

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, April 3, 1935.

Senate called to order by the President.

Prayer by the Rev. Cymbrid Hughes of Augusta.

Journal of yesterday, read and approved.

From the House:

Bill "An Act Relative to Qualifications of Applicants for Admission to the Bar." (H. P. 1776) (L. D. 811)

In Senate on March 28th bill passed to be engrossed in concurrence.

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Burkett of Cumberland, the Senate voted to insist on its former action whereby the bill was passed to be engrossed and ask for a committee of conference; the President appointed as members of such Committee on the part of the Senate.

Senators: Burkett of Cumberland
Pinansky of Cumberland
Burns of Aroostook

Sent down for concurrence.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Fees for Registration of Motor Vehicles" (H. P. 39) (L. D. 12) reported that the same ought not to pass.

In the House, the bill having been substituted for the report, and subsequently indefinitely postponed.

In the Senate, the bill was indefinitely postponed in concurrence.

(At this point the Senator from Aroostook, Senator Burns, assumed the Chair, the President retiring, amidst the applause of the Senate, the members rising.)

From the House:

The Committee on Judiciary on Bill "An Act Relating to Collection Agencies," (H. P. 1209) (L. D. 457) reported the same in a new draft (H. P. 1830) (L. D. 880) under the same title, and that it ought to pass.

In the House, indefinitely postponed.

In the Senate, on motion by Mr. Friend of Somerset, the Senate voted to indefinitely postpone the bill in concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act to Change the Name of the Nasson Institute to that of Nasson College, and to Otherwise Alter the Charter of Said Corporation," (H. P. 861) (L. D. 299) reported that the same ought to pass.

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

In the Senate, the report of the committee was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and 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" in concurrence.

From the House:

The Committee on Maine Publicity on "Resolve Making Appropriation for the Advertising of Maine Farm Products and to Increase the Demand for and the Consumption of the Same," (H. P. 603) (L. D. 176) reported that the same ought not to pass.

In the House, the report was read and accepted in concurrence.

In the Senate, on motion by Mr. Ashby of Aroostook, the bill and report were laid upon the table pending acceptance.

Papers from the House, disposed of in concurrence.

House Bills in First Reading

(Under suspension of the rules the following bills and resolves were given their second reading and passed to be engrossed in concurrence.)

"An Act Relating to Indians." (H. P. 1835) (L. D. 891)

"An Act Relating to the South Portland Sewerage District." (H. P. 1817) (L. D. 867)

"An Act to Grant a New Charter to the City of Eastport." (H. P. 1836) (L. D. 895)

"An Act Relative to Mines and Minerals." (H. P. 1837) (L. D. 892)

"An Act Relating to the Sale of Prophylactic Rubber Goods for Prevention of Venereal Diseases," (H. P. 1838) (L. D. 893)

From the House:

The Committee on Temperance, on bill "An Act to define the powers of the State Liquor Commission"

(H. P. 1363) (L. D. 592) reported the same in a new draft (H. P. 1820) (L. D. 872) under the same title and that it ought to pass.

In the House, the report was read and accepted and the bill was passed to be engrossed.

In the Senate; the report was read and accepted in concurrence and the bill was given its first reading.

Thereupon, Mr. Bissett of Cumberland offered the following amendment and moved its adoption:

"Senate amendment A to H. P. 1820, L. D. 872, entitled, "An Act to Define the Powers of the State Liquor Commission".

Amend said bill by striking out in section 5 the figure "5" and inserting in place thereof the figure "7" and by inserting after section 4 thereof the following 2 sections:

'Sec. 5. **Subpoenas.** Any commissioner of the state liquor commission may administer oaths, and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any questions in dispute before the state liquor commission or to any matters involved in a hearing. Witness fees in all proceedings under this act shall be the same as for witnesses before the superior court.'

'Sec. 6. **Hotel license fees.** The fee for a hotel license shall be \$600 per year, in cities and towns having a population of 10,000 or more, and \$300 per year for cities and towns having less than 10,000. The fee for each club or restaurant shall be \$200 per year. The fee for a steamboat or railroad or pullman corporation shall be \$200 per year, covering all boats and cars supplying food and 1 license shall be sufficient to cover all steamboats and cars operated by any 1 owner; provided, however, that such licenses may be issued for the duration of a period of 6 months during the summer season and beginning not earlier than May 1st of any year, by the state liquor commission, to summer hotels and clubs at ½ the above fee.'

Thereupon, on motion by Miss Martin of Penobscot, the bill and the amendment were laid upon the table pending the adoption of the amendment.

"An Act Relating to Maintenance and Snow Removal on Highways," (H. P. 1831) (L. D. 881)

From the House:

The Majority of the Committee on Judiciary on bill "An Act Relating to the Conveyance of Property for Support," (H. P. 1325) (L. D. 578) reported the same in a new draft (H. P. 1832) (L. D. 894) under the same title, and that it ought to pass.

(Signed)

Burkett of Cumberland
Burns of Aroostook
Weatherbee of Lincoln
Jacobson of Portland
Philbrick of Cape Elizabeth
Hill of South Portland
Gray of Presque Isle
Vaughan of South Berwick

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

(Signed)

Fernald of Waldo
Willey of Falmouth

In the House, the Majority report "Ought to pass in a new draft" read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Burkett of Cumberland, the Majority Report of the Committee "Ought to Pass in New Draft" was accepted in concurrence and under suspension of the rules the bill was given its several readings and passed to be engrossed in concurrence.

From the House:

Majority of the Committee on Judiciary on Bill "An Act Relating to Cities and Towns Refunding Indebtedness," (H. P. 1260) (L. D. 491) reported the same in a new draft (H. P. 1833) (L. D. 890) under the same title, and that it ought to pass.

(Signed)

Burkett of Cumberland
Burns of Aroostook
Hill of South Portland
Philbrick of Cape Elizabeth
Jacobson of Portland
Weatherbee of Lincoln
Gray of Presque Isle
Vaughan of South Berwick

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

(Signed)

Fernald of Waldo
Willey of Falmouth

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

In the Senate, the Majority Report of the Committee "Ought to Pass in New Draft" was accepted in concurrence; and under suspension of the rules the bill was given its several readings and passed to be engrossed in concurrence.

From the House:

The Majority of the Committee on Legal Affairs on Bill "An Act Creating a State Lottery Commission," (H. P. 147) (L. D. 49) reported the same ought not to pass.

(Signed)

Blaisdell of Hancock
Martin of Penobscot
Pinansky of Cumberland
Higgins of Ellsworth
Chase of Baring
Chase of Sebec
Davis of Fairfield
Burnham of Kittery

The minority of the same Committee on the same subject matter, reported that the same ought to pass.

(Signed)

Donahue of Biddeford
Sawyer of Brunswick.

In the House, the minority report "Ought to pass" accepted, and subsequently the bill was indefinitely postponed.

In the Senate, on motion by Mr. Bissett of Cumberland, the bill was indefinitely postponed in concurrence.

Reports of Committees

Mr. Jackson from the Committee on Banks and Banking on Bill "An Act to Amend the Law Relating to Loan and Building Associations," (S. P. 390) (L. D. 426) reported that the same ought not to pass.

(On motion by Mr. Schnurle of Cumberland, the bill and report were laid upon the table pending acceptance.)

Mr. Bodge from the same Committee on Bill "An Act Relating to Liquidation of Banks," (S. P. 24) (L. D. 624) reported that the same ought not to pass.

Mr. Fernald from the Committee on Judiciary on Bill "An Act Creating a State System of Public Employment Offices," (S. P. 327) (L. D. 350) reported that the same ought not to pass.

Mr. Burkett from the Committee on Military Affairs on Bill "An Act to Provide for the Completion of the Payment of a Bonus to Maine Soldiers and Sailors in the War

With Spain," (S. P. 22) reported that the same ought not to pass.

The same Senator from the Committee on Sea and Shore Fisheries on Bill "An Act to Establish a Bureau of Research," (S. P. 434) (L. D. 476) reported that the same ought not to pass.

The Committee on Aeronautics and Radio Control submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

The majority of the Committee on Judiciary on Bill "An Act Relating to the Practice of Chiropractic," (S. P. 394) (L. D. 417) reported the same in a new draft (S. P. 714) under the same title, and that it ought to pass.

(Signed)

Burkett of Cumberland
Hill of South Portland
Vaughan of South Berwick
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Jacobson of Portland
Gray of Presque Isle

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

(Signed)

Burns of Aroostook
Fernald of Waldo
Willey of Falmouth

On motion by Mr. Burkett of Cumberland, the Majority Report of the Committee "Ought to Pass in New Draft" was accepted; and the bill was laid upon the table for printing under the joint rules.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Zone Registration," (S. P. 328) (L. D. 349) reported that the same ought not to pass.

(Signed)

Burkett of Cumberland
Fernald of Waldo
Gray of Presque Isle
Hill of South Portland
Willey of Falmouth
Weatherbee of Lincoln
Philbrick of Cape Elizabeth

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

(Signed)

Burns of Aroostook
Vaughan of South Berwick
Jacobson of Portland

On motion by Mr. Bartlett of Oxford, the bill and both reports were laid upon the table pending acceptance of either report.

The Majority of the Committee on Judiciary on Bill "An Act to Permit National Forests in Maine," (S. P. 216) (L. D. 189) reported the same in a new draft (S. P. 715) under the same title, and that it ought to pass.

(Signed)

Burns of Aroostook
Fernald of Waldo
Vaughan of South Berwick
Willey of Falmouth
Weatherbee of Lincoln
Gray of Presque Isle
Philbrick of Cape Elizabeth
Jacobson of Portland

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

(Signed)

Burkett of Cumberland
Hill of South Portland

On motion by Mr. McDonald of Washington, the bill and both reports were laid upon the table for printing of the new draft, pending acceptance of either report.

The Majority of the Committee on Military Affairs on Bill "An Act to Provide for the Completion of the Payment of a Bonus to Maine Soldiers and Sailors in the War with Spain," (S. P. 163) (L. D. 92) reported that the same ought not to pass.

(Signed)

Burkett of Cumberland
Burns of Aroostook
Graves of Mt. Desert
Hall of Bar Harbor
Tupper of Calais
Sewall of Bath

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

(Signed)

Bartlett of Oxford
Harriman of Prospect
Fortin of Lewiston
Eddy of Bangor

Mr. BURKETT of Cumberland: Mr. President, I move the acceptance of the majority report which is "Ought Not to Pass," and if I am in order I would like to take a few moments to speak on this bill.

The bill has been before the last four sessions of the legislature in substantially the same form, except that I remember in one case, a bond issue was provided for in the bill for the payment of the bonus. This bill, you will notice, provides for the issuance of short term, interest bearing notes, the amount to be not in excess of two hundred thousand dollars, to pay the bonus. We had the two bills before the Committee. One of them was a bill that was introduced in the last session of the legislature and referred to this legislature, and on that bill you have accepted the unanimous report of the Committee, "Ought Not to Pass", a few moments ago. The lack of funds for payment of this bonus at this time—and it would amount to some eighty-five thousand dollars according to the most conservative estimate made before the Committee—is of itself an almost insurmountable objection, as you will realize, to the payment of his so-called bonus. However, a lot of very fine people in the state have been led to believe—and, I think, sincerely do believe—that the state owes them some money on account of this situation. They have been down to the legislature and testified and I think their testimony is accurate, coming from the type of people it does. But Governor Llewellyn Powers in 1899 told the men who had been in the Spanish War, after their being demobilized, that they were entitled to some additional money.

