vicious. Furthermore the chain stores do not take part in the service to the community as do the independent merchants. If we have a community movement of any kind for the benefit of the community the individual merchants subscribe to it. They keep their deposits in our banks. They work for the good of the community. The chain stores keep no deposits in Maine. Their rate of wage to their help is extremely low. They participate in no public welfare work and this tax will nowhere near correct the inequality that exists today.

The PRESIDENT: The question is on the motion of the Senator from Cumberland Senator Jackson, that Report "A" "Ought Not to Pass" be accepted in non-concurrence.

Mr. JACKSON of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: And on this question the Senator from Cumberland, Senator Jackson, asks for a division.

A division of the Senate was had.

Eleven having voted in the affirmative and nineteen opposed the motion to accept the "Ought Not to Pass" report did not prevail.

Thereupon on motion by Mr. Harmon of Hancock, the report of the Committee on Taxation, Report "B" "Ought to Pass in a New Draft" was accepted in concurrence and the bill was given its first reading.

Thereupon Mr. Jackson of Cumberland offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 1030, entitled An Act relating to licenses for retail stores. Amend Sec. 4 of said act by inserting after the word 'maintaining' in the 3rd line therein the following: 'or controlling through stock

ownership or otherwise'. So that said section as amended shall read as follows: 'Sec. 4. Annual license fees. Every person, firm, partnership, association or corporation establishing, owning, operating, managing, or maintaining or controlling through stock ownership or otherwise 1 or more stores as in this act defined, within this state, under the same general management, supervision or ownership, shall pay the license fee or fees herein set forth annually, in addition to the filing fee required by Section 1 of this act.

"Such license fees shall be:

"(1) For 1 store, \$1.

"(2) Upon each store in excess of 1 store, but not exceeding 5 stores, \$5.

"(3) Upon each store in excess of 5 stores but not exceeding the number of 10 stores, \$10.

"(4) Upon each store in excess of 10 stores but not exceeding the number of 15 stores, \$15.

"(5) Upon each store in excess of 15 stores but not exceeding the number of 25 stores, \$25.

"(6) Upon each store in excess of 25 stores, \$50."

Thereupon, on motion by Mr. Viles of Kennebec, the bill and amendment were laid upon the table pending the adoption of Senate Amendment "A" and assigned for the end of today's calendar.

On motion by Mr. Weeks of Somerset, the rules were suspended and that Senator presented out of order the following order and moved its passage:—

"Ordered, the House concurring, that the Governor having delivered a special message to this Legislature seeking to impress upon it the critical cash condition of the State at the present time and the necessity for emergency legislation to relieve the same, that any measure which in the judgment of the committee on reference of bills is designed for that purpose, be received."

The order received a passage.

Thereupon, on motion by Mr. Weeks of Somerset, the order was sent forthwith to the House.

The President laid before the Senate, Joint Order relative to printing of bills and resolves, tabled by Mr. Weeks of Somerset on March 29th pending motion to indefinitely postpone and today assigned; and the Chair recognized that Senator.

Mr. WEEKS of Somerset: Mr. President, I think the motion to indefinitely postpone was made by the Senator from Androscoggin, Senator Holmes, and I wish to second that motion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Holmes, that this order be indefinitely postponed.

Thereupon, the order was indefinitely postponed.

The President laid before the Senate, Joint Order relative to ruling of Attorney General on Constitutionality of Certain Sections of the Revised Statutes, tabled by Mr. Viles of Kennebec on March 29th pending passage and today assigned; and the Chair recognized that Senator.

Mr. VILES of Kennebec: Mr. President, this inquiry deals with the constitutionality of the auxiliary state forest law. This Legislature has already repealed the auxiliary state forest law, and my point is that it is not in order for this Legislature to direct an inquiry as to the constitutionality of an act that is not being considered by the Legislature. Therefore, I move the indefinite postponement of the order.

The motion prevailed and the order was indefinitely postponed in non-concurrence.

The President laid before the Senate, An act to repeal the act incorporating Number XIV Plantation in Washington County (H. P. 1614, L. D. 968), House Report, Majority Report, "Ought to Pass"; Minority Report, "Ought to Pass in New Draft," tabled by Mr. Kitchen of Aroostook on March 29th pending acceptance of either report and today assigned; and the Chair recognized that Senator.

