

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, April 5, 1935.

Senate called to order by the President.

Prayer by the Rev. E. J. Webber of Hallowell.

Journal of yesterday, read and approved.

From the House:

The Committee on Judiciary on Bill "An Act Relative to the Making of Local Regulations for Fishing by the Commissioner of Inland Fisheries and Game" (S. P. 190) (L. D. 140) reported that the same ought to pass.

(In the Senate, on April 3rd the bill was passed to be engrossed.)

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

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

Senators Schnurle of Cumberland,
Blaisdell of Hancock,
Bartlett of Oxford.

Sent down for concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act Establishing in the Town of Sanford, a Representative Town Government" (H. P. 1072) (L. D. 406) reported that the same ought to pass.

In the House, bill passed to be engrossed as amended by House Amendments "A" and "B".

In the Senate, the report was accepted in concurrence and the bill was given its first reading; House Amendments "A" and "B" were 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 Amendments "A" and "B" in concurrence.

From the House:

The same Committee on Bill "An Act Relating to State Planning and Development," (H. P. 1331) (L. D. 539) reported the same in a new

draft (H. P. 1852) (L. D. 916) under the same title, and that it ought to pass.

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

In the Senate, on motion by Mr. McDonald of Washington the bill and report were laid upon the table pending acceptance of the report in concurrence.

From the House:

The Committee on Sea and Shore Fisheries on "Resolve Protecting Cod, Haddock and other Ground Fish along the Coast of Maine from Damariscove to Monroe Island," (H. P. 1083) (L. D. 326) reported the same in a new draft (H. P. 1854) (L. D. 907) under a new title, Bill "An Act Regulating the Taking of Ground Fish by Dragging," and that it ought to pass.

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

In the Senate, on motion by Mr. Blaisdell of Hancock, the resolve and report were laid upon the table pending acceptance of the report in concurrence, and especially assigned for this afternoon.

Papers from the House, disposed of in concurrence.

House Bills in First Reading

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

"An Act Relative to Bounty on Bears," (H. P. 1849) (L. D. 914)

"An Act Relative to the Planting of Fish in Inland Waters," (H. P. 1850) (L. D. 913)

"Resolve Relative to Season and Bag Limit on Smelts," (H. P. 783) (L. D. 908)

"An Act Relating to Assessors," (H. P. 1851) (L. D. 915)

(On motion by Miss Martin of Penobscot, the bill was laid upon the table pending first reading and especially assigned for this afternoon.)

From the House:

The Majority of the Committee on Judiciary on Bill "An Act Relating to the Competency of Witnesses to a Will," (H. P. 1142) (L. D. 366) reported the same in a new draft (H. P. 1847) (L. D. 912) un-

der the same title, and that it ought to pass.

(Signed) Burns of Aroostook
Willey of Falmouth
Philbrick of Cape Elizabeth
Hill of South Portland
Gray of Presque Isle
Weatherbee of Lincoln
Jacobson of Portland
Vaughan of South Berwick

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

(Signed) Burkett of Cumberland
Fernald of Waldo

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

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

From the House:

Report "A" from the Committee on Judiciary on Bill "An Act Requiring Owners of Certain Motor Vehicles and Trailers to Furnish Security for their Civil Liability on Account of Personal Injuries and Property Damage Caused by their Motor Vehicles, and Trailers." (H. P. 1234) (L. D. 601) reported the same in a new draft (H. P. 1848) (L. D. 905) under the same title, and that it ought to pass.

(Signed) Burns of Aroostook
Hill of South Portland
Vaughan of South Berwick
Willey of Falmouth
Jacobson of Portland

Report "B" from the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) Burkett of Cumberland
Fernald of Waldo
Weatherbee of Lincoln
Gray of Presque Isle
Philbrick of Cape Elizabeth

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

In the Senate, on motion by Mr. Burkett of Cumberland, the Report "B" "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

First Reading of Printed Bills

(Under suspension of the rules the following bills were given their second reading and passed to be engrossed. Sent down for concurrence.

"An Act to Create and Allocate a General Highway Fund for State Road, State Aid and Third Class Highway Construction, and to Temporarily Suspend Certain Statutes," (S. P. 702) (L. D. 927)

"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. 717) (L. D. 926)

Reports of Committees

Miss Martin from the Committee on Legal Affairs on Bill "An Act Relating to Persons Refusing to Work," (S. P. 428) (L. D. 512) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act to Incorporate the Passamaquoddy Bay Authority and to Define its Powers and Duties," (S. P. 423) (L. D. 515) reported that the same ought not to pass, as legislation thereon is inexpedient.

Mr. Schnurle from the Committee on Maine Publicity submitted its Final Report.

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

Mr. Hussey from the Committee on Mercantile Affairs and Insurance, submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Fernald from the Committee on Judiciary on Bill "An Act Providing for a Retirement System for State Highway Police," (S. P. 82) (L. D. 8) reported the same in a new draft (S. P. 719) under the same title, and that it ought to pass.

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

Passed to be Enacted

"An Act Relative to Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire." (S. P. 698) (L. D. 865)

Orders of the Day

The President laid before the Senate, bill, An Act Relating to Settlement of Children (S. P. 692) (L. D. 858), tabled by Mr. Burns of Aroostook on April 4th pending passage to be engrossed; and the Chair recognized that Senator.

Thereupon, Mr. Burns of Aroostook offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Senate Paper 692, Legislative Document 858 entitled bill, An Act Relating to Settlement of Children. Amend said bill by striking out all after the enacting clause thereof and substituting in place thereof the following: R. S., c. 33, Sec. I, par. II, amended. Paragraph II of Section I of Chapter 33 of the revised statutes, as amended, is hereby further amended to read as follows: 'II. Legitimate children have the settlement of their father, if he has any in the state; if he has not, they shall be deemed to have no settlement in the state. Children shall not have the settlement of their father acquired after they become of age and have capacity to acquire one. Minor children of parents divorced after July 12, 1929, if given into the custody of either parent by the decree of divorce, shall follow the settlement of the parent to whom custody is given, if custody is not given, such children shall follow the settlement of their father, unless emancipated.'"

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

Sent down for concurrence.

The President laid before the Senate, Resolve Protecting Cod, Haddock and other Ground Fish in Certain Waters of and Adjacent to Hancock County (S. P. 642) (L. D. 807), tabled by Mr. Blaisdell of Hancock on April 4th pending adoption of Senate Amendment "A"; and the Chair recognized that Senator.

Thereupon, on motion by Mr. Blaisdell of Hancock the bill was retabled and this afternoon assigned.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, bill, An Act Relating to Emergency Municipal Finance Board (S. P. 557) (L. D.

719), tabled by that Senator on April 3rd pending motion to indefinitely postpone; and that Senator yielded to the Senator from Kennebec, Senator Hussey.

Mr. HUSSEY of Kennebec: Mr. President, before the motion is put I would like to explain my stand on the matter. This bill is really a clarification of one that was passed at a special session of the Eighty-sixth Legislature. It has to do with the taking over of towns or cities which get in such dire need or financial straits that they are not able to continue, for the benefit of the inhabitants of said towns or cities. At the special session of the Eighty-sixth Legislature there was very little opposition to this bill as it passed through both bodies, but now there has developed opposition in that certain ones think that there is too much power in this bill, that the State is unnecessarily taking too much authority away from the towns and cities. I will just briefly state my views on the case.