It is a matter of record that in 1899 Governor Powers, out of his own funds, paid to the men who were in the Spanish War a bounty, as he called it, of twenty-two dollars for each private and varying amounts in excess of twenty-two dollars for men in the War who had higher military ratings. It is on the basis of that payment that these men now come and say, or have said to us at least three times to my knowledge, that they are entitled to the difference between the amount that Governor Powers paid them and one hundred dollars.

If I may impose upon your time very briefly, in order that this may be a matter of record and that these very fine people may know just why the Committee on Military Affairs, or at least a majority of

that Committee, reported "Ought Not to Pass" on the bill. I would like to review the history of this situation. I want to read from the address of Governor Powers delivered at the opening of the legislative session of 1899. After referring to other matters in connection with the Spanish War, he said this—and I am quoting from part of his speech:

"I examined as to what the State did to aid enlistment in the early part of the war of 1861. I found that an extra session of the legislature, called by Governor Washburn in April of that year, passed an act (chapter 63, section 2, Laws of 1861) authorizing and directing that a gratuity or bounty of \$22 be paid to each private; \$24 to each musician; \$26 to each corporal; \$34 to each sergeant and to a first sergeant \$40, who should enlist and be mustered into the service of the United States, and that these several sums were paid to the first ten regiments organized. Later on very much higher bounties were offered and paid.

"I consulted with Colonel Kendall, who commanded the regiment, and with several captains of the different companies, and they informed me that some of their men had been in the strikes in Lewiston and Biddeford, and must have aid. I told them to send out recruiting officers to the towns and cities where the companies of the 1st Regiment had been organized, and endeavor to fill up these companies with the least possible delay, and I authorized him and them to state to all men enlisting that they should have the same treatment and the same gratuity as was given by the act of April, 1861, to the soldiers of the first ten regiments, assuring them that I would either raise the necessary funds to do this myself, or call an extra session of the legislature, and recommend that it be done, in which event I had no doubt it would be.

"After due deliberation, I finally decided, under all the circumstances, to pay this bounty to the men on my own personal responsibility, trusting and believing that after you had a full knowledge of the facts, the needs of the men and the urgency of immediate enlistments, that the wisdom and propriety, as well as the necessity of so doing, would commend itself to

your judgment, and the act be ratified by you. There are certainly as cogent reasons for paying this small bounty to these volunteers, as there were to those in 1861. Many of the men were in pressing need of some money to purchase little necessary articles for themselves, and others must have something to send to their very destitute families or leave them in want."

It is on record that at that session of the legislature in 1899 Governor Powers was reimbursed for the amount he had paid out of his own pocket to these men. Now that payment, according to his statement to the legislature, was not in the nature of a bonus at all. It was a bounty for enlistment in accordance with a precedent that he had established during the Civil War. And it is quite interesting to note, in connection with the claims of these men that now they are entitled to the difference between those payments and one hundred dollars, that Governor Powers in his address—and I have read only part of it—never said anything to the legislature about any promise that he had made, or intimated that they were entitled to that difference.

At the hearing—and I don't question the sincerity of the men—a number of them raised their hands and said that they had heard Governor Powers definitely promise to pay the difference between that amount and one hundred dollars.

That is all the explanation I want to make. I say again that it is regrettable that so many people—and there have been a number of them around here since the hearing trying to collect their money—have been led to think that the State owes them that amount of money. I am going to leave it with you that way, having made a motion to accept the Majority Report and believing that the fact that there is no money to pay the bonus is enough to justify the acceptance of that report without this explanation.

Mr. JACKSON of Sagadahoc: Mr. President, with the permission of the Chair I would like to ask the Senator from Cumberland, Senator Burkett, a question.

The PRESIDENT pro tem: The Senator from Sagadahoc, Senator Jackson, has permission to ask the Senator from Cumberland, Senator

Burkett, a question through the Chair which that Senator may answer if he so desires.

Mr. JACKSON: Mr. President, I have listened to the very reasonable explanation of this matter made by the Senator from Cumberland (Senator Burkett). It has been my impression, and I assume it is the impression of a majority of the members of this Senate, that somehow, somewhere, the state of Maine was obligated to the volunteers of the Spanish War, that they had been promised, the amount mentioned by the Senator from Cumberland (Senator Burkett). I would like to ask the Senator if, so far as he knows, he has told the whole story or if there are any further promises by legislative action or the action of the Governor and Council or otherwise, that he has not mentioned.

Mr. BURKETT: I will say in answer, Mr. President, that there are none to my knowledge. I know that in 1929 a similar bill was before the Legislature which was debated in this body very much at length then by the now President of this body he being the Chairman of the Military Affairs Committee. I have here the Legislative Record of 1929 containing a record of that debate and neither in that nor in any investigation that I have made do I find that any other action was taken either by Governor Powers or by the Legislature or by the Governor's Council to in any way bind the state to pay this money. I would be willing, however, to make a motion to lay the matter on the table if the Senator wishes to make some further investigation.

Mr. JACKSON: I have no such desire, Mr. President. I simply wanted to clear the matter up in my mind and I felt there were other members of this body who had the same impression as I. I thank the Senator.

Mr. PINANSKY of Cumberland: I would like to inquire, Mr. President, through the Chair as to what it would cost the State if the money were available to pay the balance of the bonus.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Pinansky, asks through the Chair a question of the Senator from Cumberland, Senator Burkett, which that Senator may answer if he desires.

Mr. BURKETT: In answer to that question, Mr. President, I will say that it has been variously estimated that there are between five hundred and a thousand veterans still alive in the state of Maine and if no payment were made to the heirs or personal representatives of those who have died the best estimate that we had before the Committee was that it would cost between seventy-five and eighty-five thousand dollars.

Mr. FERNALD of Waldo: Mr. President, when the vote is taken I would like to ask for a division.

The PRESIDENT pro tem: The question is on the motion of the Senator from Cumberland, Senator Burkett, that the Majority Report of the Committee "Ought not to Pass" be accepted, and the Senator from Waldo, Senator Fernald, has asked for a division.

A division of the Senate was had. Fifteen having voted in the affirmative and twelve opposed, the motion prevailed and the Majority Report "Ought not to Pass" was accepted.

Sent down for concurrence.

Passed to Be Enacted

"An Act Relating to Optometry." (S. P. 162) (L. D. 93)

"An Act Creating the Portland Public Development Commission." (S. P. 637) (L. D. 793)

"An Act to Provide for the Union of Towns for the Employment of Social Welfare Workers." (S. P. 653) (L. D. 826)

"An Act Relating to State Aid to Academies." (S. P. 659) (L. D. 837)

"An Act Relating to Registration of Nurses." (S. P. 660) (L. D. 835)

"An Act Exempting Pedestrians from Paying Toll on Waldo-Hancock Bridge." (S. P. 16) (L. D. 4)

"An Act to Incorporate the Presque Isle Water District." (H. P. 846) (L. D. 291)

"An Act Relating to Insurance of Motor Vehicles Carrying Passengers for Hire." (H. P. 1243) (L. D. 556)

An Act Relating to Horse Racing for Trotters and Pacers and Creating a State Racing Commission (H. P. 1256) (L. D. 500)

Mr. TOMPKINS of Aroostook: Mr. President, on page five of today's calendar, Enactor Number Nine, bill, An Act Relating to Horse Racing for Trotters and Pacers and Creating a State Racing Commission (H. P. 1256) (L. D. 500) I will take only a moment of your time

but I realize that to try to defeat this enactment would be silly at this time. However, last week when this bill went through the Senate I was not here to record myself on the vote and I just want to take the opportunity this morning to have my name on record as being opposed to this bill.

Passed to be Enacted (Con.)

"An Act Relative to Powers and Duties of Inland Fish and Game Wardens," (H. P. 1259) (L. D. 490)

"An Act to Provide for the Appointment of a Board of Commissioners of Police for the Town of Sanford," (H. P. 1458) (L. D. 759)

"An Act to Extend the Charter of the Bluehill Water Company," (H. P. 1757) (L. D. 798)

"An Act Relating to the Use of Reflectors on Commercial Vehicles," (H. P. 1777) (L. D. 814)

"An Act to Provide a Town Council and Manager Form of Government for the Town of Oakland, in the County of Kennebec," (H. P. 1778) (L. D. 815)

"An Act Relating to the Construction of State Aid Highways," (H. P. 1804) (L. D. 845)

"An Act Relating to Town and County Officers Enforcing Laws Along the Highways," (H. P. 1810) (L. D. 851)

"An Act Relating to the Challenging of Voters in Towns," (H. P. 1814) (L. D. 856)

Finally Passed

"Resolve in Favor of the Maine State Guide's Association," (S. P. 409) (L. D. 526)

Orders of the Day

At this point, the President resumed the Chair, Mr. Burns of Aroostook retiring, amid the applause of the Senate.

The President laid before the Senate, An Act Relating to Support of Paupers or Other Dependent Persons Falling into Distress, (S. P. 422, L. D. 510), tabled on March 26th by Mr. Tompkins of Aroostook, pending consideration, and the Chair recognized that Senator.

Mr. TOMPKINS of Aroostook: Mr. President, this is Legislative Document No. 510, being the result of the deliberations of the special commission appointed two

years ago to revise the pauper laws of our state, and came from the committee with a unanimous report "ought not to pass" and was accepted by both branches of the legislature. Week before last it was I who presented an order to have it recalled. I thought something ought to be done, and perhaps something could be done to make it easier for both the towns and the state than operating under present conditions. I have not been able, Mr. President, not being here, to have something formulated, and if I may have the permission of the Senate to table this, I will try to have something for tomorrow morning and I ask permission and move that this be retabled until tomorrow.

The motion to retable the bill, pending consideration, prevailed.

The President laid before the Senate, An Act to Establish a Boundary Line for the Town of Fayette, (S. P. 666, L. D. 850), tabled on March 27th by Mr. Bodge of Kennebec, pending first reading; and the Chair recognized that Senator.

Mr. BODGE of Kennebec: Mr. President and Members of the Senate; this is a matter that has caused considerable discussion and has caused a great deal of dissension between the two towns in controversy. It is, as you understand, a bill to establish a boundary line between the towns of Fayette and Readfield. It is not a bill to find what has been accepted as the town line in the past, but what this Senate may feel at this time is the line that should be recognized between the two towns.

It is with a great deal of reluctance that I speak upon this as a partisan because I was born only a very short distance from the line in controversy. The farm on which I was born borders, a large part of its eastern line, upon what is called Crotched Pond which comes into this question so closely. That farm has been in the possession of my family since before Maine was a state, so that you can see that my views are very likely, perhaps, to be tinged with a leaning toward Fayette, but at the last election I received a tremendously good vote from the town of Readfield and I probably know more people living today in the town of Readfield than I do of those who are living

in the town of Fayette. It is my desire to be perfectly fair to both and to present to you the situation as I view it. I have listened to the testimony presented at the second commission. I was not present when the first commission heard the case. I was present when the case was presented to the Committee on Towns.

