

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, April 4, 1935.

Senate called to order by the President.

Prayer by the Rev. A. W. Brown of Gardiner.

Journal of yesterday read and approved.

From the House:

The Committee on Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Lights on Trucks" (H. P. 335) (L. D. 105) reported that both branches recede from their former positions and concur in the adoption of House Amendment "A" to House Amendment "A" as submitted herewith, and pass the Bill to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto.

In the House, the report read and accepted.

In the Senate, the report was read and accepted in concurrence. House Amendment "A" to House Amendment "A" was read.

Thereupon, 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" as amended by Senate Amendment "A" thereto. Senate Amendment "A" to House Amendment "A" was indefinitely postponed. Thereupon, under suspension of the rules the Senate voted to reconsider its former action whereby House Amendment "A" was adopted. House Amendment "A" to House Amendment "A" was adopted in concurrence; House Amendment "A" as amended by House Amendment "A" thereto was adopted; and the bill as amended by House Amendment "A" as amended by House Amendment "A" thereto was passed to be engrossed in concurrence.

From the House:

The Committee of Conference on the disagreeing Action of the two branches of the Legislature on Bill "An Act Relating to Licenses for Wholesalers in Malt Beverages," (S. P. 347) (L. D. 397) reported that the committee recommend that the House recede and concur in the indefinite postponement of House Amendment "A".

In the House, the report read and accepted.

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

From the House:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Delinquency in Payment of Insurance Assessments," (H. P. 1752) (L. D. 769) report that the committee is unable to agree.

In the House, the report read and accepted.

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

From the House:

Memorial to Federal Alcohol Control Administration Relative to Use of Barrels and Kegs. (H. P. 1858)

In the House read and adopted.

In the Senate, the Memorial was read.

Mr. FERNALD of Waldo: Mr. President, I move the indefinite postponement of the memorial, in non-concurrence.

Thereupon, on motion by Mr. Schnurle of Cumberland the memorial was laid upon the table pending the motion to indefinitely postpone.

From the House:

Bill "An Act Relating to the Time Limit of Adjustment and Payment of all Fire Losses; Penalty." (H. P. 64) (L. D. 20)

(In Senate on April 3rd Minority Report "Ought not to Pass" accepted in non-concurrence.)

In the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and asking for a Committee of Conference, and the Speaker having appointed as members of such a committee: Messrs: Palmer of Island Falls, Ellis of Rangeley, Mace of Augusta.

In the Senate, on motion by Mr. Hussey of Kennebec, that body voted to insist and join the House in the committee of conference and the President appointed as members of such committee on the part of the Senate: Senators: Hussey of Kennebec, Burkett of Cumberland, Carl of York.

From the House:

The Committee on Legal Affairs on Bill "An Act Creating the Board of Fire Commissioners of Rumford Falls," (H. P. 1069) (L. D. 405) re-

ported the same in a new draft (H. P. 1843) (L. D. 904) under a new title, Bill "An Act Creating a Public Safety Commission for the Town of Rumford Falls," and that it ought to pass.

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

In the Senate, the report was read and 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 Ways and Bridges on Bill "An Act Relating to the Hancock-Sullivan Bridge," (H. P. 1116) (L. D. 307)

(In Senate on April 2nd, report of the Committee "Ought not to pass" accepted in non-concurrence.)

In the House, that body having insisted on its former action where-by the bill was passed to be engrossed as amended by House Amendment "A," and asking for a Committee of Conference, the Speaker having appointed as members of such a committee: Messrs. Noyes of Franklin, Devereux of Penobscot, Mace of Augusta.

In the Senate, on motion by Mr. Hathaway of Piscataquis that body voted to insist and join the House in the committee of conference and the President appointed as members of such committee on the part of the Senate: Senators: Hathaway of Piscataquis, Friend of Somerset, Burns of Aroostook.

Papers from the House, disposed of in concurrence.

From the House:

The Committee on Maine Publicity on Bill "An Act for Placing the Word 'Vacationland' on all Number Plates on Motor Vehicles" (H. P. 106) (L. D. 675) reported the same in a new draft (H. P. 1845) (L. D. 903) under a new title, Bill "An Act Relating to Registration Number Plates"

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

In the Senate:

Mr. FERNALD of Waldo: Mr. President, I am going to move the

indefinite postponement of the bill. I am not seriously concerned about this matter but I would like to see how it is going to look next year if we pass it. As I read this bill, Legislative Document 903, we are going to take the word "Maine" that now appears on the plates and decrease the size of the letters from one inch to three-quarters of an inch. The word "Maine" is going to be decreased one-quarter of an inch. And then, not being satisfied with that, under this bill they are going to take the word "Maine" from its present position and insert in place thereof the word "Vacationland". Now, that may be all right, but the fact remains that no other state in the Union clutters its number plates up with any such proposition except the state of Arkansas and they have put on the bottom of their plates the word "Centennial" because it is their centennial year.

Personally I think it is an asinine proposition and I believe that we will find in another year that on a great many of the plates that section of the bottom will be obliterated and the word "Vacationland" will be stricken off. I don't think it lends anything to the dignity of the number plates nor do I think that it lends any dignity to the advertising medium of the State.

I am not specially concerned about them but it just doesn't appeal to me and whatever action the Senate cares to take in this matter is all right with me. And, Mr. President, when the vote is taken I ask for a division.

Mr. SCHNURLE of Cumberland: Mr. President, I will not take the time of the Senate to go into this matter again. This same action was taken by the same Senator when the bill came in before and if I remember correctly the Senate decided to go along with this proposition. In the meantime, I have here a draft of the license plate exactly as it will look and while the Senator calls attention to the three-quarter inch proposition, the reduction in size is less than that, I believe, and these figures here are larger than that. If the members of the Senate desire I can circulate this plate around so that they can see it. We have cut the figures down to the size used by practically every state in the Union, and I think most of you will agree that

the size originally was out of proportion, and it was necessary to bring it down to the three inch size which is the size in nearly all the states. That is the size it will be.

I do not care to say anything more of this proposition except to say that I think it makes a very fine looking plate and it does not detract at all from the looks of the plate, and the Highway Police think it will be as legible as the plates we now have. I hope the motion of the Senator from Waldo, Senator Fernald, will not prevail.

Mr. ASHBY of Aroostook: Mr. President, I would like to ask a question of the Senator from Cumberland, Senator Schnurle.

The PRESIDENT: The Senator from Aroostook, Senator Ashby, has permission to ask a question of the Senator from Cumberland, Senator Schnurle, who may answer if he desires.

Mr. ASHBY: I would like to inquire, Mr. President, whether or not, if the plates were enlarged to the size of the cut which the Senator has, it would increase the cost of the plates to the State.

Mr. SCHNURLE: Mr. President, I am very pleased to answer that. It will not increase the cost of the plates to the State one penny. The plates will be the same size as this cut, which simply means that the metal will be pressed out a little more in the embossing process and we will not use any more metal in the plate.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Waldo, Senator Fernald, that the bill and the accompanying report "ought to pass in new draft" be indefinitely postponed, and the same Senator asks for a division.

A division of the Senate was had.

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

Thereupon, the report of the committee "ought to pass in the new draft" was accepted in concurrence and under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

House Bills in First Reading

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

"An Act to Incorporate the Brunswick School District". (H. P. 1844) (L. D. 902)

"Resolve in Favor of Caswell Plantation." (H. P. 94) (L. D. 901)

First Reading of Printed Bills

(Under suspension of the rules the following bill was given its second reading and passed to be engrossed. Sent down for concurrence.)

"An Act Relating to the Practice of Chiropractic." (S. P. 714) (L. D. 910)

Reports of Committees

Mr. Hussey from the Committee on Appropriations and Financial Affairs, on Bill "An Act Appropriating Moneys for Anticipated Overdrafts for which no Legislative Appropriation has been made, and for Obligations for which no Appropriations were Made," (S. P. 403) (L. D. 522) reported the same in a new draft (S. P. 717) under the same title and that it ought to pass.

Mr. Friend from the Committee on Ways and Bridges on Bill "An Act to Create and Allocate a General Highway Fund for State Road, State Aid Road and Third Class Highway Construction," (S. P. 160) (L. D. 89) reported the same in a new draft (S. P. 702) under a new title, Bill "An Act to Create and Allocate a General Highway Fund for State Road, State Aid Road and Third Class Highway Construction, and to Temporarily Suspend Certain Statutes." and that it ought to pass.

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

Mr. Friend from the Committee on State Lands and Forest Preservation submitted its Final Report.

Mr. Burns from the Committee on Mines and Mining, submitted its Final Report.

Mr. Pinansky from the Committee on Counties submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Passed to be Enacted

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

Orders of the Day

The President laid before the Senate, Bill, An Act Relating to Support of Paupers or other Dependent Persons Falling into Distress, (S. P. 422) (L. D. 510), tabled on April 3rd by Mr. Tompkins of Aroostook, pending consideration and today assigned; and the Chair recognized that Senator.

Mr. TOMPKINS of Aroostook: Mr. President, in order that I may make proper motion for the disposal of this bill, I move the Senate reconsider its action whereby we accepted the "ought not to pass" report of the committee.

Thereupon, the rules were suspended and the Senate voted to reconsider its action whereby the "ought not to pass" report of the committee was accepted in concurrence.

Upon motion by the same Senator, the bill was referred to the next Legislature in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, Bill, An Act to Establish a Boundary Line for the Town of Fayette, (S. P. 666) (L. D. 850), tabled on April 3rd by Mr. Potter of Penobscot, pending reconsideration of the report, and today assigned; and the Chair recognized that Senator.

Mr. POTTER of Penobscot: Mr. President, when a controversy of this nature arises in a committee between towns there must, of necessity in settling the matter be much disappointment on one side or the other. This matter was very definitely heard in three hearings. We gave it a great deal of thought and time and attention. We had many witnesses. We had maps and drafts and many things to enlighten us and we took the matter up in full consideration of the import which was intended. We feel that we gave an unbiased hearing, considering all points in which the parties were interested, and that we did full justice as a committee.