Mr. KITCHEN of Aroostook: Mr. President, in order to convenience the Senator from Washington, Senator McDonald, who is interested in this matter, I move that it be retabled until this afternoon.

Thereupon, the bill was retabled and this afternoon assigned.

The President laid before the Senate, Joint Order relative to recess committee on sales tax, tabled by Mr. Jackson of Cumberland yesterday and this morning assigned; and the Chair recognized that Senator.

Mr. JACKSON of Cumberland: Mr. President, I yield to the Senator

from Cumberland, Senator Schnurle.

Mr. PRESIDENT: I ask unanimous consent to withdraw this order that I introduced yesterday relative to a commission to study the sales tax situation. My reason is that we have already asked for a tax commission to study the general tax situation which I believe will take care of this situation.

Unanimous consent to withdraw the order was granted.

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

On motion by Mr. Weeks of Somerset,

Recessed, until two o'clock this afternoon.

AFTER RECESS

The Senate was called to order by the President.

From the House, out of order:

Bill "An act relating to the rate of interest charged by small loan agencies." (H. P. 23, L. D. 19).

(In the Senate on March 29th, indefinitely postponed.)

In the House that body having insisted on its former action whereby the bill was passed to be engrossed and asking for the Committee of Conference, the Speaker having appointed as members of such committee on the part of the House:

Messrs. Soper of Newport, Blanchard of Wilton; Mace of Aurora.

In the Senate, on motion by Mr. Blaisdell of Hancock the Senate voted to join in the committee of conference on the part of the Senate:

Senators Blaisdell of Hancock, Fernald of Penobscot; Holmes of Androscoggin.

From the House, out of order:

The Committee on Judiciary on Bill "An act relating to state salaries for persons receiving pay from United States Government" (H. P. 1152, L. D. 601) reported that the same ought not to pass.

In the House indefinitely postponed.

In the Senate, on motion by Mr. Viles of Kennebec, the report of the committee "Ought Not to Pass" was accepted in non-concurrence.

From the House, out of order:

Bill "An act relating to the licensing of aircraft" (S. P. 277, L. D. 1038)

(In the Senate on March 27th passed to be engrossed).

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

In the Senate, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed on March 27th; House Amendment "A" was read.

Thereupon, on motion by Mr. Page of Somerset, the bill and amendment were laid upon the table pending adoption of House Amendment "A" in concurrence and assigned for the end of today's calendar.

From the House, out of order:

The Committee of Conference on "An act to reduce certain fees of deputy sheriffs for the next two years" (H. P. 1399, L. D. 705) reported that the House recede from its position whereby it adopted House Amendment "A" and passed the bill to be engrossed as amended, indefinitely postpone House Amendment "A" in concurrence and adopt House Amendment "B" submitted herewith; and that the Senate recede from its position whereby it passed the bill to be engrossed and concur with the House in the adoption of House Amendment "B".

"House Amendment B to (H. P. 1399) (L. D. 705) entitled, "An act to Reduce Certain Fees of Deputy Sheriffs for the next Two Years."

Amend said bill by striking out all after the enacting clause and substituting therefor the following:

Sec. 1. Suspension of certain laws. From the effective date of this Act the operation of all acts and parts of acts inconsistent with any of the provisions of this act are hereby suspended for a period of 2 years only.

Sec. 2. Fees Reduced. Every deputy sheriff and court messenger while in attendance upon the supreme judicial court or the superior court in their several counties shall receive for said attendance and service the sum of \$4.50 per day and said deputy sheriffs shall not receive any other or additional compensation for any services whatsoever performed by them while in attendance upon said courts or upon either of them. Every deputy sheriff, while performing special duties under order of the sheriff shall receive for such

services the sum of \$4.50 per day, together with necessary incidental expenses including traveling expenses incurred in the performance of official business at not exceeding 7 cents per mile, to be paid from the county treasury, the bills for which shall be audited as provided in section 1 of chapter 148. Said deputy sheriffs shall not receive any other or further compensation for any services whatsoever performed in the capacity of deputy sheriff while performing said special duties under order of the sheriff.

Sec. 3. Limitation of act. This act shall remain in effect for a period of 2 years only from the taking effect thereof."

In the House, read and adopted.