Fayette was incorporated as a town in 1795. While it is true the articles of incorporation issued by the General Court of Massachusetts define the boundaries, it was testified by an experienced surveyor at the hearing before the legislative committee that without reference to other documents it would be impossible to positively find the lines and angles. The committee, in hearing, said no two documents agreed. As evidence of the carelessness in delineation we need but mention that after Fayette had been incorporated in 1795 and the southern boundary fixed as a certain line running from a given point in the easterly boundary of Livermore directly to the Thirty Mile River, so-called, only three years later the same General Court of Massachusetts incorporated the town of Wayne to the south, and its north line delineated was 190 rods north of and parallel with the south line of Fayette. And that act of incorporation of Wayne took from Fayette a strip 190 rods wide and nearly four miles long. The same apparent carelessness was evidenced when the town of Fayette was incorporated following the incorporation of the town of Readfield to the east, but instead of overlapping as in the instance mentioned a strip, or so-called "gore" was left between the two towns which belonged to neither until 1809 when it was annexed to Readfield. Unfortunately there seems to be no definite description of the "gore" to determine its area or outline; merely that it began at the northwest corner of Readfield, thence westerly on the south line of Mount Vernon, to the northeast corner of Fayette, thence southerly on the easterly line of Fayette to the southeast corner of same, thence easterly to the Readfield line, thence northerly to the point of beginning.

In the acts of the Maine Legislature of 1821 is the boundary description of a triangular area on the northeast corner of Wayne

which was set off from Wayne and annexed to Readfield. The distance, measured on the south end of Lot No. 187 of the old patents is given as 40 rods. In 1826 Joseph H. Underwood purchased a tract of land partly in Fayette and partly in Readfield in which it specified the distance from the town line between Readfield and Fayette to the easterly line on the road leading to Kents Hill to be 41 rods.

At the north end of Lane's pond there was for years a stone monument commonly accepted as being on the line between Fayette and Readfield. How long it had been there is not determined, but the memory of man runneth not to the contrary. As a boy I was familiar with its location and others testified at the hearing before the committee as to its location, and that it had the appearance of age.

As a boy I was also familiar with a similar stone monument standing by the side of the road leading from Fayette to Kents Hill, in Readfield, which stone was also commonly accepted as marking the line between the two towns. When placed there or by whom is not now known. A line beginning at the stone on the road, carried to the stone at the north end of Lanes pond and then projected down the easterly side of the pond will strike the earlier mentioned point claimed as the southeast corner of Fayette.

Accepting the points mentioned as correct, they having been so accepted from time immemorial, we may turn from the stone at the north end of Lane's pond, return to the stone by the road, then extend or project the line to the east shore of Crotched pond where was found what appeared likely to have been a post, but which was practically nonexistent because of lapse of time causing decay, but about its position was a small circle of stones.

Probably because of the little value of the land adjacent to the line and the fact the stone on the road marked at what point care for the highway was determined, no perambulations were made for many years. After the passage of the law requiring perambulations every five years, unless stone monuments were erected, when perambulations every ten years suffice, the selectmen of the two towns in 1901 secured the services of Mr. Monroe of Livermore, a recognized surveyor of many years

experience, who, in company with the selectmen of the two towns perambulated the line and set stone markers to define the divisional line. Those monuments were erected at the north shore of Lanes pond at or in line with the spot where the old stone had stood, on the south side of the highway between the two towns against the old stone which had been broken and at the spot on the shore of Crotched pond where it was presumed the old post had stood. Those stones were all set by joint direction of the selectmen of the two towns and marked, on the west side with the letter "F", on the east side with the letter "R" and with the year of perambulation "1901". Again in 1911 the selectmen of the two towns met and made another perambulation and marked each stone with the legend "1911".

Up to this time there had apparently never been any question or dispute as to the location of the line. Some time earlier a couple of camps had been built above the upper stone monument mentioned on land clearly in Readfield and taxes were assessed on them by Readfield; later other camps were erected and as they were built Readfield made assessment. Then Fayette made protest and the contention was under way. Conferences were held to no avail, so a petition was filed with the Superior Court that the line be run and the boundaries fixed. In 1932 the court, after due notice to all parties concerned, appointed a commission consisting of Ralph W. Leighton, attorney, chosen by Fayette; Vance Lincoln, business man, chosen by Readfield; Henry F. Hill, civil engineer, selected by the other two. After studying carefully all acts of incorporation, acts of annexation, records, maps and all they could find bearing on the matter, the commission came to the unanimous conclusion the line was in accord with the monuments erected in 1901, and so reported to the court. Later the finding of that commission was set aside by the court following an appeal by Readfield made. I understand, on the ground of newly discovered evidence. A second commission was appointed in 1934 and another hearing held, which disagreed with the decision of the first commission, holding certain old stones which had never been mentioned in any of the records of either town should be taken as boundary stones. Those were first a stone near the shore of Crotched pond a

considerable distance south and west of the stone already mentioned as set on the shore, by agreement, in 1901. That stone bore on its western face the letter "B" and on its south face the letter "T" and the portions toward the east and north had no marks. That was claimed by Readfield to stand for "Town Boundary". Why the letters on adjacent sides, reading from left to right, should have been in position to read "B-T" if intended for "town boundary" is mystifying.

Right here I will say I do not know any reason why those letters might not have stood for "Tom Bodge", reading the south letter first and then the west letter. Or if you go around the other way, on the west side is the letter B, on the north side there is nothing, on the east there is nothing, and on the south is the letter T, you have the initials of "Big Thunder", an Indian chief who lived on the east shore of the pond, and was buried before man knoweth not when.

The other stone was found under what, to me, seems peculiar circumstances under some three feet of water in Lanes pond, some fifty feet from the north shore and about the same distance from the east shore. That particular stone bore the same two letters "B" and "T". It was taken from the waters of the pond and is now placed on the shore to the north and west of where it was found, by order of the 1934 commission, I am informed.

Personally, knowing the terrain in question as I do, knowing there is not the remotest allusion to the two last mentioned stones in the records of either town from the time of incorporation of Fayette in 1795 or the records of the boundary of the "Gore" annexed to Readfield in 1809, or in the records of the town of Readfield, I cannot and I never shall believe either of the last mentioned stones were erected to mark the line between the towns. If it were desired to admit those were erected to mark a town line we must assume it would not have been before the incorporation in 1795 and if erected for such purpose then or later they would not have been lost sight of and forgotten before 1809 and not mentioned on its annexation in that year.

Now this is the basis of the bill

which you find as Legislative Document 319. That is the line. Of course, there is a great deal more to this whole thing. There is no controversy over other parts of the line but this particular part between the town of Fayette and the town of Readfield. The line as described here between Livermore and Wayne and Mount Vernon and Fayette are all agreed and without any controversy whatever.

Now, as you will observe, the line as delineated in this legislative document, No. 319 is practically a straight line from the southeast corner of Fayette through Lane's Pond to the stone which I have mentioned as having stood from time immemorial, from the north end of Lane's pond to where was placed in 1901 by agreement of the selectmen of both towns, a marker, and in 1911 again marked as the true line between perambulations made by that time up to the stone on Crotched Pond, which replaced what was presumed to be an old post which had rotted off because of its age, but the location which was clearly defined by a circle of stones to mark the spot, and where in 1901 the selectmen of the two towns set the monument, recognized it as a true line, and again in 1911 completed the operation and put upon it the legend 1911.

The Act of Incorporation of the town clearly states that from this particular point where the most northerly stone of this isthmus stands projected across the water, will strike a point known as Mutch's Point, and I will say that will probably be brought out a little later, perhaps, if this argument goes on, to the Mount Vernon line. Now, so far as we can discover, as I have already stated, the east line of Fayette has been, from what is recognized as the south-east corner right up through the pond to the stone at the head of the pond, through the stone on the road, through the stone at Crotched Pond across Crotched Pond and across the point about to the Mount Vernon line. That is the contention that Fayette made when this bill was presented.

I have given a great deal of study to this matter because I am very much interested in the history of the town of Fayette. I have studied the language in connection with the gore and I believe I have come to

the proper conclusion, but at the same time I am as likely to be mistaken as others. After this bill went before the committee and had three half-day hearings, the committee made an unanimous report which you will find as Legislative Document 850, in which there is a variation in the lines as delineated in the first draft of the bill. There is variance to the Act of Incorporation which is rightly discernible to anyone who would read the Act of Incorporation and this new draft. I took the matter up with the selectmen of Fayette after I received this printed new draft and told them that to my mind the committee of this legislature had acted as wisely as they could and that it was about a fifty-fifty proposition the way they were split. I intended to have before you some maps which were before the committee. I called at the court house this morning and they told me I could have them at any time, but I didn't expect perhaps that this would come to argument this morning, because I had talked with the members of the committee and while they were unanimous in their statement that this new draft presented by the Chairman of the committee, who unfortunately is not with us this morning, was not exactly as the committee had voted.

I had a conference with the gentleman who represented the town of Readfield in the hearing, and he is attorney for the town of Readfield, and I told him frankly that I had talked with the selectmen of Fayette and they had agreed to accept this new draft as presented on March 25th, and which I tabled on March 27th pending first reading. They agreed among themselves that it was giving Readfield considerable valuable property on what is known as Mutch's Point and what in this new draft is not so delineated but it says that instead of going in a straight line to the north, provided in the first bill, that after leaving that third stone which we have mentioned, erected in 1901, it should swing off to the westerly. They drew it up here, "thence northerly through the middle of the channel at the northerly end of Crotched pond and continuing same course to the south line of the town of Mount Vernon." Now, when you come to that, the committee are informed—and I will say I got this information from Fayette and not

from them—that this was an erroneous description. While they might go through the channel to the south line of Mount Vernon, it would not be at the north end of Crotched Pond because the north end of Crocheted Pond is two miles above the south line of Mount Vernon, so of course, this draft would have to be amended if we were going to land anywhere.

The gentleman from Readfield tells me that he is not willing to concede anything, that he is under the direction of the selectmen of Readfield and they tell him to get all there is there or nothing. Now, I regret exceedingly that there could not be a compromise by accepting this new draft as presented by the Senator who is absent this morning, with an amendment which would correct the errors in location, but it seems it is not likely to be, and so I leave with you the matter to take its usual course and whatever this Senate may decide is right for each town will, of course, be accepted—it cannot be otherwise—but I would like to have you bear in mind when you make your decision, that this is not a request that the decision be made upon the question of where the Act of Incorporation in 1795, which cannot be found, which cannot be determined beyond peradventure, but where you think, considering the history of the line, and the fact that it has remained there between the two towns for over a century and a quarter without any question on the part of either town, that the line is a true line, and until some camps were built there which would bring in some revenue I venture that the land was never taxed by either town; certainly there is nothing to show that it was. But that is a situation which develops very frequently.

I will say that just across from this point where these stone markers, either of them, is an island on which I have a camp. That island was no land, so to speak, until forty years ago when I built a camp there, and it was never taxed until I put a camp there and I will say they have not failed to tax it since. So with plenty of land around Crotched Pond, I could take you to land on different points that has never been taxed by any town and is not taxed today.