For 137 years a town line had existed between the town of Readfield and the town of Fayette. Nobody thought of questioning that line up to three years ago. In 1932 when some camps were built there and

developments were made, then it was felt that possibly there was some error in the town line as it had existed these 137 years. The town of Fayette requested the Court to appoint a commission to settle the town line. This was done. A committee of three was selected and after due consideration they decided in favor of Fayette. In receiving the report, Judge Hudson stated that it was palpably wrong but he had no authority to decide the case. It was sent to the Law Court. The Law Court refused to sustain the report. The Fayette and Readfield commissioners resigned. A new commission consisting of Justice Harry Manser of the Superior Court, Herbert Locke, Esquire, of Augusta, and Clinton Goodhue of Waterville were appointed as the new commission to determine the line. This commission viewed the premises and held a hearing which lasted two days and extended well into the evening of the second day. After the evidence was closed and arguments made by the representatives of the two towns, the commissioners rendered a decision in favor of Fayette. Fayette took exceptions to the report but before the Court had time to act upon the exceptions, Fayette filed a petition requesting the legislature to establish a boundary line as desired by Fayette.

They then took it to our committee and, as I have said, we gave it very careful consideration and after due consideration the committee unanimously reported a new draft to the bill, which was "ought to pass." This report was tabled in the Senate on March 27th by Senator Bodge of Kennebec. When Fayette first filed the petition for a part of Readfield it claimed only a small part of Mutch's Point. The first commission's report gave Fayette eight or ten acres more in Readfield than Fayette claimed. The report of the commission headed by Judge Manser established the line as claimed by Readfield, with the exception that from the northeast corner where it extended the line across the water, they took off the small lot of the land of Fayette.

Our committee had a hearing yesterday and we unanimously adhered to the report of the committee as before, and we drew up an amendment, Senate Amendment "A", and I offer that amendment and move its adoption.

The Secretary read the amendment:—

"Senate Amendment 'A' to Legislative Document 850. Amend Legislative Document 850, An Act to Establish a Boundary Line for the Town of Fayette, by inserting after the word 'thereof' in the eleventh line the words 'to a stone monument marked T. B.,' also further amend by striking out in the fifteenth line after the word 'marked' the following words: 'T. L. 1901-1911 F. on the west side and R. on the east'; and in the sixteenth line the word 'side' and inserting in place thereof after the word 'marked' the following 'T. B.,' and further amend by striking out 'at the northerly' in the sixteenth line and inserting in place thereof the words 'westerly on Mutch's point'; and further amend by striking out 'end of Croched Pond' in the seventeenth line."

Mr. POTTER: Mr. President, I now move we adopt the amendment and accept the unanimous report of the committee "ought to pass".

Mr. BODGE of Kennebec: Mr. President, I move this matter lie on the table, Senate Amendment "A", until this afternoon.

The PRESIDENT: The Chair will state that Senate Amendment "A" as offered, is not before the Senate. Although the amendment would probably be offered in due course, it would not be offered with the motion of reconsideration made by Senator Bodge still pending. Does the Senator from Kennebec, Senator Bodge, still care to lay the matter on the table, or would he like to adjust himself to the motion he made yesterday?

Mr. BODGE: I will continue with the motion I made yesterday, Mr. President.

The PRESIDENT: Does the Senator care to address himself to the motion or does he want the motion put?

Mr. BODGE: I would like to address myself to the question for a moment, Mr. President, and I would like to request permission to retire while I get a map.

(The Senator retired and presently returned with a map which was placed in position for view by the Senate.)

Mr. BODGE: I hope it will be possible now for the members of the Senate to understand more fully the location of water and land than is possible from a mere description of the lines in question. Inside the heavy white lines at the left, as you look at the map, you will note the legend "Lane's Pond".

The straight line across is the line that goes from the southeast corner of Fayette as has been generally recognized, to the northerly part of Lane's Pond where there was an old monument, which was testified to have been there from time immemorial; and which I personally saw sixty years ago and some time after. The line up and down represents the line running from Fayette to Readfield. As you go further up, you come to Croched Pond and that is where the old post mentioned in my remarks yesterday was found and where a stone monument was erected in 1901 by agreement between the town of Fayette and the town of Readfield. The line across the pond is simply a continuation of that line which extended from one pond to another and is clearly defined in the acts of incorporation, as being extended from the first boundary on Lane's Pond to the boundary on Croched Pond, and it goes across a point, as you will note, at the extreme right, which is known as Mutch's Point, mentioned in the paper you found on your desks this morning.

Now, that is the boundary that Fayette claims. It is correct and is the boundary that was found by the first commission. It is true that the second commission found otherwise, but you will observe that when Justice Hudson set aside the finding of the first commission he simply reported that he had no authority to make any changes. The diagonal line in the center which crosses the straight, heavy white line, is the line that the new commission found to be the one that should be adopted. It is over on the corner of Lane's Pond and goes to the southerly part of Croched Pond, much farther down than the line Fayette claimed. So much for that.

I have here a map, published by Messrs. Caldwell and Halfpenney in 1879. The publishers state that they have made these maps of the different towns, which are as correct as they can be with all the information they can find, and they believe them to be true. There was another map similar to this published in 1856 and I called for it at the court house this morning, but it had disappeared. The Clerk of Courts thinks and says that the last she knew of it, it was in the hands of the representatives of the town of

Readfield. That line on that map was practically identical with the map that I have here and shows almost identically the same marks that we saw on the map which was exhibited to you. That would indicate that in 1846 these lines were recognized by topographers as being the correct line between Fayette and Readfield. As the Senator from Penobscot, Senator Potter, has just stated, there was never any question on the part of anyone in either town as to where the line was until some cottages were built.

I have here a book which I just obtained from the Clerk of Courts of Kennebec County, that I never saw until this morning. It is the "Record of the Perambulations of Town Lines and Division Fences of Fayette". The first part of it is filled up with perambulations and lines between different bounds where inhabitants have gotten into trouble. The first record of perambulation of the line between the town of Fayette and the town of Readfield appears as follows: "Agreeable to notice given to the town of Fayette by the town of Readfield, to meet at the Whittemore place in Fayette near the line between the said towns on the eighth day of November, A. D. 1901 at 9.30 A. M. for the purpose of perambulating and running the line between the aforesaid towns and renewing the marks and bounds, we, the subscribers, selectmen of the towns, with I. T. Manson, Surveyor, have met at that time and place and for the purpose aforesaid and do make the following return of our doings. Commencing at a stone post on the south side of the road leading from Kent's Hill to Fayette Mills marked 'R. F. 1901,' thence north twenty-seven and a half degrees east about 130 rods to Crotched Pond and from said stone post south about 70 rods to Lane Pond." This stone we have mentioned as being one of the three stones, one on the road, one at the head of Lane's Pond and one on Crotched Pond. This goes on: "The subscribers have this day caused stone monuments to be placed on the shore of Lane's Pond and also on the shore of Crotched Pond, the same being marked 'R. F. T. S. 1901.' Dated January 18, 1902. Signed by W. S. O. Elliott, A. S. Nickerson and W. H. Whittier, Selectmen of Readfield; and by H. J. Banford,

W. S. Hewett and H. J. Tuck, Selectmen of Fayette. A true copy, Attest: L. R. Fellows, Town Clerk."

We go over a little farther and we find "Agreeable to a notice given to the Town of Fayette by the Town of Readfield to meet at the home of C. J. Cole" which is the same as the Whittemore place, "near the line between the same said towns on the 22nd day of August, A. D. 1911, at nine o'clock in the forenoon for the purpose of perambulating and," and here is a word I cannot read, "the line between the above said towns and renewing the marks and bounds, we, the subscribers, selectmen, of the aforesaid towns have met at the time and place and for the purpose aforesaid and do hereby make the following returns of our doings: Commencing at a stone post on the south side of the road leading from Kent's Hill to Fayette Mills marked 'R. B. F. 1911' thence north twenty-seven and a half degrees East about 130 rods to Crotched Pond and to a stone post marked 'R. T. L. F. 1901-1911' and from the first named stone South about 70 rods to a stone on the shore of Lane's Pond marked 'R. T. L. F. 1901-1911.' In witness whereof we have hereunto mutually set our hands this day of September, A. D. 1911. M. J. Harriman, W. A. Nickerson and W. L. Gordon, Selectmen of Readfield; and H. J. Tuck, A. W. Underwood and W. E. Crocker, Selectmen of Fayette. A true copy, attest: H. F. Jones, Town Clerk."

After perambulations of other towns we find, "Agreement to a notice given in the town of Fayette by the town of Readfield to meet at the home of William H. Rohr on the 8th day of November, A. D. 1923." I will say that Rohr lived in the house that Whittemore and Cole had lived in. They met and report boundaries: "Beginning at a stone bound on the south side of the County road leading from Kent's Hill to Fayette Mills marked 'R. B. F. 1911, 1923,' thence North 27 1-2 degrees East about 130 rods to Crotched Pond and a stone bound marked 'R. T. L. F., 1901, 1911, 1923,' and then beginning at the first named stone bound on South side of County road and running South about 70 rods to a stone bound on the shore of Lane's Pond marked 'R. T. L.—F., 1901, 1911, 1923.' In witness whereof, we have mutually set our hands, this twenty-fourth day of November, A. D. 1923." It is

signed by the selectmen of Readfield and the selectmen of Fayette, and attested H. F. Jones, Town Clerk.

Now, as I tried to make clear yesterday, this is a matter that has been in controversy for only a short time and that has been since some camps were built. It seems to me that this Legislature is simply called upon to fix what shall be for the future, the line between Fayette and Readfield. I believe it is perfectly competent for this Senate and Legislature to establish an absolutely new line if it sees fit, regardless of any acts of the past. Here is a line that you have seen, that has been recognized by the town of Fayette and by the town of Readfield, so far as anyone knows to the contrary, from 1795 to 1923. No question was ever raised by either town as to the line because of some monument becoming lost or indistinct, but they set a new monument with the consent of all concerned.