I believe that the bill is just, in that it is a help not only for the towns but it is also a help for every inhabitant of the State. The original bill passed at the special session gave authority for the State to go in and compel an audit to be made of any towns which were in arrears in their State tax over six months. The present bill gives the State more authority after they have gone in to set aside the officers then in power and return that town or city to a paying basis so that they can pay their State taxes, county taxes and all obligations against them and then when the town or city is emerging from its financial difficulties turn it back to its duly elected officers.

When the bill was passed it did a very good thing for the State in that it was just like a big stick. It seemed to be a magic wand in that the towns and cities began turning in their taxes to the State. As we all know the State is really the last one to get its money from the towns. They seem to think that the State has plenty of money and that they will pay their other bills first and the State shall come last. Now, if any single town feels that they want to go back on their taxes they do it and it ties up the functioning of the rest of the State because the State does not have the anticipated revenue in which to

proceed in its regular financial program.

This bill is not half as bad as a lot of people think. It gives authority for the State to establish certain officers and work out benefits for the town or city. The State is not going to wield that big stick to its advantage. It is not going to put these towns into some serious difficulty because if it did they would be making matters worse rather than better. It is merely a clarification of the present bill, as I have said. It has a few more teeth in it but they are teeth which necessarily must go with any law which you want enacted.

I know the members have practically made up their minds which way they will vote on the measure and that any debate should not necessarily come from me but I feel that here is a chance where you can benefit all the inhabitants of the State as well as the cities and towns if the bill is passed.

I hope, Mr. President, that the motion to indefinitely postpone will not prevail.

Mr. FERNALD of Waldo: Mr. President, I want to preface my remarks by saying that I have no personal interest in this bill but as a representative of the people in the State Senate under a representative form of government I cannot conscientiously vote for this type of legislation. Two years ago I held my nose and voted for the bill that is before you without the present amendments but at that time I felt that we were going too far.

The bill is Number 719 and I realize that it is a printed bill but sometimes I think that on a matter like this if it is read to you, you may get a different slant on it than if you look at the printed text and I am going to read two or three sections of it. "The Board is hereby authorized and empowered in the event that any city, town or plantation becomes six months in arrears in the payment of its taxes." Now, going just that far, we realize that practically every community in the state of Maine gets into that situation practically every two years. So you see that this bill applies to every community in Maine.

But they go a little further than that: "to the State in full or in part or defaults on any bond issue or payment of interest due thereon

or refuses or neglects to pay school and other salaries due." Now, I don't know of a community in the state of Maine that does all those things promptly. As a matter of fact I don't know of very many individuals who do it. "To cause to be made an audit of the financial condition of said city, town or plantation at the expense of said city, town, or plantation, or an investigation of the financial affairs of such municipality," and so forth, and "that its affairs shall be taken over and administered under the terms of this act."

Now let us see over on the other page. I won't burden you with Section Six or Section Three or Section Seven, but down about fifteen lines from the bottom it says, "and he or they are further empowered"—further empowered—"to issue negotiable commissioners' certificates, such certificates to be a preferred claim against all the assets of said city, town or plantation operated by the commissioner or commissioners."

Let us look at the method of financing our local communities. We know that in our small towns and in our cities and in our plantations that when we want something for the town, as far as possible we buy from some local individual in our community and I think it is a fair statement to say that eighty percent of the indebtedness of the average town or city in Maine is with the local people.

I cannot vote for this bill and give preference under it to an outside creditor against the just claims of the men and women of Maine who now live in these towns, who were born in these towns, whose forefathers were reared in these towns and who themselves and their posterity have made it possible for these towns to exist today. I cannot vote for that type of government in Maine. That is what it amounts to.

Now let us go over a little further on page three of the bill down about five lines: "During the time said commissioner or commissioners are in charge of the administration of any city, town or plantation, no suit shall be brought or maintained against such commissioner or commissioners or against the said municipality, and the enforcement of all claims, liens, debts, judgments, attachments or other ac-

tions then pending or subsisting against the said municipality shall be suspended and continued until said commissioner or commissioners shall have completed their duties"—shall have completed their duties—"and relinquished their authority"—and relinquished their authority. I maintain, gentlemen and lady member of the Senate, that under this bill there are communities, and a great many of them, that will never complete their duties and never relinquish their authority.

Section 8. "Duration of Power of Board. Said board shall continue in charge of the government and financial affairs of said city, town or plantation until such time as its taxes due the state." Notice that, "until such time as its taxes due the state or loans made therefor, expenses or obligations incurred by said commissioner or commissioners, or the board of emergency municipal finance shall have been paid and until in the opinion"—further than that, besides this being paid, "and until in the opinion of the commissioner or commissioners"—here is a discretionary power—"or the emergency municipal finance board, the financial affairs of said city, town or plantation may be resumed under local control."

I think we realize the full importance of this bill and I am not going to burden you with further discussion, but the fact remains that in ten years in the State of Maine if we permit this bill to be enacted, and assuming that the Governor signs it, we will obliterate from the statute books of Maine every mark of representative government in Maine. And we will no longer be governed in our communities by the town meeting, by the pure democracy, the so-called town meeting.

I do not believe in the closing days of this legislature, when we have a day or two more, that we are willing in our haste to radically change the fundamental structure of local government in Maine. I do not think so, and that is the basis of my argument today. Mr. President, when the vote is taken I ask for a division.

Mr. HUSSEY: Mr. President, there are just a few remarks that I wish to make. In the third paragraph, the State now has authority to go in if a town is behind in its taxes over six months and make for them an audit. Have they done

it? Have they inflicted any great hardship on any town in making them have an audit? No, they have not. What has this bill done? It collected last year practically a million dollars in taxes, back taxes. It is just a big stick and I do not think anybody need get scared over it. It is no more than what you would like to have as protection set up by legal authorities of the state if you were in business. The state needs these statutes to go along to enforce the many things it is proposed to do in the state. It will be of great benefit to the inhabitants of the state. It will not be a hardship upon any town. The old act has been in effect over a year and they have not used it but it has been of some help. This will be the same help, more help to the towns and to the cities and more help to the state.

Mr. TOMPKINS of Aroostook: Mr. President, I spoke at some length a few days ago when this matter came up, in opposition to the bill and I still feel the same way and I want to add one more statement. If this bill now under consideration becomes a law, the credit of every town and city in the State of Maine will be ruined at once.

Mr. BURNS of Aroostook: Mr. President, without going into any great elaboration of this subject, I want to go on record as against the adoption of the bill and I heartily endorse the remarks of the Senator from Waldo, Senator Fernald, and the Senator from Aroostook, Senator Tompkins. I believe the original law which was passed in 1933 is a poor law. This bill undertakes to give further authority to the state officials and whether or not they may operate under it is immaterial. It gives them too broad an authority and I think the communities of the state in the vast majority of cases are better able to handle their affairs in a crisis than some stranger who comes into the town and undertakes to do it for them.