In the Senate, the report was read and accepted in concurrence, and the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "B" was read.

Thereupon, on motion by Mr. Littlefield of York, the bill and amendment were tabled pending adoption of House Amendment "B" and assigned for the end of this afternoon's calendar.

From the House, out of order:

Joint Order relative to parcel transportation. (S. P. 658)

(In the Senate, March 29th read and passed as amended by Senate Amendment "A".

In the House indefinitely postponed.

In the Senate, on motion by Mr. Bissett of Cumberland the Senate voted to recede and concur with the House in the indefinite postponement of the order.

From the House, out of order:

Bill "An act relating to the making of local regulations for fishing and game sanctuaries." (S. P. 643, L. D. 1032)

(In the Senate March 27th passed to be engrossed).

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

In the Senate, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed on March 27th; House Amendment "A" was read.

Thereupon, on motion by Mr. Schnurle of Cumberland, the bill and amendment were laid upon the

table pending adoption of House Amendment "A" in concurrence and assigned for the end of this afternoon's calendar.

Mr. Viles of Kennebec presented Bill "An act providing flexibility in the handling of state revenues and expenditures during the period of the present state cash stringency." (S. P. 670)

The Committee on Reference of Bills, believing that the act is designed to relieve the present cash stringency, recommends the acceptance of the Bill and that it be considered in the separate bodies without reference to a Committee.

Thereupon, on motion by Mr. Viles of Kennebec, the rules were suspended and the bill was considered without reference to a committee; the rules were again suspended and the bill was given its first reading without printing; and 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.

Passed to be Enacted

(Out of Order)

An act relative to the making and publishing of rules and regulations by the Commissioner of Inland Fisheries and Game. (S. P. 313, L. D. 521)

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

An act relative to the trial terms of the Superior Court. (H. P. 32, L. D. 95)

An act relating to elections in the City of Biddeford. (H. P. 1638, L. D. 972)

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

An act relating to disclosures of the affairs of corporations and the place within counties in which disclosures are to be made. (H. P. 1697, L. D. 1019)

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

An act providing for town line signs. (H. P. 1710, L. D. 1036)

Finally Passed

(Out of Order)

Resolve, providing for an increase in state pension for Addie L. Coombs of Montville. (S. P. 112, L. D. 1011)

Resolve providing for a state pension for Hattie Boynton of Montville. (S. P. 631, L. D. 1012)

Resolve providing for a state pension for Valdimir B. Jones of Waldo. (S. P. 632, L. D. 1013)

Resolve providing for a state pension for Elida F. Whitcomb of Montville. (S. P. 633, L. D. 1015)

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

Resolve in favor of the town of Veazie to reimburse said town of Veazie for support of Archie L. Mishio and family, state paupers. (H. P. 804, L. D. 1037)

(Emergency Measure)

(Out of Order)

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

On motion by Mr. Schnurle of Cumberland, the rules were suspended and the Senate voted to reconsider its action of March 28th whereby the bill was passed to be engrossed.

Thereupon, Mr. Schnurle of Cumberland offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 1021, entitled, An Act providing for the temporary support and regulation of insurance companies. Amend said bill by inserting after the words 'due or to become due at a date certain' in Sec. 4 thereof, the following words 'and the payment of premiums on policies affected by such postponements of suspensions.'"

Mr. HOLMES of Androscoggin: Mr. President, I would move that the bill and the amendment lie upon the table for a few minutes only. I want to check it with the text, that is all. I think it is right.

Thereupon, the bill and the amendment were laid upon the table pending the adoption of Senate Amendment "A" and assigned for the end of this afternoon's calendar.

The President laid before the Senate, An Act to provide for old age pensions (H. P. 1698, L. D. 1020), tabled by Mr. Weeks of Somerset earlier in today's session pending passage to be engrossed and this afternoon assigned; and the Chair recognized that Senator.

Mr. Weeks of Somerset: Mr. President, the Senator from Saga-

dahoc, Senator Jackson, wished to speak on this matter and consequently wishes me to have it retabled and assigned for tomorrow morning which I now move.

The motion prevailed and the bill was retabled and tomorrow morning assigned.

The President laid before the Senate, An Act relating to licenses for retail stores (H. P. 14, L. D. 5), tabled by Mr. Viles of Kennebec earlier in today's session pending adoption of Senate Amendment "A" and this afternoon assigned; and the Chair recognized that Senator.