I want, as I said here yesterday, to do right by both towns and I believe that continuing the line that has been recognized and established for so many years will be right. Less than a week ago I was talking with the first selectman of Readfield and I asked him why, if there was any question about it, those monuments were permitted to be placed as they were in 1901, 1911 and 1923; and I think I quote him verbatim when I quote him as saying that he never knew there was any other line. Now, if Readfield never knew there was any other line for a period of 137 years, never thought there was any other line or occasion for questioning that line, I believe that this Senate and this Legislature will not be going far wrong if they say "let's keep right on with what has been the line established for so many years."

I am a little in doubt, Mr. President, as to what should be the next motion, but I think we should reconsider the action whereby the report of the committee was accepted, and I so move.

Mr. POTTER: Mr. President, I neglected to say that part of our committee went out there and made an examination and they still adhere to the same conclusion which they formed in the first place, and made a unanimous report, to stay

by the report which they made in the first place.

Mr. BODGE: Mr. President, I would like to say that I also forgot to say that there are records of perambulations between the town of Fayette and the Town of Mount Vernon, running from 1797, which state that the northeast corner of Fayette and the northwest corner of Readfield and the south line of Mount Vernon was at a pine tree on the east shore of Crotched Pond, near or exactly where this line here claims to run to the Mount Vernon line as established on the map that you have already seen.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Kennebec, Senator Bodge, that the Senate reconsider its action whereby it accepted the "ought to pass in new draft" report on An Act to Establish a Boundary Line for the Town of Fayette.

A viva voce vote being had, the motion prevailed.

Thereupon, upon motion of Mr. Bodge of Kennebec, the original bill was substituted for the report of the committee, "ought to pass in new draft;" and under suspension of the rules the bill was given its two several readings, and passed to be engrossed.

Thereupon, on motion by Mr. Potter of Penobscot, the Senate voted to reconsider its action whereby this bill was passed to be engrossed; and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed.

The President laid before the Senate, Bill, An Act Relating to Minimum Wages for Laborers, (H. P. 1797, L. D. 840), tabled on April 3rd by Mr. Winn of Androscoggin pending consideration; and today assigned; and the Chair recognized that Senator.

Mr. WINN of Androscoggin: Mr. President, do I understand that this is tabled pending consideration?

The PRESIDENT: The Senator is correct, and the Chair will state that the next ordinary procedure would be to suspend the rules for the second reading of the bill. The bill is in order for amendment at the present time.

Mr. WINN: I have no amendment to offer, but just want to make an explanation of the bill. I would

say, Mr. President, that this bill was reported out in a new draft and I believe there is some merit in it and the way it has been changed. It is relative to minimum wages in the employment on the construction of our highways and I understand that there have been contractors who have employed labor as low as twenty cents an hour and then along would come another crew saying that they would work for fifteen cents an hour, and so one crew would be dismissed and another crew go on the job. Of course, we all know that is very unfair. The original bill had a preference for soldiers in it but an American Legion fellow volunteered to have it taken out.

They tell me that contractors here in the state,—and as a matter of fact, I know it is true from reliable sources,—sometimes employ non-citizens of the United States, and I believe that when there is so little employment at the present time we should certainly say in the law somewhere that citizens of the United States should be employed. I believe that the other senators will firmly agree with me that if this condition is permitted under the law, we should make some law where they cannot do it. I know that in the construction of a road here in Kennebec County, I came down here one day and they told me of conditions and I reported them to the Labor Department and they found they were true. They had non-citizens working on the highway, and if that thing is going on at the present time, in the State of Maine, I believe this honorable body wants to enact some sort of legislation that will prohibit it. I would be glad to see if this bill will remedy the situation, as I understand it will, and I think it ought to have passage.

Miss MARTIN of Penobscot: Mr. President, was there a House amendment or has there been a Senate amendment adopted on this bill?

The PRESIDENT: The Chair will state for the information of the Senator from Penobscot, Senator Martin, that the bill was passed to be engrossed in the House, as amended by House Amendment "A". It came to the Senate and House Amendment "A" was adopted in concurrence after the first reading.

Miss MARTIN: May we have the amendment read, Mr. President?

The Secretary read House Amendment "A".

Thereupon, on motion by Mr. Winn of Androscoggin, the rules were suspended and the bill was given its second reading.

Mr. BURKETT of Cumberland: Mr. President, it seems to me if we are going to pass this bill, as it is amended, that the title should be changed. It is entitled, "An Act Relating to Minimum Wages for Laborers", and the bill as it is left has nothing to say about wages. I move it be laid upon the table pending passage to be engrossed.

The motion prevailed and the bill as amended by House Amendment "A" was laid upon the table pending passage to be engrossed in concurrence.

The President laid before the Senate, Bill, An Act Relating to Small Loan Agencies, (S. P. 690, L. D. 855), tabled on April 3rd by Mr. Schnurle of Cumberland, pending motion for indefinite postponement, and today assigned; and on motion by that Senator, the bill was indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate, 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), tabled on April 3rd by Mr. Haskell of Androscoggin, pending reception by the Senate; and today assigned; and on motion by that Senator, unanimous consent was granted for the reception of the bill. Thereupon on further motion by the same Senator, the rules were suspended and the bill was given its two several readings.

Upon motion by Mr. Schnurle of Cumberland, the bill was laid upon the table pending passage to be engrossed in concurrence.

The President laid before the Senate, Bill, An Act for the Relief, Rehabilitation, Protection and Enhancement of Agriculture and Dairying in the State of Maine (H. P. 1873) tabled on April 3rd by Mr. Haskell of Androscoggin, pending reception by the Senate, and today assigned; and upon motion by that Senator, the bill was retabled and especially assigned for this afternoon.

The President laid before the Senate, Bill, An Act Relating to High-

ways, (S. P. 699, L. D. 864), tabled on April 3rd by Mr. Blaisdell of Hancock, pending first reading and today assigned; and upon motion by that Senator, the rules were suspended and the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate, Senate Report from the Committee on Ways and Bridges, "Ought Not to Pass", on Bill, An Act Relating to the Appropriation of a Part of the Gasoline Tax for Farm Roads, (S. P. 498, L. D. 420), tabled on April 3rd by Mr. Fernald of York, pending acceptance of the report, and today assigned; and the Chair recognized that Senator.

Mr. FERNALD of York: Mr. President, I am going to move the bill be substituted for the report. I do not know how many of you gentlemen live on the improved roads or how many of you live on these slough holes that come about in the spring and fall. I am sure I hope there are none of you. I hope you all have the pleasure of living on improved roads. I, for one, have that pleasure, but I back up this bill purely in sympathy for those who do not have the pleasure of living on the improved highways during the mud season in the spring and fall and also after a heavy rain even in the summer time. Now these people contribute largely toward this gasoline tax. You probably will say, some of you, that they receive the benefit of the improved highways. That is absolutely true and I will guarantee that they all appreciate that very much. But what is the good of such things if they cannot use them when they are worst needed? It is impossible for them to go there with their automobiles at that time of year. It is a great inconvenience to them all.

I read a little clipping in the Portland Press Herald last week by a man in Sebago and he criticised the actions quite a bit and he said that why they didn't get them was because they didn't have any support. I do not know if he referred to the legislature or who he referred to, but it is true that they don't. Now, the committee, I do not want to cast any reflections on them. They are a mighty nice lot of men and I appreciate the fact that I have had a chance to get acquainted with them. I like them very much, every one of them. The only criticism I can offer is that I think

they didn't have quite courage enough to put in a favorable report, but that is all right. They will claim that there was not sufficient money for that, but the Highway Commission is satisfied with it. Mr. Wiggin, who has charge of the maintenance, has no objection to the bill and the maintenance fund has more left in it this year, I understand, than it had last year, and I have also found from experience and observation that wherever there is a will there is a way, and so in this case I believe if there is not money enough left in the maintenance fund, it would be provided by another source, from the gasoline tax. Now, I hope you all have sympathy enough for these people to give them that little favor that they want, and when this motion is put, I would ask for a yea and nay vote.

Mr. HATHAWAY of Piscataquis: Mr. President, on behalf of the Ways and Bridges Committee, I wish to thank our friend, the Senator from York, Senator Fernald, for his kind words. I wish to say that contrary to what he may have said, the committee is not shy on courage. Neither are we shy on sympathy. Our shyness is of a financial nature, and it simply comes down to a case of finance. We heard with great interest the hearing on this five per cent gas matter. We realize—the chairman of the committee lives in a country town—and we know all about those country roads, but the Highway Commission has told us that we need a half million dollars more for maintenance money. If we had passed this bill we would have taken out about \$300,000 more for maintenance money, and the country roads are being looked after. We have the special aid of a million dollars for the second class, seven hundred thousand for second class and three hundred thousand for the so-called pork barrel to see they are receiving their share; but the committee felt at this time that it would be a very serious proposition to cut the maintenance money down, the \$300,000 that this bill would call for; and so after careful consideration, not without sympathy and not without enteric fortitude either, we voted the bill "ought not to pass" and I hope the motion of the Senator from York, Senator Fernald, will not prevail.

Mr. FERNALD: Mr. President, may I have the privilege of asking Senator Hathaway a question?

The PRESIDENT: The Senator from York, Senator Fernald, wishes to ask a question through the Chair of the Senator from Piscataquis, Senator Hathaway; and that Senator may answer if he desires.

Mr. FERNALD: Aren't you a little high on your amount? That would not be \$300,000 would it? It would be about \$200,000, I think.

Mr. HATHAWAY: Of course we are not sure of what our income will be for the next two years, but the way I figure it out, it was around \$260,000 or \$270,000. It may be less or it may be more than that because we do not know what the income from gas and registrations will be in the next two years.

Mr. FERNALD: You realize the gas tax will increase, naturally. You also realize that when you keep these people off the roads from using automobiles and trucks three months a year, that is going to decrease the gasoline tax quite materially. So you see, one hand washes the other.

Mr. HATHAWAY: Is that another question he is asking me, Mr. President?

The PRESIDENT: The Senator from Piscataquis, Senator Hathaway, is in perfect order in not answering the question. The question is on the motion of the Senator from York, Senator Fernald, that Bill, An Act Relating to the Appropriation of a Part of the Gasoline Tax for Farm Roads, be substituted for the unanimous report of the committee "ought not to pass".