The PRESIDENT: The question is on the motion to indefinitely postpone bill An Act Relating to Emergency Municipal Finance Board, and the Senator from Waldo, Senator Fernald, has asked for a division.

A division of the Senate was had.

Twenty-two having voted in the affirmative and seven opposed, the

motion to indefinitely postpone prevailed.

Sent down for concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, 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 by that Senator on April 4th pending passage to be engrossed.

Thereupon, the same Senator offered Senate Amendment "A" and moved its adoption: "Add to Section Five the following words: 'It is further provided that all construction shall be by competitive bids under such restrictions as the Governor and Council shall determine and all expenditures and procedure hereunder shall be under the direction and control of the Governor and Council.'" 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. Burkett of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary "Ought Not to Pass" on Bill, An Act to Require City and Town Treasurers to be Bonded by a Surety Company (H. P. 1176) (L. D. 382), tabled by that Senator on April 4th pending adoption of House Amendment "A".

Mr. BURKETT of Cumberland: Mr. President, this is one of the bills on which I spoke briefly last night and in accordance with the motion which I made at that time this House Amendment "A", which is an entirely new draft, was printed and is Legislative Document 929. As I stated last night this bill would compel town treasurers to be bonded by a surety company and the Committee on Judiciary reported the bill out unanimously "ought not to pass" and the House substituted this new draft.

Now I feel considerable doubt in my own mind about the expediency of this legislation, in spite of what the House did. However, I am going to move the adoption of House Amendment "A" in concurrence in order that the bill may be going along in regular course because I understand that considerable opposition has developed to the bill

in the House and it would seem to me that that is the place for them to debate it and decide upon what they want to do rather than for us to do it in this body because in the House they all represent towns and are perhaps closer to the situations in their own towns than we are here as representatives of the counties.

I believe that ultimately the bill will have to be killed. I will be very frank about it. I think it works an extreme hardship on certain of these cities and towns to provide surety bonds and I am very sure there would be any number of them who could not get these surety bonds.

This may be rather a peculiar motion for me to make in view of the feeling which I have about it but I would like to have the matter go to the House in order that they may decide first what they want to do about it.

Thereupon, House Amendment "A" was adopted in concurrence and under suspension of the rules the bill was given its two several readings and passed to be engrossed as amended by House Amendment "A" in concurrence.

On motion by Mr. Burkett of Cumberland, the Senate voted to take from the table, an Act to require Constables and Collectors of Taxes to be bonded by a Surety Company (H. P. 1175) (L. D. 381), tabled by that Senator on April 4th pending adoption of House Amendment "A".

Mr. BURKETT of Cumberland: Mr. President, House Amendment "A" has been printed and is Legislative Document 930, and for the same reasons that I gave regarding the other matter, although I will admit that they may not be very sensible reasons. I make the same motion, that House Amendment "A" be adopted in concurrence.

Thereupon, House Amendment "A" was adopted in concurrence and under suspension of the rules the bill was given its two several readings and passed to be engrossed as amended by House Amendment "A" in concurrence.

Mr. JACKSON of Sagadahoc: Mr. President, with all due respect to my good friend, the Senator from Cumberland, Senator Burkett, I cannot see the reason at this late date for cluttering up the calendar

with matters that we are predisposed to kill when they come back to us from the House. So in order to save a lot of further debate both in this branch and in the House, I move the indefinite postponement of Legislative Document 381 as amended.

The PRESIDENT: The Senator from Sagadahoc, Senator Jackson, moves that the Senate reconsider its action whereby, bill, An Act to require Constables and Collectors of Taxes to be Bonded by a Surety Company, was passed to be engrossed. Is this the pleasure of the Senate?

Mr. BURKETT of Cumberland: Mr. President, I think that indefinite postponement is the action that will ultimately result but because some of the House members have said that they wanted this matter returned to the House so that they might discuss it among themselves and because the bill originated in the House and because I do not see how this matter is going to clutter up the calendar if it goes to the engrossing stage, I hope the motion will not prevail.

The PRESIDENT: Is the Senate ready for the question?

A viva voce vote being had, the motion to reconsider prevailed.

Thereupon, on further motion by the same Senator the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. JACKSON of Sagadahoc: Mr. President, I make the same motion, to reconsider and indefinitely postpone Legislative Document 382.

Thereupon, the Senate voted to reconsider its action taken earlier in today's session whereby bill, An Act to Require City and Town Treasurers to be Bonded by a Surety Company, (H. P. 1176) (L. D. 382) was passed to be engrossed as amended, in concurrence; and on further motion by the same Senator the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. BLAISDELL of Hancock: Mr. President, with full respect for the Senator from Lincoln, Senator Cowan, who doubtless will be unable to be present again during this session, I move to take from the table the first unassigned matter, Legislative Document 838.

Thereupon, the Senate voted to take from the table, bill, An Act relating to school unions (H. P. 1795) (L. D. 838), tabled by Mr. Cowan of Lincoln on April 1st pending passage to be enacted.

Mr. BLAISDELL: Mr. President, I yield to the Senator from Cumberland, Senator Schnurle.

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

On motion by Miss Martin of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby, bill, An Act relating to assessors (H. P. 1851) (L. D. 915) was laid upon the table and this afternoon assigned.

Thereupon, the same Senator offered Senate Amendment "A" and moved its adoption: "Amend said bill by adding to the title thereto the words 'of Ellsworth.'"

Senate Amendment "A" was adopted and under suspension of the rules the bill was given its two several readings and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, bill, An Act relating to Indians (S. P. 710) (L. D. 888), tabled by that Senator on April 3rd pending first reading.

Mr. SCHNURLE of Cumberland: Mr. President, I move the indefinite postponement of the bill and in so doing I wish to say a word or two of explanation to the members of the Senate.

This same bill, I believe, has been before the Legislature in many sessions, giving free licenses to Indians of the two tribes. I think probably the proponents of the measure will say that we took away the inherent rights of the Indians, took away their lands, and so forth and so on, and they have a right to their opinions on that matter, but I do not see how we can discriminate against our own people in favor of the Indians. Back in the days of free licensing our own people used to say, when we proposed to charge for licenses, that we were taking away their inherent rights in asking them to buy licenses and I do not see any reason at all why we should

discriminate against the white men in favor of Indians.

Thereupon, on motion by Mr. Potter of Penobscot, the bill was retabled pending motion to indefinitely postpone, and this afternoon assigned.

On motion by Mr. Blaisdell of Hancock,

Recessed, until this afternoon at three o'clock.

After Recess

The Senate was^a called to order by the President.

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

Bill "An Act for the Relief, Rehabilitation, Protection and Enhancement of Agriculture and Dairying in the State of Maine" (S. P. 718) (L. D. 928)

(In the Senate on April 4th, received by unanimous consent, and passed to be engrossed without reference to a Committee)

From the House, reception by unanimous consent refused, and bill referred to the 88th Legislature in non-concurrence.

In the Senate, that body voted to recede from its former action and refer the bill to the 88th Legislature in concurrence.