Mr. VILES of Kennebec: Mr. President, I yield to the Senator from Cumberland, Senator Jackson.

Thereupon, on motion by Mr. Jackson of Cumberland that Senator was granted consent to withdraw Senate Amendment "A."

The PRESIDENT: This bill has had one reading in the Senate.

Thereupon, on motion by Mr. Viles of Kennebec, the rules were suspended, the bill was given its second reading, House Amendment "A" was read and adopted in concurrence and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

The President laid before the Senate, House Report, Majority Report, "Ought to Pass"; Minority Report, "Ought to Pass in New Draft" on, An Act to repeal the act incorporating Number XIV Plantation in Washington County (H. P. 1614, L. D. 968), tabled by Mr. Kitchen of Aroostook earlier in today's session pending acceptance of either report and this afternoon assigned; and the Chair recognized that Senator.

Mr. KITCHEN of Aroostook: Mr. President, I move the acceptance of the Majority Report "Ought to Pass."

Mr. McDONALD of Washington: Mr. President, when this matter was before the Senate a few days ago I made some remarks in regard to the acceptance of the Minority Report which differs from the Majority Report purely in the matter that it asked that the matter be referred to the legal voters of Plantation XIV. In other words we asked for a referendum and I want to read a decision from the court in regard to what constitutes home rule as it

seems to me that is the point at issue here; whether or not the people in this Plantation have a right to manage their own affairs, or whether it should be submitted to them that they might have a voice in managing their own affairs. I read from the Maine Reports 116, page 266, the case of Lemaire vs. Crockett, "Home rule means that as to the affairs of the municipality which affects the relation of citizen with their local government, they shall be freed from state interference, regulation and control; that the system of public improvements, the building of streets and alleys, the appointment of officers, the designation of their duties and how they shall be performed and all other matters purely of local interest, advantage and convenience shall be left with the people for their own determination."

That seems to me to be a very important part of the affairs of the people in this community and it seems to me that we as members of this Legislature should have some real good reason for interfering with their rights, and I sincerely hope that in view of these facts the majority report will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Kitchen, that the majority report of the committee "ought to pass" be accepted.

A viva voce vote being had

The Chair was in doubt.

A division of the Senate was had.

Fourteen having voted in the affirmative and thirteen opposed, the Majority Report "Ought to Pass" was accepted and the bill was given its first reading.

Thereupon, under suspension of the rules the bill was given its second reading and passed to be engrossed in non-concurrence.

On motion by Mr. Weeks of Somerset,

Recessed, until three-thirty o'clock.

AFTER RECESS

The Senate was called to order by the President.

The President laid before the Senate, An act relating to the licensing of aircraft (S. P. 277, L. D. 1038), tabled by Mr. Page of Somerset earlier in today's session pending adoption of House Amendment "A" in concurrence and this afternoon

assigned; and the Chair recognized that Senator.

Thereupon, on motion by that Senator the bill was retabled and tomorrow morning assigned.

The President laid before the Senate, An act to reduce certain fees of deputy sheriffs for the next two years (H. P. 1399, L. D. 705), tabled by Mr. Littlefield of York pending adoption of House Amendment "B" in concurrence and this afternoon assigned; and the Chair recognized that Senator.

Thereupon, on motion by Mr. Littlefield of York, House Amendment "B" was adopted in concurrence and the bill as amended by House Amendment "B" was passed to be engrossed in concurrence.

The President laid before the Senate, An act Relating to the Making of Local Regulations for Fishing and Game Sanctuaries, (S. P. 643) (L. D. 1032), tabled by Mr. Schnurle of Cumberland earlier in today's session pending adoption of House Amendment "A" in concurrence; and today assigned; and the Chair recognized that Senator.

Mr. SCHNURLE of Cumberland: Mr. President, and members of the Senate, this bill, of course, has been completely over-shadowed by financial difficulties and situations which have developed, but I do want to assure the members of the Senate that this bill is just as important to the fish and game resources of the State and the administration of the Department as the banking bills are or have been to the banking situation.