Mr. FERNALD: Mr. President, I think I asked for a yea and nay vote if it is in order, and I so move.

The PRESIDENT: The Senator is in perfect order. The Senator from York, Senator Fernald, moves that when the vote is taken it be taken by Yeas and Nays. As many as are in favor of the vote being taken by the Yeas and Nays will rise.

A sufficient number having arisen the Yeas and Nays were ordered.

The PRESIDENT: The question is on the motion of the Senator from York, Senator Fernald, that the bill, An Act Relating to the Appropriation of a Part of the Gasoline Tax for Farm Roads, be substituted for the report of the committee "ought not to pass". As many as are in favor of the motion will say Yes when their names are called and those opposed will answer

No. The Secretary will call the roll.

The Secretary called the roll.

YEA—Senators Bartlett, Billings, Carll, Fernald of York, Haskell, McDonald, Winn, Worcester.—8

NAY — Senators Ashby, Bissett, Blaisdell, Blanchard, Bodge, Burkett of Knox, Burkett of Cumberland, Burns, Fernald of Waldo, Friend, Goodwin, Harmon, Hathaway, Hussey, Martin, Potter, Schnurle, Thatcher, Tompkins.—19.

ABSENT—Senators Cowan, Jackson, Pillsbury, Pinansky.—4.

Eight having voted in the affirmative and nineteen in the negative, the motion to substitute the bill for the "ought not to pass" report of the committee did not prevail.

Thereupon, 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 Salaries and Fees, Ought to Pass in a New Draft (S. P. 709) on Bill entitled An Act Relating to the Classification and Compensation of State Employees (S. P. 260, L. D. 204) tabled on April 3rd by Mr. Burns of Aroostook, pending acceptance of the report, and today assigned; and the Chair recognized that Senator.

Mr. BURNS of Aroostook: Mr. President, I yield to the Senator from Waldo, Senator Fernald, and in explanation I will say that I probably will be in accord with what he has to say in connection with this matter.

Mr. FERNALD of Waldo: Mr. President, I have got to choose my words well so as to be in under the line here. The matter of classification of state employees has been under consideration by the Salaries and Fees Committee four years. Two years ago it made serious study of the matter and a bill was passed by the last legislature which left with the Governor and Council the power of making certain classifications, and so forth. At the beginning of this session nothing had been done under that law and there was a feeling among most of the members of the committee that something should be done and consequently we reported out this bill "ought to pass in a new draft". The bill before you will save \$50,000 a year and will set up the merit system in the employment of our employees in the State House. Since this bill has been under our consideration the report has

been brought out that the Governor and Council are ready and willing to go ahead under the 1933 law and make classification of the state employees, and Senator Burns and I have just returned from a conference with members of the Council and they report that as they have been, within the last six weeks—

Mr. BURKETT of Cumberland: Mr. President, a parliamentary inquiry only. May I inquire if the new draft has been printed and if so, what the number is?

The PRESIDENT: The Chair will state that the new draft is number 897. The Senator from Waldo, Senator Fernald, may continue.

Mr. FERNALD (continuing): Senator Burns and I have been in conference with the Council and they assure us that they are willing to go ahead under the 1933 law, and in consideration of that fact, rather than cluttering up the books with any duplication of effort, we feel that at this time there would be no need of pressing the matter, and consequently, I move that the bill be indefinitely postponed because the matter has been taken care of otherwise.

The motion prevailed and the bill and report were indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate, Bill, An Act Relating to Settlement of Children (S. P. 692, L. D. 858), tabled on April 3rd by Mr. Burns of Aroostook, pending passage to be engrossed, and today assigned and the Chair recognized that Senator.

Mr. BURNS of Aroostook: Mr. President, I move to retable this matter until this afternoon, and in explanation I will say that there is an amendment being worked on, and I hope at that time to have it in order and will present it.

The motion prevailed and the bill was retabled and this afternoon assigned.

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 April 3rd by Mr. Blaisdell of Hancock, pending adoption of Senate Amendment "A"; and today assigned; and on motion by that Senator the bill was retabled and this afternoon assigned.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, Memorial to Federal Alcohol Control Administration Relative to Use of Barrels and Kegs (H. P. 1858), tabled by that Senator earlier in today's session pending motion to indefinitely postpone in non-concurrence; and that Senator yielded to the Senator from Waldo, Senator Fernald.

Upon motion by Mr. Fernald of Waldo, that Senator was given permission to withdraw his motion to indefinitely postpone the memorial; and upon further motion by the same Senator, the memorial was adopted in concurrence.

The PRESIDENT: We are proceeding under general orders of the day. Is there anything in the unassigned matters that can be taken from the table this morning?

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, bill, An Act to Define the Powers of the State Liquor Commission (H. P. 1820, L. D. 872), tabled by that Senator on April 3rd pending adoption of Senate Amendment "A"; and on further motion by that Senator, Senate Amendment "A" was adopted.

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

"Senate Amendment 'B' to Legislative Document 872. Amend said bill by striking out in Section 1 in the fifth line thereof the word 'may' and inserting in place thereof the word 'shall' and further amend Section 1 in the ninth line thereof by striking out the figure '10' and inserting in place thereof the figure '5'."

Miss MARTIN of Penobscot: Mr. President, in a brief word of explanation I would like to say that as the bill now stands it is discretionary with the liquor commission, the issuing of licenses to those who have been convicted of liquor violations in the last ten years. I feel it should be mandatory that it refuse to grant licenses to those convicted of liquor violations, and that the time should be cut down to five years. That is the purpose of this amendment.

Thereupon, on motion by Mr. Bissett of Cumberland, the bill was laid upon the table pending adoption of Senate Amendment "B".

On motion by Mr. Ashby of Aroostook, the Senate voted to take from the table, House Report from the Committee on Maine Publicity, "Ought Not to Pass", 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), tabled by that Senator on April 3rd pending acceptance of the report; and on motion by that Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, Senate Report from the Committee on Judiciary, Majority Report "Ought to Pass in a New Draft," Minority Report "Ought Not to Pass" on bill, An Act to permit National Forests in Maine (S. P. 216) (L. D. 189), tabled by Mr. McDonald of Washington on April 3rd pending acceptance of either report.

Mr. BURNS of Aroostook: Mr. President, I'm sorry that I did not notice that this matter was tabled by the Senator from Washington, Senator McDonald, when I made the motion to take it from the table. I now yield to the Senator from Washington, Senator McDonald.

Mr. McDONALD of Washington: Mr. President, I will yield to the Senator from Aroostook, Senator Burns.

Mr. BURNS: Mr. President, I was so interested in this bill that I thought I was the one who had tabled it and didn't look at the calendar to see that the Senator from Washington, Senator McDonald, had actually done so.

First of all, I will move the acceptance of the Majority Report of the Judiciary Committee "Ought to Pass in a New Draft" and when the vote is taken I ask for a division.

The new draft is Legislative Document Number 911. The report of the Committee was eight in favor of the new draft and two opposed. I do not care to take up a great deal of the time of the Senate in discussing this matter but inasmuch as I anticipate that some of the Senators will speak in opposition to the bill I feel more or less obliged to explain in some detail the matter that we are to consider.

The bill proposes the creation of national forest districts, or parks,

in the state of Maine and the new draft defines the areas in which these proposed parks may be established by the national government.

The first district is in Hancock and Washington counties and will consist of not over three hundred thousand acres of land. The second district is in Aroostook County which will consist of not over three hundred thousand acres of land. The Federal government, if we pass this bill, will have the opportunity, this being an enabling act, to come into the State of Maine and acquire by purchase a tract of land not to exceed three thousand acres in each of these areas for the purpose of establishing National Parks and there is also a further provision in the bill which will permit the Federal government to come into Cumberland County and acquire two thousand acres of land for the purpose of establishing a bird sanctuary. I am not directly concerned with the latter provision and will not discuss it further. I am concerned, primarily, with the proposed national forestry parks in the northern section of the State.

In the last Legislature a similar bill was passed to permit the Federal government to come into the State of Maine and set up national parks but the enabling act which was established in the last Legislature was so strict in its requirements and so contrary to the sense of the policy of the authorities in Washington that they refused to act under the bill that was passed by that Legislature. Subsequent to their refusal to take action under the enabling act passed in the 1933 session a conference was arranged with the authorities in Washington by the proponents of the bill and at that time the matter was thrashed out and as a result of that conference the proposed bill that is now before us was drafted.

The people in the northern section of the State who are directly interested in this matter are strongly in favor of this bill. It will provide additional labor, because in other states where forestry parks have been established similar to the one proposed here statistics show that when the Federal government went into those areas they spent large sums of money, and this was of direct and indirect benefit to the people in these areas.

The Federal government has no authority under the proposed bill

to come into the state of Maine and acquire any of the land in question by eminent domain. That feature is not in the bill and no land can be acquired by the Federal government without the consent of the owner. If anyone owning land in these proposed areas wishes to sell the land they may bargain with the Federal government and sell, if they can agree upon the terms. Otherwise the owners are not obliged to relinquish any interests they have in the land. The people owning land in these tracts are anxious to sell the land and they are the ones most directly concerned. It does not concern other people in the State who may own lands elsewhere, unless someone can give some good reason such as protecting state rights, why this should not go through. Unless they can show and establish that fact then I think we should be more or less controlled by the wishes of the people in these areas, because it then becomes a local question.

Now, there are some people, or rather corporations, that oppose the bill. These corporations are the Great Northern Paper Company, the St. Croix Paper Company and the Penobscot Chemical Pulp and Fibre Company. They operate in this area and are opposed to this bill. These concerns are engaged in the pulp business. Another pulp concern, the Eastern Manufacturing Company, which also operates in this section, is in favor of the bill. The private owners who are directly affected by this bill are entirely in favor of the bill. They are anxious to sell the land. They have been paying taxes on it for a great many years and because of the depressed condition of the pulp industry they have been unable to make a profit and have been losing money steadily for the last few years.