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 for the Purchase of one hundred Copies of 'A History of Banking in Maine, 1799-1930.'" (S. P. 634) (L. D. 795)

(In the Senate on March 21st, passed to be engrossed.)

In the House, referred to the 88th Legislature in non-concurrence.

In the Senate, that body voted to recede from its former action and concur with the House in the reference of the resolve to the 88th Legislature.

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

"Resolve for the Purchase of one hundred copies of 'A Bibliography of the State of Maine, 1892-1933.'" (S. P. 635) (L. D. 1933)

(In the Senate, on March 21st passed to be engrossed.)

In the House, referred to the 88th Legislature in non-concurrence.

In the Senate, that body voted to recede from its former action and concur with the House in the reference of the resolve of the 88th Legislature.

Mr. BURKETT of Knox: Mr. President, I am going to ask that the Senate recess at this time until three-thirty and my reason for asking this is that several of the Senators and myself are in conference with the Governor and it is impossible for us to be in both places at once.

The motion to recess until three-thirty prevailed.

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:

The Committee on Pensions on Bill "An Act to Provide for Old Age Pensions" (H. P. 1272) (L. D. 566) reported the same in a new draft (H. P. 1794) (L. D. 816) under the same title, and that it ought to pass.

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

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

Thereupon, Mr. Harmon of Hancock offered Senate Amendment "A" and moved its adoption:

"Section 3 of Legislative Document 816 is hereby amended by adding thereto the words 'any person of pensionable age under this act who is receiving a pension under a special resolve or under the general law and who is eligible to a pension under this act may be granted an old age pension as in other cases and his name shall thereby be automatically dropped from the list of state pensioners' and further amend by adding to Section 16 the following words: 'unless funds are otherwise provided.'"

Senate Amendment "A" was adopted and under suspension of the rules the bill was given its sec-

ond reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence. Sent down for concurrence.

House Bills in First Reading

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

"An Act Decreasing the Subsidy Contributed by the State Relative to Education. (H. P. 1197) (L. D. 498)

"An Act Relating to the Registration of Motor Vehicles." (H. P. 1853) (L. D. 906)

"An Act to Acquire the American Portion of the International Bridge, at Baring in Washington County, and to Provide for its Maintenance." (H. P. 218) (L. D. 919)

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

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act Relative to Open Season on Moose," (H. P. 433) (L. D. 116) reported that the same ought not to pass.

(Signed) Burns of Aroostook
Schnurle of Cumberland
Bartlett of Oxford
Davis of Newfield
Hescock of Monson
MacKenzie of Jackman
Burgess of Rumford
Ryder of Orrington
Sprague of Oakfield

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

(Signed) Thompson of Chelsea

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

In the Senate:

Mr. BURKETT of Knox: Mr. President, I do not want to take up very much of your time on this Moose business but I am frank to say that a large majority of people down in our section aren't very fond of moose or having moose around and there are a good many people down there that want to see them out of the district, and I'm inclined to think that if you take the law off the moose there are a lot of people who would be more pleased to pay for hunting licenses

than if you do not take the law off. One of my neighbors ran into one of them one night and smashed his car all to pieces. To be sure, it wasn't a very good car but it was just as good to him as a thousand dollar car would be to me; it was all he had. He put in a claim but it was turned down and he didn't have any redress at all. Such things are not right, in my opinion. Just for illustration, I was coming from Rockland one night with my wife and daughter and one of her children and I was riding along at a fairly good clip when my daughter said, "Why, there is a moose," and I looked and it was a calf moose but the moment I put my eyes back on the road the old cow moose began to cross the road about as near to me as the Secretary's desk and if I hadn't had presence of mind and the best brakes in the world I would have hit him. I say they are a nuisance.

There are a lot of children who are afraid to go to school on account of these moose. I was down to a businessmen's meeting at Camden recently and there were two hundred and fifty people there approximately and we were talking about legislative affairs and in that meeting I asked the question how many were in favor of having an open season on moose and every one of them raised their hand. Now, if we come here and go against the wishes of those people—we don't object to having moose down in the northern part of the county but we do object to having them there because they do a lot of damage. I move that the Minority Report be accepted.

Mr. SCHNURLE of Cumberland:

Mr. President, I move that the matter be laid upon the table and I will try to take it off this afternoon, but I do not care to especially assign it for this afternoon.

Thereupon, the matter was laid upon the table pending motion to accept the Minority Report in concurrence.

Reports of Committees

(Out of order and under suspension of the rules)

The following Final Reports were submitted:

Mr. Blanchard for the Committee on Taxation.

Mr. Graves, of the House, for the Committee on Public Buildings and Grounds.

Miss Martin, for the Committee on State Prison.

Mr. Tompkins for the Committee on Pownal State School.

Mr. Tompkins for the Committee on Education.

Mr. Bissett for the Committee on Public Utilities.

Mr. Thatcher for the Committee on Manufactures.

Mr. Harmon for the Committee on Pensions.

Mr. Bissett for the Committee on Temperance.

Which reports were read and accepted.

Sent down for concurrence.

First Reading of Printed Bills

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

"An Act Providing for a Retirement System for State Highway Police." (S. P. 719) (L. D. 933)

Passed to Be Enacted

(Out of order and under suspension of the rules)

"An Act Related to the Payment of Wages." (S. P. 154) (L. D. 86)

"An Act Repealing the Aeronautical Fund." (S. P. 175) (L. D. 873)

"An Act Relating to Payment of Wages." (S. P. 661) (L. D. 936)

"An Act Relating to the Taking of Clams in the Town of Roque Bluffs." (S. P. 707) (L. D. 887)

"An Act Relative to Closed Time on Deer in York County." (H. P. 328) (L. D. 99)

"An Act to Change the Name of the Nason Institute to that of Nason College and to Otherwise Alter the Charter of said Corporation." (H. P. 861) (L. D. 299)

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

"An Act Relating to the Conveyance of Property for Support." (H. P. 1832) (L. D. 894)

"An Act Relating to Cities and Towns Refunding Indebtedness." (H. P. 1833) (L. D. 890)

"An Act Relating to Indians." (H. P. 1835) (L. D. 897)

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

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

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

"An Act Creating a State Park Commission." (S. P. 629) (L. D. 763)

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

Finally Passed

(Out of order and under suspension of the rules)

"Resolve Relating to Fishing in 'B' Pond." (S. P. 701) (L. D. 874)

"Resolve in Favor of Several Academies, Institutes and Seminaries." (H. P. 1841) (L. D. 899)

"Resolve in Favor of Ethel M. Parker of Portland." (S. P. 650) (L. D. 833)

"Resolve in Favor of Clayton French of Carmel." (H. P. 1753) (L. D. 785)

"Resolve Providing Pensions for Certain Soldiers and Dependents of Soldiers." (H. P. 1807) (L. D. 849)

(Emergency Measure)

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

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

Report of Committee

(Out of order and under suspension of the rules)

Mr. Cowan from the Committee on Public Buildings and Grounds submitted its final report.

Which report was accepted.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate, Bill, An Act Relating to Indians, (S. P. 710, L. D. 888), tabled earlier in today's session pending motion to indefinitely postpone; and on motion by that Senator, the bill was referred to the Eighty-eighth Legislature.