I move, Mr. President, to substitute the bill, Legislative Document

319 for the report of the committee.

Mr. POTTER of Penobscot: Mr. President, as the Chairman of this committee is in the hospital, I move this matter be laid on the table and especially assigned for tomorrow that we may bring in the data which he has prepared.

Thereupon, the bill was laid upon the table, pending reconsideration of the "ought to pass in new draft" report of the committee, and tomorrow assigned.

The President laid before the Senate, Bill, An Act Relating to the Sale of Intoxicating Liquors, (H. P. 1530) (L. D. 677) tabled on March 27th by Mr. Harmon of Hancock, pending adoption of Senate Amendment "A," and the Chair recognized that Senator; who yielded to Senator Jackson of Sagadahoc.

Mr. JACKSON of Sagadahoc: Mr. President, on the calendar we find this matter is not an act relating to the sale of intoxicating liquor. That tells little of the real import of this measure. It is really a measure controlling the employment of the personnel of the Liquor Department. It provides for the examination of all applicants seeking employment under the intoxicating liquor act. I am advised that there are now more than 12,000 applicants on file with the Liquor Commission. Now if we would set up machinery for the examination and notification of these candidates to come to the Capitol for examination, it seems to me that it would be rather expensive and I believe it to be entirely unnecessary. As I understand the situation today, under present regulations, the relations between the Governor and Council and the Liquor Commission are exceedingly friendly and amicable, and working out for the most part a very fine personnel in that department. I understand that in the event of the Governor and Council approving an applicant, they send him down to the commission for employment and it is with the distinct understanding that if this man or woman as the case may be does not prove efficient, they are not to keep them and the council will send down someone else. They are not to be bored with inefficient help on account of any political influence or otherwise. I believe the thing under the present set-up is working out very nicely and efficiently and I see no reason

for any change and I move the bill and amendment be indefinitely postponed.

Mr. BURNS of Aroostook: Mr. President, I would like to have Senate Amendment "A" read.

The Secretary read Senate Amendment "A."

Mr. BURNS: I dislike to disagree with my distinguished colleague, Senator Jackson from Sagadahoc, but I think that this bill has considerable merit and those who paid close attention to the reading of Senate Amendment "A" by the Secretary cannot be but impressed with the fact that the bill does have merit. Now the purpose of this bill is to take out of politics, at least to some extent, the question of employing clerks and other assistants in our various state liquor stores. We know in the past it has been a political football and local politicians have taken a great deal of interest when a case came up for the appointment of a clerk in a store in the town in which they were residing. This has often times resulted in a great deal of hard feeling in the town. I know from experience in the town of Houlton. We established a store there and it was one of the first stores established under the bill which was passed, and there were one or two hundred applicants for positions. The stores have around five or six employees each and there were hundreds of these applicants and they would go to someone who was supposed to have some influence in Augusta and ask him to support them for these positions. I found it to be a fact that if you helped one you generally brought down upon yourself the disapproval of one or two hundred. I think it would be a wise policy for anyone who expected to further his political ambitions to refrain from participating in this. I think he would be far better off to abandon any such idea.

This bill places the employment with a group of men and they consist of two members of the commission, the chairman and one other appointed by the commissioner and the State Controller and approved by the Governor and Council and there is a provision that not over one half shall be of the same political party. It has to do with raising the efficiency of the employees of these stores. If this has been a political football in the past,—as I

claim it has been because it must necessarily follow that a lot of men appointed were appointed because of their political connections here in Augusta,—we want to eliminate that and put it more or less under a civil service classification.

As to the argument that with thousands of applicants a great deal of expense would be borne because they would be brought here to Augusta, the bill is very general in that regard as it says that this commission shall have the right to give certain examinations. It could be done in writing or by representatives of the commission and the bill does not say they shall take the examinations here in Augusta, so I do not think that is a strong objection to the bill.

This bill was passed in the House and is here before us in the Senate and it seems to me that we ought to make a friendly gesture once more and tell them that we are willing to cooperate with them in some of their legislation, and so I hope the motion of Senator Jackson does not prevail.

Mr. HARMON of Hancock: Mr. President, Senator Burns is correct in saying that there is a great deal of merit in the bill and in the competitive applications, but it seems to me that in a case of this kind, with the few stores that have been opened and where there probably won't be more than eight more stores opened, there will be so few, perhaps two or three, who will be employed in each one of these stores. I was talking with Mr. Woodman recently, and Mr. Woodman said to me, "We are getting along fine". He also said, "There are over 12,000 applications filed in my office and if this bill was put through it would be necessary to notify those 12,000 of the examinations to be held. It would mean the setting up of an examining board and it would cost \$12,000 to go through with it". It was his opinion that out of 12,000 there would be at least 7,000 that would come for examination at a big expense and a lot of trouble. I think I am correct in stating that every one of the council are opposed to this bill and Mr. Woodman said to me, himself, that he was opposed to the bill.

If there were a large number to be employed it might be a different matter, but there are so few and they are getting along nicely. We

may not always have the same commission which we have now, and you all know in every town there are,—according to the size of the town,—plenty of Republicans registered as Democrats and plenty of Democrats registered as Republicans, and if the commission was so disposed they could select from those as they are registered.

Furthermore, another objection Mr. Woodman spoke about, is the matter of examination. Supposing an examination was given and a selection made from the highest ranking of those who took the examination and he would be recommended for appointment. It might be that you would be starting a store in Houlton and the man who had received the highest ranking would be from Portland or some other part of the State, and that might mean putting a man from that section into Aroostook County; or it might mean putting Aroostook County men down in Cumberland County.

There are so few of these stores opening and so few positions to be filled that it seems to me it would not be necessary at all to set up a system like this, and I hope the motion of the Senator from Sagadahoc, Senator Jackson, will prevail.

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

A viva voce vote being doubted,

A division of the Senate was had. Fourteen having voted in the affirmative and thirteen opposed, the bill and amendment were indefinitely postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Taxation "Ought Not to Pass" on An Act to Provide for Equalization of Taxes (H. P. 1293) (L. D. 468), tabled by Mr. Pinansky of Cumberland on March 27th pending acceptance of the report in concurrence; and on motion by Mr. Pinansky of Cumberland the report of the committee was accepted in concurrence.

The President laid before the Senate, bill, An Act Relating to Emergency Municipal Finance Board (S. P. 557) (L. D. 719), tabled by Mr. Schnurle of Cumberland on

March 27th pending motion to indefinitely postpone; and the Chair recognized that Senator.

Mr. SCHNURLE of Cumberland: Mr. President and members of the Senate, inasmuch as it was my intention to yield to a Senator who at the present moment is absent, I will ask that this bill be retabled until a little further in today's session.

The motion prevailed.

The President laid before the Senate, Senate Report from the Committee on Judiciary "Ought Not to Pass" on bill, An Act Relative to Courts Sitting in Equity (S. P. 243) (L. D. 216), tabled by Mr. Pinansky of Cumberland on March 27th pending acceptance of the report; and on motion by that Senator the report was accepted.

Sent down for concurrence.

The President laid before the Senate, Senate Report from the Committee on Judiciary "Ought Not to Pass" on bill, An Act Relating to Costs in Suits for Collection of Taxes (S. P. 421) (L. D. 511), tabled by Mr. Pinansky of Cumberland on March 27th pending acceptance of the report; and the Chair recognized that Senator.

Mr. PINANSKY of Cumberland: Mr. President, just a brief word of explanation before I yield to another Senator. A Justice of our Superior Court was very much concerned while sitting in a certain county about the apparent inequality and injustice of several bills of costs in tax suits and was hoping that there might be some way that the distinguished Committee on Judiciary could figure out how the law could be changed so it would be more just and equitable, allowing for one bill of costs where there are several tax suits pending. I know of my own knowledge that the distinguished members of the Judiciary Committee worked diligently and used all their legal ability to try to comply with the suggestion and ideas of the distinguished Justice of the Superior Court, but they found they were trying to accomplish practically an impossibility to find a method by which a successful change could be made. I was not present at the discussion and out of deference to the distinguished Justice who suggested the drawing of the bill I wanted a more detailed explanation on record so with the permission of the Chairman of the Judiciary Committee I now yield to

my colleague from Aroostook, Senator Burns, who I understand will explain more in detail.

Mr. BURNS of Aroostook: I will, Mr. President, and I will not go into any great detail either. As explained by the Senator from Cumberland, (Senator Pinansky), this matter was referred to the Judiciary Committee and we learned that one or two of the Justices were anxious to change the law relating to bills of taxes in court suits and we did diligently undertake to work out a redraft which would cover the situation. We were all agreed that the bill as introduced was unworkmanlike and had in it several faults and that if any legislation was going to be recommended by the Judiciary Committee we should at least endeavor to improve the situation and produce something that would "hold water," and as in our opinion the present bill does not "hold water" the Committee felt that it would be better to leave well enough alone. We have been operating under these present laws for a long time and they are a part of our judicial system. There has not been any great abuse in the past and while perhaps locally in some instances there is abuse, as a general rule these laws which have been on our statute books for a long time have been satisfactory.

Mr. BLAISDELL of Hancock: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point of order.

Mr. BLAISDELL: In order that we may intelligently understand the debate that is going on and as there is no motion before the Senate I would like to be informed in regard to that so that I may know which side I am going to support.

The PRESIDENT: The point of order is well taken and the Senator from Aroostook, Senator Burns, may proceed after making the motion which he has in mind to make.

Mr. BURNS: I will move, Mr. President, that the report of the Committee "Ought Not to Pass" be accepted and, as I have said, I do not care to go into any great detail and the explanation that I have already made is about all that I care to make.

The motion prevailed and the report of the Committee "Ought Not to Pass" was accepted.

Sent down for concurrence.

The President laid before the Senate, Senate Report from the Committee on Pensions "Legislation Inexpedient," on, bill, An Act relating to Old Age Pension (S. P. 427) (L. D. 517), tabled by Mr. Winn of Androscoggin on March 27th pending acceptance of the report; and the Chair recognized that Senator.

Mr. WINN of Androscoggin: Mr. President, as this is a very important matter which is coming up for the consideration of this Legislature and as there is another bill in the House that seems to remain on the table in that body I will ask that this bill be retabled until such time as the other one comes in.

The motion to retable prevailed.

The President laid before the Senate, Bill, An Act relative to the making of local regulations for fishing by the Commissioner of Inland Fisheries and Game (S. P. 190) (L. D. 140), tabled by Mr. Ashby of Aroostook on March 27th pending passage to be engrossed; and the Chair recognized that Senator.

Mr. ASHBY of Aroostook: Mr. President, I now move that this bill be indefinitely postponed.

Mr. SCHNURLE of Cumberland: Mr. President, I had rather anticipated the motion of the Senator from Aroostook (Senator Ashby) inasmuch as he told me he was going to make it. I would like briefly to give this Senate a little history of this bill from its inception in this Legislature and also in the Legislature two years ago.