Both the wild land industry and the pulpwood industry, insofar as it relates to the owners of wild land, have become so depressed that the land owners have been unable to pay their taxes in a great many instances within the last three or four years because of their inability to sell stumpage, and as a consequence in this area in Aroostook County comprising three hundred thousand acres in the various townships where the proposed bill may operate, large sums are overdue in taxes.

We undertook to make a canvass of the towns directly affected and to ascertain how much money was outstanding in unpaid taxes during the last four years, and without getting replies from all the towns we were informed that over two hundred thousand dollars was due to the towns for taxes on lands included within this area. If the Federal government comes in and takes up this work they, of course, would want to acquire a clear title to the land and before they could have clear title they would have to pay all back taxes and this would mean that immediately a large sum of money would be paid to the towns who are sorely in need of this money. I believe that would more or less compensate the towns for any loss that might occur within the next four years, pending results for reforestation, the program of the Federal government being to go into this proposed forestry park and reforest such lands owned by it and otherwise improve the land. In other states where they have operated they have built roads and fire stations and improved the land in various ways.

This land in a great many cases is denuded land and consequently it will be some time before they can improve the land so that it will bring an income, but the towns will have the benefit of this large sum that will go to their treasuries in the payment of back taxes and this will compensate them for the loss of taxes which will result to the towns and plantations when the lands are sold to the Federal government.

The established fact, that land when it is sold to the Federal government no longer pays revenue into the particular towns in the form of taxation because the Federal government pays no taxation, is the principal objection to the bill. However, the Weeks Act under which the Federal law will operate provides that thirty-five percent of the gross revenue from the sale of lumber and other products from the land will be paid back to the towns and that more or less off-sets the loss of taxes. In fact it does offset the loss of taxes many times over because I think you will all agree with me that any person owning land can't afford to pay more than six percent of the income derived therefrom, and here the Federal government proposes

to turn back thirty-five percent of the gross income from the proposed land. Therefore the towns will get an adequate compensation for the loss of taxes.

Of course labor in this area will be directly benefited. The Federal government, in similar parks which they have established in other states, paid from two hundred and fifty to three thousand dollars a year to labor in those sections and it has been estimated that in the first two or three years that they operate in this section they will pay perhaps half a million dollars to labor. In addition the government will purchase supplies from the surrounding merchants and otherwise expend money in this area.

In other states where the Federal government has set up parks the parks have met with the favor of the citizens and the officials of the State. The Weeks Act has been on the Federal statute books since 1911. It is not a "New Deal" measure. Since 1911 over thirty states have adopted its provisions by enabling acts similar to the one proposed here and in every one of those thirty states the project has worked out satisfactorily. The officials of the state, such as the game commissioners and the forest commissioner, have unanimously supported these propositions in their respective states. In our neighboring state of New Hampshire they have a forestry park which has been in existence there for a great many years and the officials who are directly concerned have reported to the proponents of the bill that they are entirely satisfied with the manner in which the Federal government is operating in their state.

Another concern which could be associated with the Great Northern and the St. Croix paper companies and the Penobscot Chemical Pulp and Fibre Company, because of being engaged in a similar business, namely the Brown Company in New Hampshire, reports to us that they are entirely satisfied with the activities of the Federal Government in lands adjoining their own and they have no objection at all to the conduct and policies of the Federal government.

It seems to me that the opponents of this measure, these companies which have large holdings in northern Maine, enough so that

they can carry on their business by cutting over their own land and to a limited extent buying stumpage from adjoining owners, are motivated by selfish reasons when they oppose this bill. They still have plenty of land from which to buy stumpage and the three hundred thousand acres that may be taken out of Aroostook County and the same number of acres that may be taken out of Hancock County and Penobscot County would not deprive them of the privileges which they now have to secure stumpage from adjoining land owners because this is a comparatively small area compared with the total area in these sections. Of course it might have a tendency to bring up the price of stumpage if the Federal government were competing with them in the purchase of some of these lands but I think that would be a good thing for the land owners.

Furthermore the Federal government, where it is their policy to cut these lands and sell lumber and pulp therefrom, quite naturally would be willing to sell pulpwood and lumber to these companies that are opposing this bill. Therefore, their claim that their interests would be adversely affected because certain lands privately owned and which they might later become interested in might be taken away from their field of endeavor, does not hold.

It has been charged here that we lose our sovereign rights in connection with this matter if this proposed bill goes through, but that is not so.

The third section of the new draft gives the State civil and criminal jurisdiction over these lands just as they have now, and this applies to our fish and game laws also. It does provide, however, that the United States Government shall have jurisdiction over offenses against the United States, which is only proper. That is done in all cases where the Federal government acquires land, such as post offices, soldiers' homes, forts, and what not.

The Fish and Game Department of the State of Maine apparently is in favor of this proposed bill. The Commissioner, Mr. Stobie, appeared before the hearing, and he said that on one occasion when he was at a convention of various state commissioners this matter was discussed and he found that they were all in

favor of it in states where it had been in operation, and he reported that fact to the committee. The Federal government will have its own forestry patrol and its own game warden service and these game wardens not only look after the land which is a part of the national park but they also, especially in regard to fires, watch the adjoining land as a precautionary measure. This will mean that less expense will have to be borne by the State insofar as it relates to this district, because they will not have to police it to the extent they do now.

It seems to me the benefits of this bill greatly outnumber the objections that have been made and I hope, Mr. President, that the Senate will act favorably on this matter.

Mr. BURKETT of Cumberland: Mr. President, it is a new and somewhat unusual experience for me to be on a minority report of two from the Committee on Judiciary, especially in disagreement with the Senator from Aroostook, Senator Burns, with whom I have worked so intimately this session. However, that is the situation and the minority report was signed by myself and Representative Hill of South Portland, the Republican leader in the other branch.

We had two very interesting hearings on this bill. I enjoyed them as much as any hearing I ever attended. I wish to say now that I appreciate the very fair way in which the matter was presented by the opponents and proponents of the measure. There was no attempt made by either side to color the matter as far as I could see; very fairly presented by able attorneys, people on both sides who have been my personal friends and for whom I have great respect, and we discussed this matter thoroughly and frankly.

The Senator from Aroostook, Senator Burns, has very ably presented the economic arguments which led the proponents and opponents to take the respective positions which they have taken on this matter. What justification he may have in his own mind I do not know for saying that the opponents of the measure were selfish. I wasn't going to say that about either side. It may be that they are but both sides, in my opinion, presented arguments to the Committee from an economic stand-

point showing, as they believed and wished to impress upon the Committee, that their side would suffer financially if the bill was passed and the other side would gain.

I'm not going to talk about those economic arguments because after the two hearings were over and after the informal discussion which I was privileged to have with people representing both sides in which they very frankly stated their positions, I came to the conclusion in my own mind that if there was any selfishness it would balance and the economic arguments on both sides balanced each other, and so in making up my mind how I would vote on this bill I put all of those considerations aside and was influenced in the decision to which I finally came by two factors which I wish to touch on just briefly.

The first factor was the loss of revenue to the State which has been touched upon by the Senator from Aroostook (Senator Burns) and I first made some investigation and asked some questions in order to determine if I could what the taking out of this hundred thousand acres of taxable property of the State of Maine would mean to the State in loss of revenue and in cooperation with some of the opponents and after some trouble we arrived at a figure basis which to me seemed a fair method of computing it. I want to go over that with you just briefly.

It seems to be agreed that in the two counties affected, three hundred thousand acres in each county—and I am leaving out of consideration the two thousand acres in Cumberland County that some members of the Committee put in as an after-thought—but in each of those two counties three hundred thousand acres could be fairly said to be located, eighty percent in unorganized townships where, as you know, taxes are all paid by the State, and twenty percent in organized plantations, cities and towns. Using that as a basis, which I say seemed to be agreed upon, and getting figures of the average amount of taxes in the unorganized plantations and groups of towns, we arrived at this further conclusion. It seemed to be agreed that the average amount of taxes in the wild land section of the State, that is, in the unorganized plantations, was seven and three-tenths cents per acre per year. If I am wrong

in any of these figures I hope someone will correct me. And it seemed to be agreed that the average amount of taxes per acre in the towns for lands that would normally be taken under this bill was fifteen cents per acre. Some of the figures given us were higher than that but we will take that as an average that will be safe; and using these figures I have given as a basis of computation, assuming of course that the whole six hundred thousand acres would be taken, you would arrive at a figure of cost to the State and to the towns affected of a total of \$51,600 per year, and we haven't seen those figures disputed and I think we can take them as fairly accurate.

Now, the Senator from Aroostook, Senator Burns, said that in the Weeks Act there is a provision that thirty-five percent of the revenue obtained by the Federal government from these lands is turned back to the towns and plantations in which the land is situated. It seemed to be agreed by everyone at the hearing that at least a number of years would elapse before there would be any revenue returned but if we want to assume that that would occur the first year after the land was taken over, you can easily compute how much that would be if the figures furnished me through the Committee were correct. On the six hundred thousand acres involved I am informed that the average cut per acre is one-tenth of a cord per year. Assuming that the whole six hundred thousand acres were brought to a point where they would be producing that would mean sixty thousand cords a year and taking the price of a dollar and a half per cord, which is large, that would be ninety thousand dollars. Thirty-five percent of that would be thirty-one thousand, five hundred dollars. And assuming that we would get the whole thirty-five percent it would be about twenty thousand dollars less than the loss in revenue to the state which I have mentioned.

There are available—and I have them here—computations showing what each town and plantation in the respective areas would lose in taxes provided this bill goes through, but I am not going to give you those figures.