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. 642, L. D. 807), tabled earlier in today's session by Mr. Blaisdell of Franklin, pend-

ing adoption of Senate Amendment "A"; and that Senator yielded to the Senator from Cumberland, Senator Burkett.

Mr. BURKETT of Cumberland: Mr. President, one of the most interesting experiences I have had this session has been to serve on the Sea and Shore Fisheries Committee. I know nothing, of course, about sea and shore fishing, but we have had a delightful series of hearings and I have learned something about the matter. You have seen this resolve on the calendar so long that I imagine you are tired of seeing it there every day. I think we can finally dispose of it now. We had hearings on two bills which, if passed, would have closed certain sections of the state to dragging, so-called. After various interesting hearings we unanimously reported "ought to pass" and this one went through its various stages and got up to the enacting stage. While it has been on the table we have been visited by a very splendid group of gentlemen representing this industry, who have been sitting to the rear of me during the past few days and whose fairness and persistence in presenting their side of the case have enlisted my sympathy and admiration. These men are gentlemen engaged in the dragging business with, in most cases, a large investment. In some instances their home and all of their assets are invested in that business and it is probably true that if these two bills passed their business would be seriously affected, if not totally destroyed. So finally we all came to this conclusion that we'd better not impose this hardship on them at this time, in these times especially.

With the consent of the Commissioner of Sea and Shore Fisheries and the members of the committee and the approval of these splendid gentlemen, we propose now to amend this bill by providing for a recess committee of ten, five to be members of this legislature and the other five to be men interested in the various branches of the coastal fisheries, and have the commission study during the next year and a half the questions involved in the propagation and spawning of ground fish and the effect upon those elements and on the entire fishing industry and the taking of those fish by dragging, gill-netting and other forms of fishing.

That solution of this troublesome problem seems to meet the approval of everyone, and the other bill that

goes along with this, which closes a section of the coast from Damariscove to Monroe Island, will be indefinitely postponed, with your approval.

Now, Mr. President, I move the indefinite postponement of Senate Amendment "A".

The motion prevailed and Senate Amendment "A" was indefinitely postponed.

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

"Senate Amendment 'B' to Senate Paper 642, Legislative Document 807, Resolve Protecting Cod, Haddock, and Other Ground Fish in Certain Waters of and Adjacent to Hancock County. Amend said Resolve by striking out all of said Resolve, and substituting in place thereof the following: 'An Act to provide for the appointment of a Commission on Revision of the Laws relating to the Protection of Ground Fish. Be it enacted by the People of the State of Maine, as follows: Sec. 1. The governor, with the advice and consent of the council, shall appoint 10 citizens of the State, 2 of whom shall be members of the Senate of the 87th Legislature, 3 of whom shall be members of the House of Representatives of the 87th Legislature, and 5 of whom shall not be members of the 87th Legislature and shall be selected with regard to their knowledge and experience in various branches of the Coastal Fisheries Industries of the State, to be known as the 'Commission on the Revision of the Laws Relating to the Protection and Taking of Ground Fish.' Said commissioners shall serve without pay, but shall be reimbursed for their actual expenses incurred while engaged in the duties of said commission. They shall meet as soon as convenient after their appointment at such place as they may select, shall choose one of the number to be chairman, and may employ a competent clerk. Said commission shall study and consider the advisability of legislation regulating the taking of ground fish in the coastal water of the state, with a special reference to the methods of taking the same, the damage cause to spawning and propagation of said fish by dragging, the use of gill nets and trawls, the advisability of establishing closed seasons during certain periods of the

year, and all other matters affecting said industry.

"Sec. 2. Said commission shall, on or before January 1, 1937, make a written report to the governor and council, which report shall be transmitted to the clerk of the House of Representatives upon the organization of the 88th Legislature, and shall include such recommendations for legislation as the commission may adopt, with a draft of such legislation as may be suggested.

"Sec. 3. The sum of two thousand dollars is hereby appropriated for the purpose of carrying out the provision of this act, the same to be charged to the appropriation for Sea and Shore Fisheries."

Mr. PINANSKY of Cumberland: Mr. President, I take the liberty with your permission and that of my colleagues, to join with my distinguished colleague on my left (Senator Burkett) in this motion for this reason, that I have had many sleepless nights lately, followed from one end of the corridor to the other by these distinguished fishermen and gentlemen, and doing in my small and humble way what I could to bring about a better understanding in this matter. I have received in that difficult position that I have found myself, the beginning, at least, of what I hope may be a thorough education in regard to fish and fish-nets and trollers and dragging of the bottom of the ocean, and gills and gill-nets and other things that were to me less understandable than Greek. But I am so happy,—and that is why I ask you to give me a few moments of your time,—that with the help of these other gentlemen and my brother on my left, we have apparently come to a happy solution. I personally want to express my appreciation and say that I join in the recommendation and motion of my brother, and hope we have arrived at the beginning of a solution which will be just and equitable to all concerned, and I certainly hope the motion of the Senator from Cumberland, Senator Burkett will prevail.

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

Sent down for concurrence.

The President laid before the Senate, House Report from the

Committee on Sea and Shore Fisheries on, Resolve Protecting Cod, Haddock and Other Ground Fish along the Coast of Maine from Damariscove to Monroe Island (H. P. 1083) (L. D. 326) reporting the same in a new draft (H. P. 1854) (L. D. 907) under a new title, bill, An Act Regulating the Taking of Ground Fish by Dragging; tabled by Mr. Blaisdell of Hancock earlier in today's session pending acceptance of the report and this afternoon assigned; and the Chair recognized that Senator.

Mr. BLAISDELL of Hancock: Mr. President, I move that this bill be indefinitely postponed but I cannot resist the opportunity of expressing my joy at the two very splendid speeches that have been made in behalf of the gentlemen who have been coming here to see what is going to become of the bill in their efforts to stop the bill. A serious problem does exist and I think that the way the matter has been worked out by appointing a committee to investigate is ample evidence to the members of the Senate that there is a serious problem.

I went down to the post office about half past eleven this morning and I got the following letter which I will read: "Honorable C. Carroll Blaisdell, State House, Augusta, Maine, Dear Senator: I understand that our anti-beam-trawl measure has gone through to the Governor where it has met with some opposition from down Portland way. Since there is ample room for those fellows to fish elsewhere than right in our door-yard and our own fishermen are the ones who should be considered first, I hope you will do all you can to help this act become a law. Enclosed is a petition signed by Capt. Ed. McKay, some of the Bar Harbor fishermen and their friends, favoring the passage of the act. Please present it in person to Governor Brann. A petition from Mount Desert is to be forwarded to Senator Harmon and a still larger petition from Cranberry Isles should be received by Representative Graves. Sincerely yours, (Signed) George R. Hadlock."

I also have here a petition with a lot of signatures of men who want the draggers stopped. All of these things taken into consideration led the Committee to believe, as has been reported to you, that there seems to be a serious problem which

the Committee on Sea and Shore Fisheries was unable to pass upon at this time. And, therefore, Mr. President, I make the motion to indefinitely postpone.