A bill practically the same as this was introduced two years ago, went through this Senate without a dissenting vote, went to the House and was there defeated, I am going to say, by the efforts of two very worthy members of that body. The bill was introduced in the Senate this session and was referred by the Committee on Reference of Bills to the Committee on Inland Fisheries and Game. It went to the House and that body in non-concurrence referred it to the Committee on Judiciary. The Senate insisted upon its action and asked for a Committee of Conference and the House joined in such a committee.

I was a member of that committee. The gentleman in the House who seemed rather opposed to the reference was also a member of that committee from the House and I finally gave in to the desires of that gentleman on this basis; he

seemed to feel that perhaps the bill in the hands of the Committee on Inland Fisheries and Game might not get as impartial a hearing as it would before the Judiciary Committee which he believed would be absolutely impartial in the matter, and I told him that I would be more than pleased to have this come before any committee that he might call for and the bill went to the Judiciary Committee. That Committee heard the bill and unanimously reported it "ought to pass" and the bill came to us in that form.

The Senate supported the report of the Committee and the bill was tabled in this body pending passage to be engrossed. Now, I do not know what the Senator's objections are because he didn't state them. I assume he must have some, of course. I think that one of his objections, as stated to me personally, is that it gives additional powers to the Commission, but if the Senator will read the bill and study it and look into the existing law he will find that it gives very little additional power but it does provide a methodical system which will take care of the situation. Incidentally, I wish that every member of this Senate could serve at some time or other on the Committee of Inland Fisheries and Game, because if you had I would not have to stand on my feet and say one word in support of this measure.

I dare say that we have handled a hundred and fifty bills, approximately, and many of those bills that have come before us have been supported here by the men who introduced them. They come before the Committee and in many instances we have asked them, "What do you know about this bill?" And they have said, "I know nothing about it." And we are compelled to sit there in that Committee, ten members composed of seven members from the House and three from the Senate, and pass upon the legislation. We do our best and we have had a very fine committee this year and are very proud of it, but I will tell you frankly that in the minds of some of us we wonder whether or not we have done just exactly what should be done. We have done what we thought should be done in view of the evidence submitted to us but when you stop to consider that these regulations affect the whole state, they are very minor questions and

the people cannot afford to come here from northern Maine or from southern Maine or many other parts of this State except those in the immediate proximity of the capitol, they cannot afford to come here and testify on this proposed legislation—occasionally you will find that a few men who perhaps have selfish interests and are financially able to come down here and appear before our committee—we don't know that they have selfish interests but the evidence is all one-sided—what can we do? Apparently that is the sentiment and yet it may not represent the sentiment at all.

Now, I claim that the only way to hold these hearings and establish these minor rules and regulations is for the Commissioner of Inland Fisheries and Game or one of his deputies to go into the area to be affected where evidence can be found and heard. I think it is absolutely fair to the people of this State in the making of these regulations. Now, another thing. We print law books and I think that it is an honest statement to say that twenty-four hours after a law book is printed something wrong is found with the law because a rule and regulation has been promulgated by proper hearing and it is not in the law. Under the system provided in this bill the Commissioner would have a systematic method of holding hearings. At the end of the fishing season every year if there are things that we think should be changed the Commissioner may be petitioned and he will go into the sixteen counties of this State, one at a time, and hold hearings on those measures and we hope and believe that by that method when the law book is printed in January we may at least know what we should do for a year.

Now, it has been stated by some opponents of this bill that this takes power away from the Legislature. Of course you men who have served here know that that is a ridiculous statement. No one can take power away from the Legislature. There is nothing to prevent any member of this Legislature after this bill has gone into effect from introducing any legislation he wishes. At least, I know of nothing that can prevent that.

I want to give you a little evidence of how successful the method of holding hearings has been. At the present time the Commis-

sioner can be, and has, been petitioned to hold a hearing. He cannot initiate the hearing himself. Even if he knew something was radically wrong he could not initiate a hearing. This past year they held thirty-eight hearings and made thirty-eight rules. Now it would seem that if there is something wrong with the system and that the Commissioner and the advisory council who sit over him at all times were wrong in their deliberations, that surely there would have been some legislation brought in here this session to offset their rulings and yet so far as I can learn there has not been a single bill introduced here to overthrow a regulation of the Department. I think that is an absolute demonstration of the soundness of this method.

Now, another thing. This bill provides that the Commissioner may initiate hearings and I will give you the reason for that. We have on our books among the rules and regulations some that should have been wiped off the books long ago. Now, unless someone petitions the Commissioner, even though he was in an area where there were several other rules that should be changed and he knows they should be changed, he cannot do a thing about it. Isn't it logical and sensible that if he goes into Aroostook County to hold a hearing and he knows that some particular pond has a fool law on it—and we have such fool laws—isn't it logical that he be allowed to initiate a hearing on that matter? As it is now he has to hold the hearing if called upon but he should be able to do it at the same time that he is holding the hearing on the other matter.

Now, I could go on indefinitely but I am not going to delay this Legislature. I think this is a sound proposition. I simply ask you that we be allowed to try this for two years. I believe that eventually it will lead to the doing away of perhaps fifty percent or more of all this trivial legislation which takes up so much time in this Legislature and I think many times is wasted effort — and this is not a criticism of the Legislature or of the committee but of the system. I trust that the motion of the Senator from Aroostook, Senator Ashby, will not prevail.

Mr. ASHBY: Mr. President, I

dislike to differ with my distinguished colleague from Cumberland. I really love him and I did tell him that I was going to oppose this so that he might be prepared, and he was prepared, but I don't think his arguments are logical.

He says there have been a hundred and fifty bills brought in here relating to fish and game. I didn't count them and I am not going to dispute that. But I do contend that those bills could be settled more cheaply here than they could by calling a hearing, first in Aroostook County, then perhaps in York County, and the State having to pay the traveling and other expenses of the Fish and Game Commissioner or one of his wardens or assistants. Now, he bewails the fact that people had to come down to these hearings and perhaps it was a hardship on them but they paid their bills severally and the State is not paying them and I could see where under this proposed bill there would have been just as many hearings as there were bills introduced here, in view of the fact that it only requires twenty-five citizens to summon the Commissioner down there to settle their disputes, and while I have all the faith in the world in our present Fish and Game Commissioner and believe he is an honorable gentleman and that he is all he could be as a Fish and Game Commissioner, yet you know there are fatalities in this world and he might die and for all you know I might be the Fish and Game Commissioner and you can't tell what I would do. Here is almost unlimited power given to the Commissioner in calling these hearings but I do not fear that as much as I fear the fact that twenty-five people can get together and summon him, first to Aroostook and then to York and then somewhere else. As a matter of fact, I fear these petitions would be so numerous you could never find him in his office because by attending to his duties he would be on the road all the time.

This is not a new bill, as the gentleman from Cumberland says. It was before the Legislature two years ago and was defeated. He also says you cannot take away legislative power from the Legislature. And you cannot unless the Legislature relinquishes it of its own accord. But this is asking the Legis-

lature to relinquish some of its powers and it is setting up a bad precedent because the heads of other departments are coming in here a little later and ask that the Legislature relinquish some more of its powers in their favor and I don't think that it is a safe thing to do. I'm not going to take up any more time. I think I have answered most of the gentleman's arguments. I think I have answered them logically. And when the vote is taken, Mr. President, I ask that it be taken by a division of the Senate.

Mr. SCHNURLE: Mr. President, I would like to take just a moment or two in answering the Senator from Aroostook, Senator Ashby. The very argument that the Senator uses for the Commissioner being forced to go over to Aroostook or to York is just the argument I hoped he would use because that is the situation that prevails today. In one instance that we have a record of he was called first to Aroostook and then to York, under the present system, and that is the reason it is desirable to change the system. I might read one little section. You talk about relinquishing power. We did that some time ago. On page seven of the Inland Fish and Game Laws effective June 30, 1933, section 4-A. "Full and exclusive power to make all necessary special rules and regulations relative to the protection and conservation of fish in the inland waters of the various counties of the State and to establish and regulate game sanctuaries is hereby conferred on the Commissioner with the advice and consent of the Advisory Council." Section 4-B. "The Commissioner, whenever he shall deem it for the best interests of the State, after due notice and public hearing in the county to be affected, may regulate the times and places in which, and number and size of the fish to be taken, and the manner in which inland fish may be taken, which regulation shall be effective until changed by said Commissioner, or by the Legislature; and in the same manner may establish and regulate game sanctuaries. But no rules and regulations shall be made inconsistent with the general laws of the State."

With reference to the number of bills and the number of hearings, I might say for the in-

formation of the Senator that this bill has nothing to do with the hunting laws, of which a large percentage of our bills have been. Neither has it to do with general laws. It has to do only with fishing regulations. Therefore, of course, that would cut down the minimum.

Now about the petitions by twenty-five people. I have always felt that the Senator was a champion of the common people and I think that under this bill it is giving an honest break—to use a slang term—to the common people because under the present system it is necessary for the selectmen of a town to petition and in the case of an unorganized territory it is necessary for the County Commissioner to petition. Now there are instances where perhaps one member of the Board of Selectmen does not want to do exactly what the people want him to do and that is all that is necessary to block the people from holding the hearing. Under this proposition twenty-five residents can petition for a hearing. I think that is sound.

I will not go into a further discussion now, unless the Senator desires it.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Aroostook, Senator Ashby, that bill, An Act relative to the making of local regulations for fishing by the Commissioner of Inland Fisheries and Game, be indefinitely postponed, and the same Senator asks for a division.

A division of the Senate was had.

Three having voted in the affirmative and twenty-two opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Schnurle of Cumberland, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Winn of Androscoggin, out of order and under suspension of the rules, the Senate voted to reconsider its former action whereby, bill, An Act relating to the minimum wages for laborers (L. D. 840), was indefinitely postponed; and on further motion by the same Senator the bill was laid upon the table pending consideration and tomorrow assigned.

The President laid before the Senate, House Report from the Committee on Mercantile Affairs and Insurance, Majority Report "Ought to Pass", Minority Report, "Ought Not to Pass," on bill, an Act Relating to the Time Limit of Adjustment and Payment of all Fire Losses; Penalty (H. P. 64) (L. D. 20), tabled by Mr. Carll of York on March 28th pending acceptance of either report; and the Chair recognizes that Senator.

Mr. CARLL of York: Mr. President, I would move the acceptance of the minority report, "Ought Not to Pass," and I have to say that I am somewhat embarrassed in being a minority of one; something like the recruit who thought the whole squad was out of step with him. But there is a matter here that I wanted the Senate to consider so I made a minority report for that purpose. The title of the act is, "An Act relating to the time limit of adjustment and payment of all fire losses; penalty." Now, it has nothing to do with the adjustment except to say when the adjustment shall commence. The whole subject matter is on the payment of fire losses. Some forty years ago the state of Maine adopted a Maine Standard Fire Insurance Policy which provides that all policies of insurance should be written on that form which is a part of the statute and that policy very clearly defines the procedure for the adjustment of losses. There has been no change in it all these years. The policy clearly states that the company shall pay in sixty days from the date of adjustment.