Now that, I think, covers nearly everything I had to say on the question of loss of revenue. The other

point, which was perhaps more controlling in my mind than anything else in inducing me to sign the report I did, was the uncertainty of the Federal tie-up into which we would get if we passed this bill. In 1933 the same proposition was before the legislature and after a considerable length of time spent by the Committee, of which I was not then a member, the act was passed, Chapter 123 of the Laws of 1933, and in that bill in Section One it provides that "the consent of the state of Maine is hereby given for the United States to acquire either by gift or by purchase upon the payment of adequate compensation not exceeding three hundred thousand acres of land"—and that is one other thing. Why, if this is a good proposition, is there any necessity of limiting it to any particular number of acres? There was no limitation in the law of 1933. The law did include in Section One a provision relative to concurrent civil and criminal jurisdiction, which is included in the present draft, but it also included another section which I will read, with your consent in full and I will hand it to the stenographer when I have read it so there is no need of his taking it down. This is Section Two of Chapter 123 of the Laws of 1933 and as you look at Legislative Document 911, if you will, I wish you would see if you can find in that Document 911 any of the restrictions which it seemed necessary for the Legislature in 1933 to put upon the acquisition of land by the Federal government.

I think it is true, as the Senator from Aroostook, Senator Burns, stated, that the Federal government found there were too many restrictions in this act and they were not willing to incorporate a claim under it. There was nothing pointed out to the Committee what the particular restrictions were to which the Federal government objected but let me read that to you and see if you can find any of them in Document 911.

"Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, not inconsistent, with any of the provisions of this act, and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as are acquired by the United States hereunder, provided, however, that

such laws, rules and regulations shall not in any way supersede, invalidate, or modify any of the laws of the state of Maine respecting the storage, control, use or development of water resources in the state of Maine, or the Mill Act, so-called, or any acts amendatory thereof or in addition thereto, and said laws of the state of Maine as now existing or hereinafter enacted, are hereby made applicable to all lands acquired under this act, notwithstanding the title thereto shall be in the United States of America, nor shall such laws, rules and regulations, nor shall anything in this act, in any way, limit the power of the state of Maine through its legislature to pass any legislation, either general or specific, respecting the storage, control, use or development of the water resources thereon, or respecting the laws of the state of Maine now in force or hereafter enacted pertaining to fishing and hunting, nor shall it prevent the flowage of lands acquired hereunder in accordance with the provisions of the Mill Act, or special charter, or other general laws of the state, upon payment of compensation therefor as therein the United States of America be required to enable action to be taken under or in accordance with said laws of the state of Maine; and the state of Maine expressly reserves the jurisdiction of the courts of the state of Maine with respect to the determination of questions arising under said laws of the state of Maine respecting lands so acquired by the United States of America."

Can you find anything in this new act that says anything about fishing, hunting, flowage of land, storage of water power, Mill Act, or any of these things which the Legislature of 1933 felt was necessary to write into the act at that time?

Under this bill the act gives the Federal government the right to purchase lands and hold them under the provisions of the Weeks Act but there is nothing about any agreement of the Federal government to build any roads or schools or fire stations or to do anything except to pay to the State the thirty-five percent which has been mentioned. The law passed in 1911 was five percent but was changed in a comparatively short time to thirty-five percent and can be, the next day after we pass this act, changed back to two or nothing,

and if we pass this bill we are tying ourselves into an act which can be amended at any time by the Federal government in Congress.

The majority of the Committee who signed the report would not even accept an amendment offered by disinterested citizens in good faith which would limit the application of the act, but they prefer to leave the act as it now is. And please keep this in mind that if you pass this bill the Weeks Act can be amended at any time in any way and any further rights conferred upon the Federal government with relation to this land. The whole jurisdiction of this land, even the criminal and civil jurisdictions established in this act can be repealed.

Now, if you like that kind of legislation, there it is before you. Personally, I don't. I do not think it is time, especially in view of the hard economic conditions that apparently exist, for such new legislation. There was a man who appeared before the Committee, one of the leading businessmen in the State, in whom I have great confidence, and those of you who attended the hearing will remember that he pictured a very gloomy future for the state of Maine. If he was to be believed the pulp and paper business of the State has gone or is rapidly going, the textile mills are doomed to extinction and other industries are rapidly sliding out of existence. Now, maybe he knows more about the industrial situation of the State than I do and he may be, perhaps, influenced by the harsh conditions existing in his own industry but I have more confidence in the ultimate recovery of the state of Maine than that. I do not believe we need in these times to pass legislation that in good times we would not think of passing because of any such gloomy picture as has been painted for us by the proponents of this bill.

I have tried to present my reasons for signing the report which I did as freely and frankly as I could and I now move the indefinite postponement of the bill, and when the vote is taken that it be taken by the Yeas and Nays.

Mr. BURNS: Mr. President, I would like to take time to very briefly answer a few of the objections raised by my distinguished colleague, the Senator from Cumberland, Senator Burkett. He tells

us that under the enabling act that any future amendments made in the Weeks Act passed in 1911 by the Federal government will be imposed upon the state of Maine. I don't interpret the enabling act in that manner. It deals with acts mandatory and supplementary to the Weeks Act, as those laws already passed since 1911 in Congress at Washington. The Weeks Act was passed in 1911 and in various bodies since certain laws have been passed at various times which were amendatory and supplemented the Weeks Act.

He said we would be engulfed in a Federal mire. I think that is a theory that cannot be based upon facts. In my opening remarks I pointed out that in thirty-odd states the Weeks Act had been in operation and the people of those states, having had it on their books for a great many years, had no objection to it. They don't see any mire. In fact, they recommend the adoption of the act in other states that may be interested and be in a position where they could sell to the government certain lands which could be set up as forestry parks.

His first objection was that the State and municipalities would lose a large sum of money in taxes. We know that the plantations and wild lands pay their taxes direct to the State, the owners of the land in those plantations. In the organized townships it is paid to the town and the town in turn pays its proportionate tax into the State Treasury. Now, such money as is paid into the state of Maine in the form of taxes is paid out by the state of Maine and equitably distributed as best it can be done to improve the territory from which these sums in the form of taxes came. We improve the roads in the towns and cities and plantations which have paid in to the State their taxes. We also contribute through the State Treasury to the upkeep of the schools in the towns and plantations.

Under the Weeks Act this burden is taken from the State and they are not obliged to return the money they have received in taxes as under our present system because when the Federal government sets up their own forestry district they build their own roads and it has been said that they do that on a large scale. And the county or state

which heretofore would have been obliged to build those roads will find under this act that they are not obliged to build them or to maintain them because the Federal government does it.

It is also the policy of the Federal government under the Weeks Act to support the schools in this district, so that burden is lifted from these communities in the State. Therefore the loss of taxes is more or less off-set by the benefits which have been derived, as I have said before.

Mr. McDONALD of Washington: Mr. President, I don't know as it is necessary for me to have anything to say on this matter for I feel that it has been thoroughly covered by the distinguished Senator from Aroostook, Senator Burns. However, it seems to me that the matter sifts itself down to this: That the advantages to be gained by the state of Maine from this forestry act far exceed the objections to it. I think we well might profit by the experience that New Hampshire has had in this matter and their benefits seem to be far in excess of the objections to it. I sincerely hope that the Majority Report of the Committee will be accepted.

Mr. BURKETT of Knox: Mr. President, I am not clear on this matter of money coming back to the towns. It seems to me that the school committees or school departments are coming here all the time and asking for increased revenue because they haven't a sufficient amount and if I understand it correctly a large part of the revenue to the schools comes from these unorganized townships and wild lands. I see no provision in this draft to take care of that. They say that the money from the Federal government will take care of the roads and the schools but I see no provision where these funds will get into our school funds and no provision whereby that source of revenue will not be wiped out. It seems to me that it would seriously affect our schools and I should think that would be quite a serious objection to this bill.

Mr. ASHBY of Aroostook: Mr. President, the question is raised as to how this would affect some of the towns. Now I have here a list of thirty-eight towns. The non-resident tax of the thirty-eight totals

\$152,000, and the resident tax totals \$21,800 or only about half. Now that means that this non-resident, of course, represents wild lands. If that were taken over by the Federal government these thirty-eight towns would lose half their revenue which they have to run their towns.

Here is a town in our own Aroostook County. The entire tax of the town of Amity, which is near Brother Burns' section amounts to \$7,175. The non-resident tax, or what represents wild land, is \$4,427, or more than half. That means that if the Federal government were to take over the wild land in Amity, Amity would lose half its revenue on which it runs the town. The town of Orient, near Brother Burns' home town, the entire tax is \$7,678. The tax on the non-resident property is \$5,212, leaving that town only about \$2,000 on which to pay its running expenses. In the town of Hersey it is very nearly the entire tax; \$6,905, as against \$4,811 and so on down the list. Washington County, Penobscot County, Aroostook and Hancock counties; it all runs about the same.

Now Brother Burns spoke about the one-third revenue that would be turned back from the Federal government and in the next breath he told us that many of these wild lands will be denuded, which is the truth. As a matter of fact, to put this in plain language, these wild lands are today owned by men who bought them for from six to ten cents an acre originally and they have taken the lumber off in the high tide of lumbering and charged from six to ten dollars a thousand on the stumpage, and a fair estimate of stumpage on an acre in those times would be at least three thousand an acre and this has been cut over about every eight or ten years and the entire revenue amounted to quite a lot. They have made fortunes derived from these wild lands and the very fact that they held the stumpage so high made it impossible for the lumberers to operate and drove the lumber business to the Pacific coast, which you and I would probably call greed. They call it business. But they have derived a lot of money from these lands and now that the cow is dry they would like to give away the cow to escape

the taxes. I hope the Minority Report will be accepted.

Mr. BURNS: The Senator from Aroostook, Senator Ashby, has said that certain towns would lose a large proportion of their taxes and he gave you a list of several. Now I have tried to canvass this situation pretty thoroughly and I don't know of any objection on the part of any of the officials or any of the citizens of the towns that he has named who object to this bill. Certainly the officials did not appear before the Committee and we received no letters. There may be a few citizens, as would naturally be the case in any given town, who would oppose the measure. You can't expect to find people agree on everything. I don't think that objection is well taken. These towns apparently are in favor of the bill and it has been argued here that they must be against it but I have learned of no sentiment in those towns against this proposed change.