Mr. HARMON of Hancock: Mr. President, along the same line—but not to take up much time, I received from the town of Mount Desert, and especially the fishing section, a petition to His Excellency the Governor of Maine signed by fifty residents. I know that practically all of these signers are shore fishermen who are very much interested, directly interested, in the fishing industry. It is a well known fact that these draggers are very troublesome but to my mind the gill-netters are also involved because when these fish come up to spawn some of them run into the nets that are placed there and are caught. And I hope that the Senate will take note of this petition and I also hope the commission will take note of the gill-netters as well as the draggers.

The PRESIDENT: The Senator from Hancock, Senator Blaisdell, moves that the bill be indefinitely postponed. Is the Senate ready for the question?

Thereupon, the bill was indefinitely postponed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, House Report from the Committee on Judiciary, Majority Report "Ought to Pass", Minority Report "ought not to pass" on bill, An Act relating to the competency of witnesses to a will (H. P. 1847) (L. D. 912), tabled by Mr. Burkett of Cumberland earlier in today's session pending acceptance of either report; and the Chair recognized that Senator.

Mr. BURKETT of Cumberland: Mr. President, this seems to be an afternoon when we are all getting together and agreeing on everything and just to prove it to you I am going to yield to the Senator from Aroostook, Senator Burns.

Mr. BURNS of Aroostook: Mr. President, in accord with that thought I move the acceptance of the Minority Report of the Judiciary Committee "Ought not to pass."

Thereupon, the Minority Report of the Committee on Judiciary

"Ought not to pass", was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Burkett of Cumberland, the Senate voted to take from the table, bill, An Act relating to minimum wages for laborers (H. P. 1797) (L. D. 840), tabled by that Senator on April 4th pending passage to be engrossed.

Mr. BURKETT of Cumberland: Mr. President, I tabled this matter because there seemed to be some discrepancy between the title and the text of the bill as amended. I now yield to the Senator from Androscoggin, Senator Winn.

Thereupon, Mr. Winn of Androscoggin, offered Senate Amendment "A" to House Amendment "A" and moved its adoption: "Senate Amendment 'A' to House Amendment 'A' to the bill entitled 'An Act relating to minimum wages for laborers H. P. 1797, L. D. 840. Amend said amendment by striking out at the end thereof the following words: 'those payable under the provisions of the act for the construction of industry' and inserting in place thereof the following words: 'forty cents per hour.'"

Senate Amendment "A" to House Amendment "A" was adopted in non-concurrence.

Thereupon, on motion by Mr. Burns of Aroostook, the bill was laid upon the table pending passage to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

Mr. FERNALD of York: Mr. President, I would like to ask unanimous consent of the Senate to present a resolve in favor of Harry E. Rowell of Saco, a World War veteran who has never applied for his State pension. At the time it was due he did not feel like taking it but now his circumstances have changed and he feels that he needs it, and I feel it is right that he should have it.

Mr. HARMON of Hancock: Mr. President, we have been here for about fourteen weeks or such a matter and there has been ample opportunity to put in such a resolve. It seems to me that at this late hour it is too late to take up and consider a resolve and give it proper attention. I move that the

resolve be referred to the 88th Legislature.

Mr. SCHNURLE of Cumberland: Mr. President, I do not know whether it is in order to talk on a motion for unanimous consent.

The PRESIDENT: The Senator is in perfect order.

Mr. SCHNURLE: Mr. President, I would like to say that I do not know the man and I do not know his circumstances but I believe that if the Senator from York, Senator Fernald, has asked for unanimous consent the circumstances must warrant it. If this man is a veteran of the World War he is entitled to the bonus that the state of Maine pays and I will ask the Senator from Hancock, Senator Harmon, if he will not yield unanimous consent in this case.

Mr. FRIEND of Somerset: I would just like to say, Mr. President, that there have been several of these matters come up before the Committee on Claims and all that were legitimate were allowed. If unanimous consent is granted on this matter I would like to have it laid upon the table.

The PRESIDENT: The Senator from York, Senator Fernald, asks that the Senate grant unanimous consent for the reception of this resolve. The Chair believes that the motion made by the Senator from Hancock, Senator Harmon, was not in order because the matter had not been received by the Senate when the motion was made.

Mr. HARMON: Mr. President, I beg leave to withdraw my motion.

Thereupon, unanimous consent was granted for the introduction of the resolve. The Secretary read the resolve and under suspension of the rules the resolve was given its two several readings without reference to a committee.

Thereupon, on motion by Mr. Friend of Somerset, the resolve was laid upon the table pending passage to be engrossed.

On motion by Mr. McDonald of Washington, the Senate voted to take from the table, House Report "Ought to Pass" from the Committee on Legal Affairs on bill, An Act relating to State Planning and Development (H. P. 1852) (L. D. 916), tabled by that Senator earlier in today's session pending acceptance of the report in concurrence; and on further motion by the same Senator the report was

accepted in concurrence, House Amendment "A" was read and adopted and under suspension of the rules the bill was given its two several readings and passed to be engrossed as amended by House Amendment "A" in concurrence.

On motion by Mr. Winn of Androscoggin, the Senate voted to take from the table, Senate Report from the Committee on Pensions, "Legislation is inexpedient" on Bill, An Act Relating to Old Age Pensions (S. P. 427, L. D. 517), tabled on April 3rd by that Senator pending acceptance of the report.

Mr. WINN of Androscoggin: I move this bill be referred to the next session of the legislature, Mr. President.

The PRESIDENT: May the Chair inquire if the Senator means to refer this bill to the next special session, if there is one, or to the Eighty-eighth Legislature?

Mr. WINN: I would prefer it to go to the next session of the legislature. I think all the senators have papers on their desks relative to the action of the national government on the pension matter. I will say that this bill, Legislative Document 517, is what is called. I presume, a liberal or genuine old age pension system. I firmly believe that in order to cure most of the ills of our national affairs and state affairs that we must have a genuine old age pension. When I say that, I mean a pension for services rendered and it must apply, in my estimation, and start at least with those of sixty-five years. We are all well aware that our citizens throughout the nation have been built up with some hopes that there will be some sort of legislation that will relieve them. We have an unemployed situation in our nation today and vast sums of money are being spent by the national government to take care of the unemployed. In Washington now they are asking for \$4,880,000,000 for relief.

I believe if the national government had inaugurated a system of old age pensions and stated the sum that they would give, asking every state in the Union to match it and apply that to every citizen who had reached the age of sixty-five, irrespective of the amount of money that they may possess, we would be in a different situation now. My reason for that is that the gen-

uine pension system will take care of those who have been unfortunate and not practised thrift, also those in the factories who have accumulated something. I believe through a pension system they would acquire a liberalized spending of the money they had accumulated, and when they had retired it would furnish an opportunity for the young boys and girls as they came out of our educational institutions, to find employment. Some may say that would cost a vast sum of money. I have not had an opportunity to go into all the details of it and I do not know as I can illustrate my idea, but I do not believe it would cost anywhere near as much as some might anticipate, provided they give it serious thought. It would be a re-arranging of the financial system.