There arose the custom among the insurance companies of paying these bills at once less a cash discount of one per cent and there was more or less competition among the insurance agents to see who could have the record of making the most prompt settlement, but a difficulty arose from that. Men who wanted to avoid their creditors, or for some reason or other get a premium settlement and get out of town with it, would accept an adjustment some times of quite a discount from the face of the policy if the adjuster would give them the money at once, and so there came up from Portland delegates from the Portland Wholesale Grocery Association at the request of their credit men asking for a delay in those settlements.

It was not an insurance bill at all. No insurance company asked for it or opposed it. It was simply a credit measure and the Insurance Department prepared the bill and advocated its passage saying that payment should be delayed for forty-five days from the adjustment of the loss. They figured that fifteen days would be ample to adjust the loss and they should delay the other forty-five.

I might say that while the insurance companies did not ask for or oppose this bill in the first instance, they came to believe that it materially reduced crooked losses from the fact that if men had to wait forty-five days before they got their money they wouldn't perhaps be so likely to let their policies get hot. Now there comes up an amendment making the delay forty-five days from the date of the fire instead of from the adjustment of the loss. Now, ordinarily in a great volume of cases it wouldn't make any difference anyway. Adjustments are promptly made but there is an occasional case where an adjustment is delayed, sometimes necessarily. I have had many cases where expensive machinery had to be appraised by an expert before it could be adjusted. And some man might be sick down in Florida and there was a case this winter in Portland where the fire chief padlocked the premises for forty-five days before he would let anybody in to adjust the loss. And sometimes an insured who was rather crooked would delay it.

Now then, if you pass this bill and there comes a delay, possibly on the part of the assured who wants to get his money and get away with it so that the adjustment does not occur until forty-five days after the loss, or nearly forty-five days after the loss, then it gives a very short time for honest creditors or mortgagees to take action before the company can settle. As I understand it—I am not an attorney—it has been understood by insurance men that the trustee process will not apply until the adjustment of a loss, that you can go out and attach a fellow as soon as the fire occurs. When a loss is adjusted then the trustee process will work and if it has been forty-four days since the fire when the loss is adjusted there is very small opportunity for attorneys to protect the

interests of their clients either as creditors or mortgagees.

Now there is another matter along which is the twelfth unassigned matter and that is exactly the same thing. My bill here will apply to creditors and number twelve applies to mortgages. And having said this I will let the attorneys thrash the matter out for themselves.

Mr. BURKETT of Cumberland: Mr. President, while the Senator from York, Senator Carll, has been speaking I have been reading the Standard Fire Insurance Policy, on page 967 of the Revised Statutes. And that Standard Policy as you know must be used in all cases of fire insurance in the State. If I am wrong Senator Carll who knows much more about insurance law than I do, will correct me.

It says, "In case of any loss or damage under this policy a statement in writing, signed and sworn to by the insured, shall be within a reasonable time rendered to the company," and so forth. That, I believe, is the proof of loss which is referred to in this bill. Now in the Standard Policy the only limitation on the time within which that proof of loss or statement must be filed is "a reasonable time." It is not otherwise fixed. The law has been, in Chapter 60, Section 9, which it is now proposed to amend, that the company shall not pay any loss or damage until forty-five days after the proof of loss has been filed. If we should adopt this amendment and provide that the company cannot pay until forty-five days after the fire you would have a conflict between that provision and the Standard Policy, in this way: a man might take his reasonable time to file a proof of loss and that might be two or three months under certain complicated conditions. I have known cases where it has been longer than that while things were being worked out, so that the man might have taken sixty days or ninety days or anything within "a reasonable time" to place his proof of loss. Yet under this bill if we pass it the company could obtain within forty-five days proof of the loss. That is not proper at all, according to my mind. If they want to establish this policy providing for payment within forty-five days from the time of the fire it seems to me you have got to make the policy comply with it and if you don't it will make

great confusion. I think Senator Carll is right on this proposition.

The PRESIDENT: The Senator from York, Senator Carll, moves that the Minority Report of the Committee "ought not to pass" be accepted in non-concurrence.

The motion prevailed and the "ought not to pass" report was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock.

Recessed, until this afternoon at three-thirty o'clock.

AFTER RECESS

The Senate was called to order by the President.

Additional papers from the House out of order and under suspension of the rules, disposed of in concurrence.

From the House, out of order and under suspension of the rules:

Memorial to Congress, relative to Investigation Commerce of the Port of Portland. (H. P. 1857)

In the House, read and adopted,

In the Senate:

Mr. PINANSKY of Cumberland: Just a few words, Mr. President,—a very large and enthusiastic delegation came up here last night from Portland and vicinity and I should have been present here at the joint meeting, but a very important meeting of the important Legal Affairs Committee was held and it was in the nature of a meeting that we are all interested in, and I felt it was important that I, as a member of that committee and as a member of this august body, should make attendance unanimous. Recently this body was highly honored and the Legal Affairs Committee of this legislature was doubly honored by having a Phi Beta Kappa key conferred upon one of the most distinguished, perhaps the most distinguished senator, Miss Marian Martin; so we felt we should all be present and the festivities and work of the committee lasted until ten o'clock and upon arrival here the good brothers and sisters had departed.

Let there be some misunderstanding as to our interest in the Port of Portland and our full realization that it is absolutely necessary to do something with regard to bringing back the Port of Portland

to its former activity, its business, shipping and what not. Lest there be some misunderstanding because of our not being here to attend this meeting last night, I wish to make this explanation and to respectfully ask all of my colleagues in the Senate to support this memorial and give it the impetus which it should have to send it on to Washington, and then give our support to the movement, regardless of what section of Maine we come from, because activity in Portland, especially in regard to shipping, I need not say will reflect all over the state and reflect on our constituents here and help in a measure, at least, to bring back business to Maine. I thank you for giving me the opportunity to explain our absence last night. I move, Mr. President, that we adopt the memorial in concurrence.

The motion to adopt the memorial in concurrence prevailed.

From the House, out of order:

Bill, An Act to Provide for the Issuance of State of Maine Improvement Bonds and the Allocation of the Proceeds from Sale (H. P. 1826) (L. D. 885)

In the House, that body received it by unanimous consent, and under suspension of the rules gave it its three several readings, and passed it to be engrossed without reference to a committee.

In the Senate:

Mr. SCHNURLE of Cumberland: Mr. President, I move that the bill be received into the Senate by unanimous consent.

Thereupon, on motion by Mr. Haskell of Androscoggin, the bill was laid upon the table pending reception into the Senate.

From the House, out of order and under suspension of the rules:

Bill "An Act Relative to Vagrant Cats" (S. P. 696) (L. D. 863)

(In the Senate on March 30th, passed to be engrossed.)

In the House, bill indefinitely postponed in non-concurrence.

In the Senate:

Mr. SCHNURLE of Cumberland: Mr. President and members of the Senate, I regret very much that this matter has been somewhat taken as a joke in the House. I have been the victim of many jokes over the bill, but in all seriousness, the bill contains a considerable amount of merit as anyone knows who has

taken the trouble to read the bill and who has not read too carefully the newspaper comment, and so on. You will find there is considerable merit in the bill. I believe we passed it to be engrossed here in the Senate, and I now move, Mr. President, that the Senate insist and ask for a committee of conference.

The motion to insist and ask for a committee of conference prevailed and the Chair appointed as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Schnurle, the Senator from Aroostook, Senator Ashby, and the Senator from Waldo, Senator Fernald.

Sent down for concurrence.

From the House, out of order and under suspension of the rules:

Bill "An Act Relating to Payment of Wages." (S. P. 661) (L. D. 836)

In the Senate on March 28th, passed to be engrossed as amended by House Amendment "A" in concurrence.)

In the House, having been recalled from the engrossing department to that body by Joint Order; subsequently passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence.

In the Senate, House Amendment "B" was read. Under suspension of the rules the Senate voted to reconsider its former action whereby the bill was passed to be engrossed as amended by House Amendment "A"; House Amendment "B" was adopted in concurrence, and the bill was passed to be engrossed as amended by House Amendments "A" and "B" in concurrence.

House Bills in First Reading

(Out of order and under suspension of the rules the following bill and resolves were given their second reading and passed to be engrossed, in concurrence.)

Consolidated Resolve, (H. P. 1841) (L. D. 899) under the title of "Resolve in Favor of Several Academies, Institutes and Seminars." (H. P. 1841) (L. D. 899)

"An Act to Change the Charter of the City of Calais." (H. P. 1840) (L. D. 898)

Reports of Committees

(Out of Order and under suspension of the rules)

Mr. Blaisdell from the Committee on Legal Affairs on Bill "An

Act Amending the Charter of Fort Fairfield," (S. P. 217) reported the same in a new draft (S. P. 716) under a new title Bill "An Act Relating to Tenure of Office of Town Manager of Fort Fairfield," and that it ought to pass.

Which report was read and accepted, and the bill laid upon the table pending printing under joint rules.

The Committee on Military Affairs submitted its Final Report.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Enacted

(Out of Order and under suspension of the rules)

"An Act to Establish Stations for Weighing Trucks," (S. P. 693) (L. D. 857)

"An Act Relative to Game Preserve in York County." (H. P. 1816) (L. D. 866)

"An Act to Designate New Year's Day as a Legal Holiday." (H. P. 1818) (L. D. 868)

Finally Passed

(Out of Order and under suspension of the rules)

"Resolve Relating to Fishing in Umbagog Lake." (S. P. 211) (L. D. 861)

"Resolve Relative to Extending Open Season on White Perch." (H. P. 780) (L. D. 870)

"Resolve Relating to Extending the Ice Fishing Season on White Perch." (H. P. 1815) (L. D. 871)

Mr. BURNS of Aroostook: Mr. President, out of order, and under the rule requiring unanimous consent, I offer Bill, An Act for the Relief, Rehabilitation, Protection and Enhancement of Agriculture and Dairying in the State of Maine, and I ask that it be received and that 1000 copies be printed.

The Secretary read the bill.

Upon motion by Mr. Haskell of Androscoggin, the bill was laid upon the table pending reception by the Senate, and one thousand copies ordered printed, and especially assigned for tomorrow morning.

The President laid before the Senate, Bill, An Act Relating to Small Loan Agencies, (S. P. 690)

L. D. 85), tabled on March 28th by Mr. Hussey of Kennebec, pending first reading, and the Chair recognized that Senator.

Mr. HUSSEY of Kennebec: Mr. President, I will make a motion and then in explanation of same I wish to say a few words. I make the motion that this bill be indefinitely postponed and in explanation of same I will say that sometime ago I had the pleasure of submitting for the consideration of this Legislature a bill entitled "An Act Relating to Small Loan Agencies. This bill, I felt, should be given a good deal of consideration. This bill was referred to the Banks and Banking Committee and I was given a fine opportunity to present my case and I attempted to do so. I had a very fair and impartial hearing and the Banks and Banking Committee gave it a great deal of consideration. They reported it out in a new draft as "ought to pass," changing it somewhat to a rate of three per cent for the first \$150, and for amounts from \$150 to \$300 the rate should be two and a half per cent. I had considered in my mind ever since that came out of the committee of putting an amendment on it and substituting that amendment for the bill. However, I have found opposition to the same and discussion brought to my attention that in these times where so many are seeking loans and there is such a great demand for loans, if for any reason the companies making such loans were to feel that they were unable to operate at a lower rate of interest, we might lose them from this state, and in deference to the demand of people not only in the legislature but outside, I have felt that the judgment of the committee should be taken into consideration.