Mr. HARMON of Hancock: Mr. President, if I may be permitted to call attention to the first provisions of this act it says, "Subject to the provisions of the act of Congress known as the Weeks Act, the consent of the state of Maine is hereby given for the United States to acquire property," and so forth. Now, if we accept this bill it would seem to me that we would accept this Weeks Act in its entirety and the provisions of the Weeks Act are such that if purchase of land is made, especially wild lands, the title that can be given by the owners is so obscure and cloudy that under the Weeks Act, if I am informed correctly, it is provided that they would acquire the perfect title which the United States government absolutely insists on only by taking the land eventually under condemnation proceedings, or eminent domain.

In accepting this act you would accept that section of the act as provided in the Weeks Bill, it would seem to me.

A little further on it says, "by purchase upon the payment of adequate compensation." Now, "acquire by purchase." If it stopped right there it would be all right but there is a qualifying feature there, "upon the payment of adequate compensation." Now, "by purchase" it would seem to me it would mean to pay for the land and "upon pay-

ment of adequate compensation" it would seem to me would mean that if they did not come to an exact agreement as to the purchase price that "on payment of adequate compensation" would cover it.

Under this Weeks Act there is no question in my mind about the government taking land and eventually perfecting their title by condemnation or eminent domain, as you call it.

I hope, Mr. President, that I will be pardoned for calling your attention to this but I feel it is proper that it should be brought to your attention.

(At this point the Honorable Nathaniel Tompkins, Speaker of the Maine State House of Representatives was escorted to a seat at the left of the President amid the applause of the Senate, the members rising.)

Mr. BURKETT of Cumberland: Mr. President, I am not going to discuss the matter further but there is one thing that was said by the Senator from Aroostook, Senator Burns, which it seems to me ought to have a little further explanation. I cannot find anything in the Weeks Act which shows that the national government shall maintain roads in those sections or that in any way obligates them to maintain any schools, and even if it did I don't believe I want the Federal government coming in and setting up school districts in the state of Maine.

The Senator from Hancock, Senator Harmon, has mentioned eminent domain and while that is not included in this bill it is my opinion that under the provisions of the bill which is tying us into the Weeks Act they could amend the Weeks Act by eminent domain at any time, as far as this land is concerned.

Mr. BURNS: Mr. President, in the other states where the national parks have been in existence in the unorganized townships the Federal government has universally set up schools and built roads and it has been the policy of the Federal government to do that. I will take that back. I don't mean that they have set up schools but that they have contributed to the support of schools that were already there or have arranged with the local authorities for the building of schools. They do not interfere with the

school system of the state in which they operate. It is the policy of the Federal government in all these cases to build the roads and from the revenue that has been obtained to contribute to the support of the schools.

The PRESIDENT: The Senator from Cumberland, Senator Burkett, has moved the Yeas and Nays.

A division of the Senate was had.

A sufficient number have risen the Yeas and Nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Burkett, that bill, An Act to permit National Forests in Maine, and the accompanying reports be indefinitely postponed, and the Yeas and Nays are ordered. As many as are in favor of indefinite postponement of the bill and the reports will answer Yes when their names are called and those opposed will answer No. The Secretary will call the roll.

The Secretary called the roll.

YEA—Ashby, Blanchard, Burkett of Knox, Burkett of Cumberland, Friend, Harmon, Hathaway, Pinansky, Potter, Weeks—10.

NAY—Bartlett, Billings, Bissett, Blaisdell, Bodge, Burns, Carl, Fernald of York, Fernald of Waldo, Goodwin, Haskell, Hussey, Martin, McDonald, Thatcher, Winn, Worcester—17.

ABSENT—Cowan, Jackson, Pillsbury, Schnurle, Tompkins—5.

Ten having voted in the affirmative and seventeen opposed the motion to indefinitely postpone did not prevail.

Thereupon, the Majority Report "Ought to Pass in New Draft" was accepted and under suspension of the rules the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Communication from the Governor (Out of order and under suspension of the rules)

The following communication was received from the Governor and was read by the Secretary:

"QUODDY: Yesterday in Washington I interviewed various Federal officials interested in the Quoddy Project.

"It is my belief that Quoddy will be constructed.

"Those in charge of the project in Washington do not believe that

Legislative action is necessary at this time.

"I have communicated this information to the President of the Senate, the Speaker of the House, Senator Blaisdell, Chairman of the Committee on Legal Affairs, and to Senator Worcester who introduced the Bill.

(Signed) LOUIS J. BRANN.
Governor.

April 4, 1935."

The communication was placed on file.

Mr. McDONALD of Washington: Mr. President, I move that we take from the table the first unassigned matter.

Mr. WINN of Androscoggin: Mr. President—

The PRESIDENT: The Chair will inquire for what purpose the Senator from Androscoggin, Senator Winn, rises.

Mr. WINN: Unless it is quite necessary to continue at this time, Mr. President, I move that we recess.

The PRESIDENT: The Chair will rule that the Senator from Androscoggin, Senator Winn, is out of order as the Senator from Washington, Senator McDonald has the floor.

Thereupon, on motion by Mr. McDonald of Washington, the Senate voted to take from the table, bill, An Act to amend the law relating to teachers' pensions (H. P. 1770) (L. D. 800), tabled by that Senator on April 1st pending passage to be enacted.

On further motion by the same Senator, under suspension of the rules the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and that Senator offered Senate Amendment "A" and moved its adoption:—

"Senate Amendment 'A' to Legislative Document 800, bill, An Act to Amend the Law Relating to Teachers' Pensions. Amend said bill by striking out all after the enacting clause and substituting the following: 'R. S., c. 19, section 225, amended. Section 225 of chapter 19 of the revised statutes is hereby amended to read as follows: 'Sec. 225. Commissioner of education to formulate rules. The commissioner of education shall formulate rules and regulations for carrying into effect the provisions of the 6 preceding sections; provided that in case of retirement,

voluntary or compulsory, on the part of a teacher, who has reached the age of 55, is needy, dependent, has no other means of support, and has taught the minimum number of years as required by law the commissioner of education is authorized after due investigation to issue to such teacher a pension, the amount of which shall be 1-2 that to which such teacher would be entitled as determined by length of service set forth in this and the preceding 6 sections; provided further that in case of total disability on the part of a teacher, who has reached the age of 50, and has no other means of support, the commissioner of education is authorized after due investigation to issue to such teacher a pension, the amount of which shall be determined by the length of service as set forth in this and the preceding 6 sections, said teacher having complied with the conditions of the law relative to length of experience and to service within the state.'"

Mr. McDONALD: Mr. President, just a word of explanation in regard to the amendment. In some way the age limit for total disability was changed from the bill as originally put in. Whether it was an error in committee or some mistake on the part of the printer or what it was we don't know, but it changed the word "fifty" to "fifty-five" and this is simply to put it back to the age of fifty for the purpose of preventing several teachers who are now on the pension roll and are between the ages of fifty and fifty-five from being dropped from the roll. That is the only purpose of the amendment.

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

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock,

Recessed, until three o'clock this afternoon.

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:

Resolve Providing for a State Pension for Charles W. Shorey, of Waldo (H. P. 1793) (L. D. 820)

(In the Senate on April 3rd, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

In the House, under suspension of the rules, passage to be engrossed reconsidered, and the bill passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" to Senate Amendment "A" in non-concurrence.

In the Senate, House Amendment "A" to Senate Amendment "A" was read.

Thereupon, the Senate voted to reconsider its action taken on the previous day whereby the resolve was passed to be engrossed as amended by Senate Amendment "A". Thereupon, the Senate voted to reconsider its action taken on the previous day whereby Senate Amendment "A" was adopted. House Amendment "A" to Senate Amendment "A" was adopted in concurrence. Senate Amendment "A" as amended by House Amendment "A" to Senate Amendment "A" was adopted in concurrence; and the resolve as amended by Senate Amendment "A" as amended by House Amendment "A" thereto was passed to be engrossed in concurrence.

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

The Committee on Judiciary on bill "An Act to Require Constables and Collectors of Taxes to be Bonded by a Surety Company" (H. P. 1175) (L. D. 381) reported that the same ought not to pass.

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

In the Senate, the bill was substituted for the report 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.

Subsequently, on motion by Mr. Burkett of Cumberland, the Senate voted to reconsider its action whereby the bill was passed to be engross-

ed as amended by House Amendment "A" in concurrence; and on further motion by the same Senator the Senate voted to reconsider its action whereby House Amendment "A" was adopted in concurrence.

Thereupon, the bill was laid upon the table pending adoption of House Amendment "A" in concurrence, and five hundred copies of House Amendment "A" were ordered printed.

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

The Committee on Judiciary on Bill "An Act Relating to the Exemption of Personal Property from Attachment" (H. P. 1324) (L. D. 577) reported that the same ought not to pass.

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

In the Senate, on motion by Mr. Burkett of Cumberland, the "Ought not to pass" report of the Committee was accepted in non-concurrence.

Sent down for concurrence.

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

The Committee on Judiciary on Bill "An Act to Require City and Town Treasurers to be Bonded by a Surety Company" (H. P. 1176) (L. D. 382) reported that the same ought not to pass.

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

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

Mr. BURKETT of Cumberland: Mr. President, I would like to say a few words in explanation of the rather peculiar situation presented by this bill and the one similar to it taken up a few moments ago. We had these two bills in the Judiciary Committee and as you have perhaps gathered from the reading of the first one they require, in one the tax collector and in the other the town treasurer to give a surety bond. We conceived in the Committee that we had better hold up these two bills to see what happened to the bill that was also in the Committee providing for compulsory audits of the

officials of cities and towns, thinking that if that bill did not meet with the approval of the Legislature it might be well to report out this bill "ought not to pass." You will remember the history of the compulsory audit bill passed by this branch twice and finally indefinitely postponed or defeated in the other branch which refused to go along with us and join the committee of conference.

I believe if we could get that bill before that body today we could pass it because I still think it has some merit. Because that bill was defeated we reported this one out "ought not to pass." The House which had overwhelming defeated the compulsory audit bill picked out this one as a fine bit of legislation and substituted the bill for the report and amended it. I assume the amendments will be printed. If not, I will make a motion later that they be printed.