Provided it decided on a pension of \$15.00 a month or \$180.00 a year per person and the national government matched it, the cost as near as can be estimated would be somewhere in the neighborhood of \$7,000,000. But on the basis of those it would retire who have accumulated some wealth, it would probably change it around and put in the hands of boys and girls in the neighborhood of some \$35,000,000 or \$40,000,000. In so doing, you will find some of the houses that are at the present time vacant would be occupied. Boys and girls would be going to work. The boy in anticipation of becoming a greater man, would naturally pick out his life's partner, and knowing he had steady employment, he would pick out one of the vacant houses, and there would be your future American. You have it in your farm section. I can recall in my younger days when the Civil War veterans were receiving their pensions, a great many went into the rural sections and occupied farm-houses. They may not all have been real thrifty farms, some were and some were not, but they kept the buildings up in good shape and they were living in great prosperity at the time. No doubt some men thought it would ruin the country. I believe the genuine system is an American system. It worked fine in that respect and the country went along in prosperity.

Now, at the present time we have all kinds of various pensions for selected classes and they are rendering great service. I cannot con-

ceive of any reason why that pension system, a genuine system, could not apply to all citizens who reach sixty-five years of age.

I notice here in a labor paper I have received is a picture showing an old gentleman and an old lady peering through a door and looking at Old Age Pension. The old lady is saying, "You do not think they will fail us, do you, Henry?"

You can see that there are a great many people, possibly who have not accumulated any amount of wealth and others who own their homes and possibly are fairly well situated, but they dare not retire because of fear that they will not have enough to take them through. The genuine old age pension system would stimulate our entire nation.

As I said before, I am heartily in favor of our educational system. I believe we have made wonderful strides in America in our educational system and we must continue that, but when we send youths out to work we must have some place for them to work. It is a question of retiring the aged or the youth. Which is the most necessary? I believe it would be better to retire the aged and let the youth take up the responsibility of our government, and take up the responsibility of keeping our country going. Keep them interested and keep them at work because we know that when they are at work and raising a family, things will look right to them and it will keep them out of mischief. So for the future of America I believe in this old age pension system. I believe possibly it may mature more rapidly than some of us anticipate because it is in the hearts of the aged and I think when the young have an opportunity to think it over in the same light that I do, they will all be interested in it.

At the present time there has been some talk of taking over the relief department under the state, and they reckon that would cost at least \$4,000,000. So when you analyze this proposition you will see that the liberal old age pension is not radical. It is a sane and humane proposition.

I hope this honorable body will at least refer it to the next session of the legislature and as time rolls on possibly we may see the opportunity where instead of appropriating vast sums of money for re-

lief, they would apply it to the old age pension and give the golden opportunity to the aged to retire by choice and relinquish their rights and allow the youth to go to work, for he is the future America.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Winn, that this bill be referred to the next session of the legislature, and if there are no special sessions, to the Eighty-eighth legislature.

The motion prevailed and the bill was referred to the next session of the legislature.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock,

Recessed until seven o'clock this evening.

After Recess

The Senate was called to order by the President.

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

The majority of the Committee on Education and Taxation jointly, on Bill "An Act to Provide for the Allotment of Additional Funds to the State School Fund and to Provide for the Equalization of the Burden of Supporting a Foundation Program of Education," (H. P. 181) (L. D. 56) reported the same in a new draft (H. P. 1846) (L. D. 909) under the same title, and that it ought to pass and that the accompanying petitions be placed on file. (Signed)

Tompkins of Aroostook
Pinansky of Cumberland
McDonald of Washington
Cook of Pittsfield
Chase of Limington
Drisko of Jonesboro
Kendrick of Litchfield
Currier of Bangor
Deering of Hollis
Martin of Dexter
Newton of Readfield

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

Blanchard of Franklin
Pillsbury of Kennebec
Burkett of Knox
Mason of Mechanic Falls
Shaw of Milbridge
Allan of Topsham
Haskell of Windham
Hall of Bar Harbor
Crowell of Weston

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

In the Senate, on motion by Mr. McDonald of Washington, the reports and the bill were laid upon the table pending acceptance of either report.

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

Report "A" from the Committee on Judiciary on Bill "An Act Requiring Owners of Certain Motor Vehicles and Trailers to Furnish Security for their Civil Liability on Account of Personal Injuries and Property Damage Caused by their Motor Vehicles and Trailers," (H. P. 1234) (L. D. 601) reported the same in a new draft (H. P. 1848) (L. D. 905) under the same title and that it ought to pass.

Report "B" from the same Committee on the same subject matter reported that the same ought not to pass.

(In House on April 4th Report "A" accepted.)

(In Senate on April 5th, Report "B" accepted in non-concurrence.)

In the House, that body having insisted on its former action, and asking for a Committee of Conference, the Speaker having appointed as members of such a committee

Messrs. Hill of South Portland
Willey of Falmouth
Jacobson of Portland

In the Senate, on motion by Mr. Blaisdell of Hancock the Senate voted to insist on its former action, whereby Report "B" was accepted in non-concurrence, 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 Burkett of Cumberland
Fernald of Waldo
Blaisdell of Hancock

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 on April 4th passed to be engrossed as amended by House Amendment "A".

In the Senate, report accepted in non-concurrence.

In the House, that body insisted on its former action and asked for a committee of conference, the Speaker having appointed as members of such a committee:

Messrs. Hill of South Portland
Mace of Augusta
Sawyer of Brunswick

In the Senate:

Mr. BURNS of Aroostook: Mr. President, I move that the Senate recede and concur with the action of the House.

Mr. BLAISDELL of Hancock: Mr. President, will the Chair be kind enough to state the question before the Senate again?

The PRESIDENT: The matter under discussion is bill, An Act Relating to the exemption of personal property from attachment, Legislative Document 577. In the House the bill passed to be engrossed as amended by House Amendment "A". In the Senate, the report of the committee "ought not to pass" was accepted. It comes from the House, that body insisting on its action whereby it was passed to be engrossed as amended by House Amendment "A", the Speaker having appointed a committee of conference. The Senator from Aroostook, Senator Burns, has moved that the Senate recede from its action, which was acceptance of the "ought not to pass" report, and join the House in the passage of the bill to be engrossed as amended by House Amendment "A".

Mr. BLAISDELL: I will move, Mr. President, that the Senate insist and join the committee of conference.

The PRESIDENT: The Chair will rule that the motion of the Senator from Aroostook, Senator Burns, has precedence.

Mr. BURNS: Mr. President, I will yield to the Senator from Hancock, Senator Blaisdell. I thought my motion was to recede and concur with the majority report of the committee "ought to pass," but inasmuch as I am in error I will yield to the Senator in joining the committee of conference.

The PRESIDENT: The Senator from Aroostook, Senator Burns withdraws his motion to recede and concur.