The report, as I said, was three per cent for the first \$150 and two and a half per cent for the balance, that is, two and a half per cent for amounts over \$150. However, it has been shown to me and clearly shown, that anybody who wished to get over \$150 would only have to have his wife make an application and the company would have as security on same his furniture, thereby avoiding the lessening of the interest rate. I feared that we would get nothing by the new law as amended, and especially not at the present time when there is

such a demand for these small loans. I moved at the start of my remarks that the bill be indefinitely postponed and I hope that motion will prevail.

Mr. JACKSON of Sagadahoc: Mr. President and gentlemen. I do not care to take very much time in the closing hours of this busy session to weary you with any remarks on this Small Loan bill, so called. I, in common with some other members of the committee have heard this same matter argued pro and con in this, now the third session. In this particular session there were three bills presented for the reduction of the rate of interest charged for small loans. We have given each one a fair and impartial hearing. We have called in the Bank Commissioner to our committee and had his say on it and asked him many questions. We have been very liberal in our consideration of everything that was said and we believed there was a feeling in the committee that this interest rate should be very much more drastically reduced than it has been in this new draft. We believed that charging these people, who are forced by their circumstances to seek a small loan of \$25, \$50, \$100 or \$300, and compelling them to pay 36 per cent interest is too much. I will admit that if it is figured a certain way it results in only 15 or 16 per cent. We have considered all these things.

The point that my good friend, the distinguished Senator from Kennebec, Senator Hussey, brings up, that under this new draft there is nothing to hinder the man and wife splitting the loan and getting the benefit of the lower rate, or each hiring \$150 and making the total loan \$300; that is a matter that will be up to the loan agency and the party who is getting the loan. We cannot attempt to regulate that by legislation.

I want to say briefly, to repeat, that I have given the pros and cons of this measure the most serious and conscientious consideration. We have been fortunate enough to have on our committee a man in the small loan business, who has been of assistance in the discussion of this matter. We have signed a unanimous report and reported it out in a new draft "ought to pass", which we believe should have the sanction of the members of this body as well as the lower house.

I trust you will believe me when I say that we have tried to show due consideration to both sides and have rendered this honest verdict.

Mr. BURKETT of Cumberland: Mr. President, I have heard this matter discussed in the last four sessions, and if my memory serves me correctly, it was in 1927 that the law was amended, reducing the rate to three per cent from three and a half per cent, which had prevailed since 1921 when our law was passed. I do not know what the correct rate is but it would seem to me if the legislatures in preceding years have failed to reduce the rate below three per cent and that had been considered to be a fair rate, that in these times when collections are, as we all know, so hard to collect, and there are so many people who cannot afford to pay, that it would be a rather inopportune time to put a further burden on these agencies, agencies which have been established in some twenty-three states of the United States and only two of which is the rate as low as two and a half percent, if I am correctly informed.

I cannot understand also the logic of reducing the rate on larger loans if you are going to continue the same rate on the small loans. If the rate is too high, it should be reduced. Apparently the committee did not feel that the rate was very much too high. If they had, they would have reduced it in their report. Instead of that, they say the person who is able to borrow the loan of \$150 should hire money at two and a half per cent; but the poor man who is going to borrow only a few dollars, that is, a man less than \$150 is going to pay three per cent. Where is the logic to that? If the rate is going to be reduced at all, it should be on the small amount, so that the larger borrower would pay as much or more than the small one. It seems to me the thing is entirely illogical. I favor the motion made by the Senator from Kennebec, Senator Hussey, that this should be indefinitely postponed in its present shape.

Mr. JACKSON: Mr. President, I hate to trespass on the time of the Senate any further, but the distinguished Senator, my good friend from Cumberland, Senator Burkett, has accused our committee of being illogical. I want to say briefly that

the reason for reducing the percentage charged for the small loan to the poor fellow, charging him three per cent and the larger one two and a half percent, is the fact that the representatives of the loan agencies impressed us that it requires just as much time and effort on their part to chase up these small loans and get the payments on them, small loans of \$25, \$50, or \$100 as it is on the \$300 loans. That is the reason, and it seems to me that it is perfectly logical.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Hussey, that Bill, An Act Relating to Small Loan Agencies be indefinitely postponed.

On motion by Mr. Schnurle of Cumberland, the bill was laid upon the table pending motion to indefinitely postpone, and especially assigned for tomorrow morning.

The President laid before the Senate, House Report from the Committee on Mercantile Affairs and Insurance "Ought to Pass in a New Draft" (H. P. 1798) on Bill, An Act Relating to Enforcement of Insurance Liens (H. P. 62, L. D. 19), tabled on March 28th by Mr. Burkett of Cumberland, pending acceptance of the report; and the Chair recognized that Senator.

Mr. BURKETT of Cumberland: Mr. President, this bill was introduced and went before the Committee on Mercantile Affairs and Insurance and was designed to change one section of the Statutes to make it comply with the provisions that were sought to be inserted in the matter covered by tenth unassigned matter on the calendar, which it was voted this morning to indefinitely postpone. That being the case, there is no necessity or excuse for this legislation and I move this bill and report be indefinitely postponed.

The motion to indefinitely postpone the bill and report prevailed.

The President laid before the Senate, House Report from the Committee on Pensions, "Ought to Pass in New Draft" (H. P. 1793, L. D. 820) on Resolve Providing for a State Pension for Charles W. Shorey (H. P. 1022), tabled on March 29th by Mr. Hussey of Kennebec, pending acceptance of the report; and the Chair recognized that Senator, who yielded to the Senator from Hancock, Senator Harmon.

Upon motion by that Senator, the report of the committee was accepted in concurrence and the bill was given its first reading.

Thereupon, the same Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 820. Amend by striking out after the title thereof and substituting the following therefor: 'Retirement pension for Charles W. Shorey. Charles W. Shorey of Waldo, formerly an employee of the State Highway Department, is hereby made eligible to receive a retirement pension under the provisions of Section 227 to 230 of Chapter 1 of the Public Laws of 1933.'"

Senate Amendment "A" was adopted and the rules were suspended and the resolve was given its second reading.

Upon motion by Mr. Harmon of Hancock, the resolve was laid upon the table pending passage to be engrossed as amended by Senate Amendment "A."

The President laid before the Senate, Bill, An Act Relating to Settlement of Children (S. P. 692, L. D. 858), tabled on March 29th by Mr. Cowan of Lincoln, pending passage to be engrossed.

Mr. BURNS of Aroostook: Mr. President, in view of the illness of the Senator who tabled this bill, Senator Cowan, I move the bill be retabled and especially assigned for Thursday morning.

The motion to retable and assign prevailed.

The President laid before the Senate, Bill, An Act Relating to Apothecaries and the Sale of Poisons (H. P. 1773, L. D. 797), tabled on March 29th by Mr. McDonald of Washington, pending consideration, and on motion by that Senator, the report of the committee "ought to pass in new draft" was accepted in non-concurrence; and under suspension of the rules the bill was given its two several readings and passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, Bill, An Act Relating to Games of Sport on Armistice Day (S. P. 357, L. D. 338), tabled on March 30th by Mr. Schnurle of Cumberland, pending consideration; and on motion by that Senator, the

Senate voted to insist and ask for a committee of conference and the Chair appointed as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Schnurle, the Senator from Cumberland, Senator Burkett, and the Senator from Oxford, Senator Bartlett.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Judiciary, "Ought not to pass" on Bill, An Act Relating to Registration of Pleasure Cars by Paupers, (H. P. 1135, L. D. 360), tabled on March 30th by Mr. Ashby of Aroostook, pending acceptance of the report; and the Chair recognized that Senator.

Mr. ASHBY of Aroostook: Mr. President, in view of the fact that this matter has been taken care of by another bill, I move the acceptance of the report of the committee.

The motion to accept the report of the committee "ought not to pass" in concurrence prevailed.

The President laid before the Senate, Bill, An Act Relative to Closed Time on Deer in York County, (H. P. 328, L. D. 99) tabled on March 30th by Mr. Schnurle of Cumberland, pending first reading; and on motion by that Senator the bill was given its first reading.

Under suspension of the rules, 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 Mercantile Affairs and Insurance, Report "A" "Ought Not to Pass," Report "B" "Ought to Pass in New Draft (H. P. 1811)," on bill An Act providing for assessment of premium notes and insurance contracts (H. P. 1149) (L. D. 369), tabled by Mr. Ashby of Aroostook on March 30th pending acceptance of Report "A"; and the Chair recognized that Senator.

Mr. ASHBY of Aroostook: Mr. President and members of the Senate, I think my distinguished colleague Senator Carll spoke on this the other day and I don't think he had in mind at that time the new draft. I also think this may be op-

posed by some of the other members of the Committee. I am at a little disadvantage because while I modestly claim to be an authority on genealogy and vagrant cats I don't know a great deal about insurance. However, I will try to state this matter as it has been put up to me.

Now in Aroostook County we have three mutual insurance companies. They all insure farm property exclusively and they wanted this bill to go through and it has the endorsement of the Insurance Commissioner. Now, as I have been told about this matter there has been a very slight change in the old law. This is Legislative Document 852. The old law read like this: "Provided, that any mutual insurance company which collects a cash premium of not less than the tariff rate charged by stock companies may"—and note that it says "may" and not "shall"—"take a premium note for an equal amount and such companies shall maintain a premium reserve equal to fifty percent of the cash premium on its policies in force." Now the change they ask will read in the new bill: "Provided, that any mutual company which collects a cash premium of not less than a tariff rate approved by the Insurance Commissioner" and so forth.

Now the way this has been put up to me—I am not a lawyer but I believe it must be so because I think they have had good legal advice on this—the way it has been put up to me is that under the old law if mutual companies should establish a rate less than stock companies there is nothing in the law to compel them to maintain a premium reserve of fifty per cent. But under this new law the tariff rate shall be approved by the Insurance Commissioner, and they take it for granted that the Insurance Commissioner is not going to approve a rate less than the stock companies' rate and that this will automatically compel them to maintain a fifty per cent reserve.

Now, Mr. President, Report "A" was accepted in the Senate, was it not?

The PRESIDENT: The Chair will state that Report "B" "Ought to pass in New Draft" was accepted in the House and the question be-

fore the Senate is now on the motion to accept Report "A" which is "Ought Not to Pass." In the Senate, neither Report "A" nor Report "B" has been accepted.

Mr. ASHBY: I want to move, Mr. President, that we accept Report "B". Just how am I going to get at that?

The PRESIDENT: The Senator from Aroostook, Senator Ashby, moves that the motion for the acceptance of Report "A" be indefinitely postponed. Does the Senator care to address himself to the motion?

Mr. ASHBY: I would like to get my motion before the Senate, Mr. President, before I sit down.

The PRESIDENT: The Chair will state that he knows of no way that it can be done except by carrying through the motion for indefinite postponement. A motion was made to accept Report "A" and that motion is debatable, and the Senator may speak to that motion but the Senator must first yield the floor to opposition.