I wish the Senators would look the bill over because they have introduced into the situation, in addition to the idea of a surety bond a new proposition and that is an annual bond. The difference is something that the bonding companies pointed out to us at the hearing. As I understand the proposition if an official of a town or anyone else is bonded by a surety company and at the end of the year instead of having a new bond written by the surety company that bond is renewed it has been held that the new bond covers only such deficit as occurred in that official's account during the last year and the old bond is wiped out.

That may not be a very good explanation of the situation but that is the way I understand it and so I suggest that before these bills go any further you look into them because they may create quite a serious precedent that would work to the serious detriment of the officials of these small towns who might have serious difficulty, if not finding it impossible, in getting a surety bond. I will therefore move that the amendments offered to both bills be printed and the matters laid upon the table.

THE PRESIDENT: The Senator from Cumberland, Senator Burkett, moves that the bill be laid upon the table pending adoption of House Amendment "A" in concurrence, and that five hundred copies be ordered printed.

The motion to table and print prevailed.

House Bill in First Reading

(Out of order and under suspension of the rules the following bill was given its second reading and passed to be engrossed in concurrence)

"An Act Relative to Smelt Fishing." (H. P. 193) (L. D. 618)

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

The Majority of the Committee on Judiciary on Bill "An Act Creating a State System for Public Employment Offices," (H. P. 1132) (L. D. 357) reported the same in a new draft (H. P. 1859) under the same title, and that it ought to pass.

(Signed) Burkett of Cumberland

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

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

(Signed) Jacobson of Portland

In the House, recommitment to the Committee on Judiciary.

In the Senate, the bill was recommitment to the Committee on Judiciary in concurrence.

First Reading of Printed Bill

(Out of order and under suspension of the rules the bill was given its second reading and passed to be engrossed. Sent down for concurrence.)

Bill "An Act Relating to Tenure of Office of Town Manager of Fort Fairfield," (S. P. 716) (L. D. 917)

Reports of Committees

(Out of order and under suspension of the rules)

Mr. Hathaway from the Committee on Public Health submitted its Final Report.

Mr. Thatcher from the Committee on Insane Hospitals submitted its Final Report.

Mr. Harmon from the Committee on State School for Boys, State School for Girls, and State Reformatories submitted its Final Report.

Mr. Fernald from the Committee on Labor submitted its Final Report.

The same Senator from the Committee on Salaries and Fees submitted its Final Report.

Mr. Jackson from the Committee on Banks and Banking submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Passed to be Enacted

(Out of order and under suspension of the rules.)

"An Act Amending Section 2 of Chapter 16 of the Private and Special Laws of 1903, Relating to Bangor and Aroostook Railroad," (S. P. 218) (L. D. 862)

"An Act to Validate Certain Loans Negotiated by the City of Hallowell," (S. P. 295) (L. D. 860)

"An Act Relating to Notary Publics Outside the State," (S. P. 706) (L. D. 886)

"An Act Relating to Applications for Licenses," (H. P. 443) (L. D. 121)

"An Act Relating to Construction of State Aid Roads in Indian Township," (H. P. 705) (L. D. 877)

"An Act Relating to Census of the Penobscot Indians," (H. P. 826) (L. D. 279)

"An Act Relating to the Charter of the City of South Portland," (H. P. 849) (L. D. 293)

"An Act Relating to Local Option Provisions," (H. P. 1364) (L. D. 593)

"An Act Providing for the Manufacture of Motor Vehicle Registration Plates for the Use of the State at the State Prison," (H. P. 1819) (L. D. 869)

"An Act Relating to Deputy Sheriffs," (H. P. 1823) (L. D. 875)

"An Act Relating to the Bangham Water District," (H. P. 1827) (L. D. 878)

"An Act Relative to Open Season on Fur-Bearing Animals," (H. P. 1829) (L. D. 879)

Finally Passed

(Out of order and under suspension of the rules.)

"Resolve Regulating Fishing in Tributaries to Pleasant, Horseshoe and Mud Ponds in Kennebec and Sagadahoc Counties," (H. P. 1828) (L. D. 882)

Orders of the Day

The President laid before the Senate, Bill, An Act to Define the Powers of the State Liquor Commission, (H. P. 1820, L. D. 872) tabled earlier in today's session by Mr. Bissett of Cumberland, pending adoption of Senate Amendment "B," and this afternoon assigned; and that Senator yielded to Miss Martin of Penobscot.

Miss MARTIN of Penobscot: Mr. President, I beg leave to withdraw Senate Amendment "B" which I presented this morning, and I would like to present another in place of it.

Permission was given for the withdrawal of Senate Amendment "B."

Thereupon, the same Senator offered Senate Amendment "C" and moved its adoption.

"Senate Amendment 'C' to Legislative Document 872. Amend said bill by striking out in Section 1, the fifth line thereof, the word 'may' and inserting therein the word 'shall'."

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

Sent down for concurrence.

The President laid before the Senate, Bill, An Act Relating to Settlement of Children, (S. P. 692) (L. D. 858) tabled earlier in today's session by Mr. Burns of Aroostook pending passage to be engrossed, and this afternoon assigned; and on motion by that Senator, the bill was retabled and tomorrow assigned.

The President laid before the Senate, An Act for the Relief, Rehabilitation, Protection and Enhancement of Agriculture and Dairying in the State of Maine (H. P. 1873) tabled earlier in today's session by Mr. Haskell of Androscoggin, pending reception by the Senate, and this afternoon assigned; and on motion by that Senator, unanimous consent was given for the reception of this bill.

Thereupon, on further motion by the same Senator, the rules were suspended and the bill was given its two several readings and passed

to be engrossed without reference to a committee.

Sent down for concurrence.

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. 462, L. D. 807), tabled earlier in today's session by Mr. Blaisdell of Hancock, pending adoption of Senate Amendment "A" and this afternoon assigned; and the Chair recognized that Senator.

Mr. BLAISDELL of Hancock: Mr. President, owing to the fact that we have a general bill pending, which I hope will receive passage in an endeavor to avoid special legislation, I move this bill be tabled and assigned for tomorrow morning.

The motion to retable and assign prevailed.

Mr. BURNS of Aroostook: Mr. President, in regard to the bill affecting agricultural interests in the State of Maine; when the bill was offered by me yesterday, I asked that one thousand copies be printed. I believe that is in the record and that we will have the copies in due course.

The PRESIDENT: The Chair will state that the record shows that one thousand copies of the bill were ordered printed.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Banks and Banking, "Ought Not to Pass" on Bill, An Act to Amend the Law Relating to Loan and Building Associations (S. P. 390, L. D. 426), tabled on April 3rd by that Senator pending acceptance of the report.

Mr. SCHNURLE of Cumberland: Mr. President, I now move that the bill be substituted for the report. I might say that I do this with the knowledge and consent of the Committee on Banks and Banking, which turned the bill out with the "ought not to pass" report.

The motion to substitute the bill for the "ought not to pass" report prevailed.

Thereupon, the rules were suspended and the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Potter of Penobscot, the Senate voted to take from the table, Bill, An Act to Establish a Boundary Line for the town of Fayette (S. P. 666, L. D. 850), tabled by that Senator earlier in today's session pending passage to be engrossed.

Mr. POTTER of Penobscot: Mr. President, I yield to the Senator from Kennebec, Senator Hussey.

Mr. HUSSEY of Kennebec: Mr. President, and members of the Senate; this morning we had a spirited debate over a bill which was up for our consideration. It was upon the setting of the lines between Fayette and Readfield. As one of the Senators from Kennebec County, one of the three, and being both morally and in duty bound to represent them, and at this time feeling that I am unable to vote upon this measure intelligently because it has become very confused, I would like to make a motion before I am through.

As I understand this bill, the town of Fayette and the town of Readfield are questioning their town lines. They have been to court several times. There is, at the present time, pending before the Superior Court now sitting in Augusta, a bill which the town of Fayette, through its selectmen, have brought against the town of Readfield, asking the court to define the lines, and as I understand it, the court can define the lines but the legislature shall set them. I think it is only fair and just as the matter now stands because, as I understand it, the committee has become a little confused over the markings and they were about to submit an amendment to the original bill which they passed out a couple of days ago. In these few days which we have left, knowing that we are unable to go into detail on it, taking into consideration especially, that this matter is before the courts at the present time, I feel justified in asking this Senate to refer this to the next legislature, at which time they will have the benefit of the court judgment as to the boundaries; and if it is in order, Mr. President, I move that this bill be referred to the next legislature.

The PRESIDENT: The Chair will state that the proper motion would be to reconsider the action whereby the bill was substituted for the report.

Mr. HUSSEY: I so move, Mr. President.

Mr. BODGE of Kennebec: Mr. President, I rise to plead absolute ignorance of parliamentary proceedings under these present conditions. I certainly would much prefer, as long as there have been hearings before the committee and as long as there has been discussion before this honorable body, to have the matter disposed of in this legislature, and I respectfully request the Chair to tell me how to proceed to obtain that result if it be possible.

The PRESIDENT: For the information of the Senator from Kennebec, Senator Bodge, it would appear to the Chair that the first position that the Senator can take is to oppose the motion to reconsider the action whereby the bill was substituted for the report, which was the motion made by the Senator from Kennebec, Senator Hussey.

Mr. BODGE: I oppose that motion, Mr. President, and ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Hussey, that the Senate reconsider its action whereby the bill was substituted for the report of the committee "ought

to pass in new draft", and the Senator from Kennebec, Senator Bodge, asks for a division.

A division of the Senate was had. Seven having voted in the affirmative and eighteen opposed, the motion to reconsider the substitution of the bill for the report did not prevail.

The PRESIDENT: The pending question is now passage to be engrossed.

Mr. BODGE: Mr. President, I move the bill be passed to be engrossed.

Mr. HUSSEY: I ask for a division, Mr. President.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Bodge, that the bill be passed to be engrossed, and the Senator from Kennebec, Senator Hussey has asked for a division.

A division of the Senate was had.

Fifteen having voted in the affirmative and nine in the negative the motion prevailed and the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Miss Martin of Penobscot,

Adjourned until tomorrow morning at ten o'clock.