The thing has gone along in the Senate very quietly and I do not believe all the members of the Senate have even taken the time to go into the matter. I want to explain to you briefly what this thing does. I want to clarify any misapprehension you may have had as to its giving additional powers to the Commissioner and Advisory Council. It does not give additional powers. They have certain powers now and have the same powers in this bill, but it gives them a systematic use of that power.

To you gentlemen, and especially those who have served here several terms, of course it is an old story. You have seen hundreds of such bills come to the legislature sponsored sometimes by an individual

and sometimes by a group of individuals, perhaps sometimes with selfish reasons and sometimes for unselfish reasons. You have seen the procedure in committee hearings when hearings were being held on these matters, and you have seen many a bill, if you have been on the committee, when only one man appeared for the bill, who perhaps was a member of the legislature and the one who introduced the bill, and the only reason he appeared was because he was invited there as a matter of courtesy. You say to him, "What about this bill?" He says, "I don't know I haven't had time to go into the matter." He doesn't know whether it represents the expressed opinion of the people in his town and county or not.

The method of holding hearings on special laws is unfair for this reason, it is necessary for them to go long distances if they want to testify on these special rules and regulations. For instance, it would be necessary for people living in Aroostook County, if they wanted to testify, to come down here to Augusta, which means considerable expense to these people, both in time and money.

Now, I believe it would be far more desirable for the Commissioner and the Advisory Council member from the district in which the water or lands lie, to go right into that territory and hold the hearing there, where all concerned can come, and, in other words, they can get a true picture of the situation.

Here is the way we propose to provide for that: "Upon petition of the municipal officers or 50 citizens of the town or towns in which the waters or lands to be affected lie, or, upon the petition of the county commissioners in case said waters or lands lie in unorganized townships, or upon the initiative of the commissioner of inland fisheries and game,—” As I go along, I will try to bring out the reasons for the provisions being there. The Commissioner may receive a petition from a certain district stating reasons they want things done. He may have had things called to his attention from wardens, but for which he had no petition. If he had no initiative himself, he could not hold hearings on those things not contained in a position. That is a reason for that.

"Upon the initiative of the com-

missioner of inland fisheries and game stating the conditions affecting the waters or lands and the regulations which are desired as a remedy, hearing shall be held in the several counties annually at the times and places as may be selected by the commissioner.—”

Get this point, gentlemen, this is a guarantee that the Commissioner and Advisory Council member may go into each of the several counties of the State once a year and attempt to straighten out difficulties pertaining to fishing laws. It has nothing to do with general laws or with hunting or trapping, just special laws. They will hold those hearings from the period from September 15th to December 14th, after the season is practically closed, and when everything is fresh in the minds of the individuals affected.

"During the period from September 15th to December 14th; said hearings to be held and rules and regulations promulgated as hereinafter provided; all petitions shall be in the office of the commissioner of inland fisheries and game before the 1st day of September of each year. Notice of hearings to be held and the times and places thereof shall be published once a week for two successive weeks prior to the hearing in a newspaper within the county in which the waters or lands affected lie and in case no newspaper exists, in the state newspaper."

Now, gentlemen, I want to bring out one point at this time. We have a wonderful commissioner here, and I think he has the wholehearted support of those interested in fish and game matters in the State of Maine. He has become an outstanding man, not only in this State, but nationally. It would be wonderful if we knew he could be there for an indefinite period, but we know that will probably not be so. He may receive, and has received offers from other states to go there. He may have any number of reasons for not always being with us. We have an advisory council at the present time, one council member from each of the councillor districts of the State. What I am trying to bring out, I believe it may be necessary some time to build this council to a point where, regardless of who the commissioner may be, we will have something to stand on in that department. You know that we have

been years building it up, and you gentlemen, some of you who were in the last legislature, passed the bill which gave power to the Commissioner and Advisory Council. Prior to that, a previous legislature brought into being the advisory council, which at that time, had no power. They proved they were valuable and in the last legislature you gave them this power.

"Hearings may be held by either the commissioner, deputy commissioner at the discretion of the commissioner who may request the presence of the member of the advisory council, within whose councillor district said waters or lands to be affected lie, at said hearing. Upon the expiration of the period during which said hearings are to be held the commissioner with the advice and consent of the advisory council shall make such rules and regulations as may be deemed advisable within the scope of the hearing so held and cause notice of the same to be published once a week, etc."