Mr. ASHBY: I will yield the floor. Mr. President.

Mr. CARLL of York: Mr. President, I said all I had to say on this bill when it was up before. I am still in favor of my motion. I do want to say what I had intended to say in discussing another bill this morning that if I appear to be somewhat in opposition to the Insurance Commissioner of the state of Maine, although we might disagree on some things I have the highest regard for the high standards of the Insurance Department of Maine and fully approve of the Commissioner, both personally and officially. I would not want anyone to think that because I had opposed some of his ideas that I was opposed to him in any way. As far as this bill is concerned I have not changed my views on it at all.

Mr. HUSSEY of Kennebec: Mr. President and members of the Senate, this bill, as you all know, was before the Committee on Mercantile Affairs and Insurance, and was given a very good hearing but the part that I object to principally is on the second page of this which sets up that the Insurance Commissioner of the state of Maine shall fix the rates. Now, it has been claimed by the opposition to this new draft that in some cases other insurance companies would

come in and take the best risks and leave just the poor risks for the other companies and that they should have an adjustment due them which could be given them by the Insurance Commissioner. I believe that those insurance companies who go along on a tariff rate set up by the companies and approved by the State, I do not think it should be a fluctuating rate which would necessarily happen if we allowed it to be approved by the Insurance Commissioner. That is my main objection. Of course other things have been brought up but I believe that the statute already on the books should stand as it is.

Mr. ASHBY: Mr. President, I simply want to point out one more thing, and that is that some of the objections of the Senator from York (Senator Carll) were remedied in this bill. For instance, as he quoted the other day it read, "No domestic mutual insurance company shall insure in one risk an amount exceeding twenty-five per cent." Well, at that time—and perhaps it did in the old draft—he reduced that ten per cent and that has been returned exactly as it was before.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Ashby, that the motion to accept Report "A" be indefinitely postponed. Is the Senate ready for the question?

A viva voce vote being had,

The motion to indefinitely postpone the motion to accept Report "A" did not prevail.

Mr. ASHBY: Mr. President, is it in order to ask for a division of the Senate?

The PRESIDENT: The Chair will state that it is not in order on the action which has just been taken.

Mr. ASHBY: Well, Mr. President, I wish I were a little better up on parliamentary procedure. I would like to get a division of this Senate. Will the Chair inform me how I may go about it?

The PRESIDENT: The Chair will state for the information of the Senator from Aroostook, Senator Ashby, that a division of the Senate may be easily obtained on the question of the acceptance of Report "A". Those who favor Report "A" will say Yes and those opposed will say No and the question is divided there.

Mr. ASHBY: Well, Mr. President,

my batting average has been rather poor this morning but I ask for a division on that question.

The PRESIDENT: The question now before the Senate is on the motion for the acceptance of Report "A" which is "Ought Not to Pass" and the Senator from Aroostook, Senator Ashby, asks for a division.

A division of the Senate was had. Nineteen having voted in the affirmative and six opposed, Report "A" "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, Bill An Act Relating to Highways, (S. P. 699, L. D. 864) tabled on March 30th by Mr. Cowan of Lincoln, pending first reading.

Mr. BLAISDELL of Hancock: Mr. President, for the same reason that Senator Burns tabled a matter in Senator Cowan's absence, I move this bill be retabled and especially assigned for tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, Senate Report from the Committee on Ways and Bridges, Ought to Pass on Bill entitled An Act Relating to the Appropriation of a Part of the Gasoline Tax for Farm Roads, (S. P. 398, L. D. 420), tabled on March 30th by Mr. McDonald of Washington pending acceptance of the report, and that Senator moved that the report of the committee be accepted.

Upon motion by Mr. Fernald of York, the bill was laid upon the table pending acceptance of the report, and tomorrow assigned.

The President laid before the Senate, Senate Report from the Committee on Salaries and Fees, Ought to pass in a new draft (S. P. 709) on Bill, An Act Relating to the Classification and Compensation of State Employees (S. P. 260, L. D. 204), tabled on March 30th by Mr. Bisset of Cumberland, pending acceptance of the report; and the Chair recognized that Senator who yielded to Mr. Burns of Aroostook.

Upon motion by Mr. Burns of Aroostook, the bill and report were laid upon the table pending acceptance of the report, and tomorrow assigned.

The President laid before the

Senate, Bill, An Act Relating to Clerk Hire in the Office of Register of Deeds for the Southern District of Aroostook County, (S. P. 201, L. D. 831), tabled on March 30th by Mr. Cowan of Lincoln, pending enactment.

Mr. BURNS of Aroostook: Mr. President, a few moments ago, out of consideration for the absence of Senator Cowan, I moved to retable the fourteenth unassigned matter on today's calendar. I did that because in that particular case it involved a state wide proposition and the absent Senator had certain rights which I felt should be reserved for him. I do not think that applies to the twenty-third unassigned matter and I therefore move that the bill be passed to be enacted and in explanation I will say this; that this bill, Legislative Document No. 831, calls for an increase in the clerk hire in the office of the Register of Deeds for the Southern District of Aroostook County, to the extent of four hundred dollars. It is purely a local proposition. It affects only the county of Aroostook. The county of Aroostook will pay the extra four hundred dollars as it has paid the twenty-nine hundred which is the amount paid for clerk hire, now in existence. I will say further that at a meeting of the Aroostook delegation, they were unanimously in favor of the proposed bill. I therefore make this motion to facilitate matters in the Senate.

The motion prevailed, and the bill was passed to be enacted.

The President laid before the Senate, Resolve Protecting Cod, Haddock and Other Ground Fish in Certain Waters of and Adjacent to Hancock County (S. P. 642, L. D. 807), tabled on March 30th by Mr. Pinansky of Cumberland pending final passage; and the Chair recognized that Senator.

Mr. PINANSKY of Cumberland: Mr. President, I move that this matter be retabled and especially assigned for tomorrow as there is a similar bill pending consideration in the House, which will be coming along to us, and for that reason I ask it be re-tabled and especially assigned for tomorrow morning.

The motion to retable and assign prevailed.

On motion by Mr. Schnurle of Cumberland, the Senate voted to

take from the table, Bill, An Act to Provide for Licenses and Permits for Outdoor Advertising, (S. P. 625, L. D. 752) tabled by that Senator on April 2nd pending passage to be engrossed; and on motion by that Senator, the Senate voted to reconsider its action whereby five hundred copies of the bill with amendments was ordered printed.

On further motion by the same Senator, the Senate voted to reconsider its action of yesterday whereby House Amendment "A" was adopted in concurrence.

Mr. SCHNURLE of Cumberland: Mr. President, I now offer Senate Amendment "A" to House Amendment "A" and move its adoption, and I might say in explanation that this is the famous Billboard bill, so-called. This amendment simply clears up an error in the rearrangements of the amendments and simply puts in part of Section 10 which was inadvertently left out of the bill. That is all it does to the bill.

The Secretary read the amendment.

Senate Amendment "A" to House Amendment "A" on Bill, An Act to Provide for Licenses and Permits for Outdoor Advertising (S. P. 625, L. D. 752.) Amend said amendment by striking out the second paragraph thereof and inserting in place thereof the following: 'Further amend said bill by striking out all of the last sentence of Section 10 thereof and inserting in place thereof the following:'

Senate Amendment "A" to House Amendment "A" was adopted.

Thereupon, on motion by the same Senator, House Amendment "A" as amended by House Amendment "A" to House Amendment "A" and as further amended by Senate Amendment "A" to House Amendment "A" was adopted.

On further motion by the same Senator, the bill as amended by Senate Amendment "A" as amended by House Amendment "A" to Senate Amendment "A" and as further amended by House Amendment "A" as amended by House Amendment "A" to House Amendment "A" and Senate Amendment "A" to House Amendment "A", was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harmon of

Hancock, the Senate voted to take from the table, Resolve Providing for a State Pension for Charles W. Shorey, (H. P. 1022), tabled by that Senator earlier in today's session pending passage to be engrossed, as amended by Senate Amendment "A"; and on motion by the same Senator, the Resolve was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harmon of Hancock, the Senate voted to take from the table, Bill, An Act Relating to Hawkers and Peddlers, (S. P. 221, L. D. 194), tabled by that Senator on April 2nd pending passage to be engrossed.

Mr. HARMON of Hancock: Mr. President, I yield to the Senator from Hancock, Senator Blaisdell.

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

Senate Amendment "A" to Legislative Document 194. "Amend said bill by adding in Paragraph 14 in the second line thereof after the word 'merchandise' the words 'at retail'."

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

Sent down for concurrence.

On motion by Mr. Pinansky of Cumberland, the Senate voted to reconsider its action whereby Resolve Protecting Cod, Haddock and Other Ground Fish in Certain Waters of and Adjacent to Hancock County, (S. P. 642, L. D. 807) was laid upon the table and especially assigned for Thursday morning.

Mr. PINANSKY: Mr. President, I will now yield to the Senator from Hancock, Senator Harmon.

Upon motion by that Senator, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

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

Senate Amendment "A" to Legislative Document 807, Resolve Protecting Cod, Haddock and Other Ground Fish in Certain Waters of and Adjacent to Hancock County. "Amend said resolve by inserting in the second line of section one there-

of after the word 'with' the following words, 'gill net or with'."

Thereupon, upon motion by Mr. Blaisdell of Hancock, the bill and amendment were laid upon the table pending adoption of the amendment, and tomorrow assigned.

On motion by Mr. Schnurle, the Senate voted to take from the table, House Report from the Committee on Pensions Ought to Pass in new draft (H. P. 1791, L. D. 818) on Resolve Providing for a State Pension for Winnifred Parker of Presque Isle, (H. P. 1913), tabled on April 1st by Mr. Schnurle of Cumberland, pending acceptance of the report; and that Senator yielded to the Senator from Hancock, Senator Harmon.

On motion by that Senator, the report of the committee was accepted and the bill was given its first reading.

The Secretary read House Amendment "A" which was indefinitely postponed in non-concurrence.

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

Senate Amendment "A" to H. P. 1791, L. D. 818, Resolve Providing for a State Pension for Winnifred Parker of Presque Isle. "Amend said Legislative Document 818 by striking out in the third line thereof the words 'to be paid from the appropriation for the maintenance of the department' and the following words in the fourth line thereof 'of Inland Fisheries and Game.'"

Senate Amendment "A" was adopted, and the rules were suspended and the Resolve was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Potter of Penobscot, the Senate voted to take from the table, Bill, An Act Relating to Indians (S. P. 710, L. D. 888), tabled by that Senator on April 1st pending first reading; and that Senator moved that the bill be given its first reading.

On motion by Mr. Schnurle of Cumberland, the bill was laid upon the table pending motion for first reading.

On motion by Mr. McDonald of Washington, the Senate voted to take from the table, House Report from the Committee on Legal Affairs Ought Not to Pass on Bill, An Act to Incorporate the Eastport Water District (H. P. 1066, L. D. 396), tabled by that Senator on April 1st pending acceptance of the report; and on further motion by that Senator that "Ought not to pass" report of the committee was accepted in concurrence.

Upon motion by Mr. Schnurle of Cumberland,

Adjourned until tomorrow morning at ten o'clock.