This last is repetition. What it means is this: After they have held these hearings, petitions must be in by September, and between September 15th and December 14th, the entire advisory council, representative of the entire state, go into session and promulgate rules and regulations. In other words, if Cumberland County had an advisory council member who was selfish and wanted to put in something which would be detrimental to the best interests of the State as a whole, you have a check by six men to stop such a thing as that. After they deliberate upon these rules and regulations, if they become laws, they become effective January 1st, so that by January 1st of each year, we know just where we stand.

There has been an amendment offered. I will be very frank with you, gentlemen. If this amendment were to be adopted, I would rather the bill would go out the window and call the whole thing off. Here is what the amendment calls for:

"Amend said bill by striking out in the 24th line of said bill the word "may" and substituting therefor the word "shall"; and by adding after the word "lie" in the 26th line thereof the following words: 'and the representative to the legislature from the city, town or class district and the senators of the then existing legislature from the county

within which said waters or lands to be affected lie.'

"Further amend said bill by striking out in the 27th line the words: 'upon the expiration of the period during which said hearings are to be held the commissioner with the advice and consent of the advisory council' and substituting in place thereof the following: 'after the holding of the hearing the commissioner with the advice and consent of the matter of the advisory council, the representative and the senators aforesaid.'"

In other words, gentlemen, if this amendment was to be adopted and the bill was to go ahead, you gentlemen would compose the deliberative bodies in your respective counties to pass upon all fishing regulations. If you fellows want to serve in that capacity and have all the flare-backs that might come, it is perfectly all right with me. I do not want to do it, for one. We have an advisory council and a commissioner and it is their job, and let them do it. It is their business.

With those few remarks, let me move for the indefinite postponement of the amendment.

The PRESIDENT: The question is on the motion of the Senator from Cumberland. Senator Schnurle, that House Amendment "A" be indefinitely postponed in non-concurrence.

A viva voce vote being had,

The motion prevailed and House Amendment "A" was indefinitely postponed in non-concurrence.

Thereupon, the bill was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, An Act providing for the temporary support and regulation of insurance companies (H. P. 1706, L. D. 1021), tabled by Mr. Holmes of Androscoggin earlier in today's session and assigned for the end of this afternoon's calendar; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, I support the motion of the Senator from Cumberland, Senator Schnurle, for the adoption of Senate Amendment "A."

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

On motion by Mr. Littlefield of York, the rules were suspended, and that Senator presented, Resolve in favor of Ernest H. Rhodes of South Berwick.

The Secretary read the resolve.

The PRESIDENT: The Senator from York, Senator Littlefield, now asks unanimous consent for the introduction of this measure.

Unanimous consent was refused and the bill was referred to the 37th Legislature.

Mr. LITTLEFIELD of York: Mr. President, I asked the Senator from Somerset, Senator Weeks, to attend to this matter for me but he didn't seem to want to do it. Now that the Senate has refused to admit the bill I would like to have it referred to the next Legislature.

The PRESIDENT: The Chair will state that it has been already so referred.

From the House, out of order:

Resolve for the laying of the county taxes for the year nineteen hundred thirty-three. (H. P. 1739)

In the House, passed to be engrossed.

In the Senate, on motion by Mr. Weeks of Somerset, the rules were suspended and the bill was given its two several readings and passed to be engrossed in concurrence.

From the House, out of order:

Resolve for the laying of the county taxes for the year nineteen hundred thirty-four. (H. P. 1740)

In the House, passed to be engrossed.

In the Senate, on motion by Mr. Weeks of Somerset, the rules were suspended and the bill was given its two several readings and passed to be engrossed in concurrence.

Report of Committee

(Out of Order)

The Committee of Conference on "An Act regulating the manufacture and sale of ice cream and other frozen desserts" (S. P. 640, L. D. 1024) reported that the Committee failed to agree.

The report was read and accepted.

(Emergency Measure)

(Out of Order)

Resolve for the laying of the county taxes for the year nineteen hundred thirty-four. (H. P. 1740)

Which resolve being an emergency measure and having received the affirmative vote of 24 members of the Senate was finally passed.

Finally Passed

(Out of Order)

Resolve for the laying of the county taxes for the year nineteen hundred thirty-three. (H. P. 1739)

On motion by Mr. Weeks of Somerset,

Adjourned, until tomorrow morning at ten o'clock.