The motion to insist and join prevailed, and the Chair appointed

as members of such committee on the part of the Senate:

Senators Blaisdell of Hancock
Bodge of Kennebec
Burrket of Cumberland

House Bills in First Reading

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

"Resolve in Favor of John H. Simmonds of Portland," (H. P. 1860) (L. D. 925)

"An Act Relative to Establishing Fishway Patrol on the Penobscot River," (H. P. 1861) (L. D. 920)

"An Act Relating to Semi-Trailers," (H. P. 1862) (L. D. 921)

"An Act Relating to the Presque Isle Sewer District," (H. P. 1863) (L. D. 922)

"Resolve Providing for a State Pension for Ashley J. Keene of Canaan," (H. P. 1868) (L. D. 931)

"An Act to Provide for Supervision of Repairs and Construction on State Owned Property," (H. P. 1865) (L. D. 923)

"An Act Relating to Measurement of Lobsters," (H. P. 1866) (L. D. 924)

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

The Majority of the Committee on Taxation on Bill "An Act Relating to Taxation," (H. P. 1361) (L. D. 471) reported that the same ought not to pass.

(Signed) Blanchard of Franklin, Burkett of Knox, Pillsbury of Kennebec, Haskell of Windham, Mason of Mechanic Falls, Allan of Topsham.

The Minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 1842) (L. D. 900) under a new title, Bill "An Act to Equalize Taxation," and that it ought to pass.

(Signed) Deering of Hollis, Shaw of Milbridge, Crowell of Weston, Martin of Dexter.

In the House, the majority report accepted.

In the Senate, on motion by Mr. Blanchard of Franklin, the Majority Report of the Committee "Ought not to pass" was accepted in concurrence.

Reports of Committees

(Out of order and under suspension of the rules)

The following final reports were submitted:

Mr. Friend from the Committee on Claims.

Mr. Potter from the Committee on Agriculture.

Mr. Potter from the Committee on Indian Affairs.

Mr. Blaisdell from the Committee on Sea and Shore Fisheries.

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 Relating to Hawkers and Peddlers," (S. P. 221) (L. D. 194)

"An Act Relating to Licenses for Wholesalers in Malt Beverages," (S. P. 347) (L. D. 397)

"An Act to Provide for Licenses and Permits for Outdoor Advertising," (S. P. 625) (L. D. 752)

"An Act Relating to the Purchase of Herring" (S. P. 708) (L. D. 896)

"An Act Relating to Lights on Trucks," (H. P. 335) (L. D. 105)

"An Act Creating a Public Safety Commission for the Rumford Falls Village Corporation," (H. P. 1843) (L. D. 904)

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

"An Act Relating to Registration Number Plates," (H. P. 1845) (L. D. 903)

Finally Passed

(Out of order and under suspension of the rules)

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

"Resolve Providing for a State Pension for Winnifred Parker of Presque Isle," (H. P. 1791) (L. D. 818)

"Resolve Providing for State Pension in Favor of Mrs. James P. Young of Blaine," (H. P. 1792) (L. D. 817)

Orders of the Day

On motion by Mr. Bartlett of Oxford, the Senate voted to take from the table, Senate Report from the Committee on Judiciary, Majority Report Ought Not to Pass, Minority Report Ought to Pass on Bill entitled An Act Relating to Zone Registration, (S. P. 328, L. D. 349), tabled on April 3rd by that Senator pending acceptance of either report.

Mr. BARTLETT of Oxford: Mr. President, I am going to move the acceptance of the minority report,

ought to pass. I will briefly explain this bill. This bill affects probably only two counties, Oxford and York, counties on the border. We had such a bill on the statute books up to two years ago. Two years ago it was repealed and during the last two years if a truck went over the border into New Hampshire, fellows who lived along the border, farmers and the like, had to get a New Hampshire license. New Hampshire trucks coming across the border to Maine had to get a Maine license. The license fee in New Hampshire is much heavier than in Maine. We had two or three hearings and it was brought out that there were more Maine trucks going across the border into New Hampshire than there were New Hampshire trucks coming into Maine.

The only opposition to the bill was from the Secretary of State and his objection was that there would be a loss of revenue, possibly \$15,000 a year if we put it back. At the same time we lose \$15,000 we are saving our people, the poor people doing business in the towns of New Hampshire, more money than we are losing. It is a saving to them and a benefit to them. Not only that, but in our section of Oxford County this year the Brown Company offered to buy a large amount of hardwood pulp on the Maine side of the line, and they bought quite a quantity this year. Maine people are at a disadvantage with the New Hampshire people. If they go over there it costs \$108.00 for a license. Our license for the same kind of truck would be \$55.00 in Maine. What happens if they have a small amount of wood to be hauled over the line? They hire a New Hampshire truck to go and get the wood. Most of those trucks have not been licensed but they come in and get the wood and get out. That was one trouble two years ago, enforcement of the law. The same trouble has existed since in not enforcing the law. Since we had hearings they sent inspectors up but they never brought anybody back to court. Our people get into court the minute they go into New Hampshire if they haven't a New Hampshire license.

Whenever we go to New Hampshire on this matter, they say, "Go back home and have your law compare with ours and you will get out of this difficulty." It covers the

whole border section of York County and from Oxford from the town of Porter up through to Fryeburg and Bethel and Upton and Magalloway. Magalloway is a town that is set off and has no outlet only through New Hampshire. They have to go to New Hampshire to get back into Maine. This law would allow them to come to Maine without buying a New Hampshire license if they see fit to trade with us. As it is now the people in Magalloway Plantation and these other plantations, and Wilson's Mills have to buy Maine and New Hampshire licenses and it is a hardship.

I think the benefit in Maine would be greater than what we would lose, this \$15,000 which the Secretary of State seems to think we would lose. I think I have covered the matter, and I hope this bill will receive passage.

Mr. BURKETT of Cumberland: Mr. President, the objection to the bill and the reasons for a divided report, the majority of the committee signing the "ought not to pass" report were, in brief, two. One reason was loss of revenue to the state, and the second, the almost impossibility of administering the act. If the situation as outlined by the Senator from Oxford, Senator Bartlett, in his particular locality was the only one involved, it perhaps might not be such a bad piece of legislation.

Attaching on the loss of revenue, the Secretary of State says it is impossible for us to tell how much would be lost for the reason that his records do not show in the case of the New Hampshire residents who come over here to register trucks the distance they each live from the border, and this particular bill would only apply to New Hampshire residents, and New Hampshire would be the only state affected, who live within 15 miles of the border; and so his estimate of loss of money to the state would be just an estimate. We would, of course, lose a considerable number of registrations. New Hampshire people come over here and register and in addition to paying a registration fee they have to pay an excise tax which would be a loss to the town.

Going down the state in Senator Bartlett's locality, we run into sections where we feel traffic would be more from New Hampshire into Maine than it would be the other

way. Take the town of Somersworth and Berwick adjoining, and South Berwick and Dover, and then at the tip of the state, Kittery and Portsmouth,—it is unquestionably true that in that section there would be more New Hampshire trucks coming to Maine than there would be Maine trucks going into New Hampshire, and that we would lose that revenue in registration and in excise tax. In my opinion, also, it would make considerably more competition for resident Maine truckmen because these truckmen would be coming over in greatly increased number if they could come for two dollars.

It is very obvious, of course, what the difficulties of enforcing it would be. A New Hampshire man comes over and establishes the fact that he lives within 15 miles of the border. He pays two dollars and that gives him the right to operate within a distance of 15 miles of the line. A highway policeman or any other officer, seeing the New Hampshire truck in Maine has got to get a check up in two instances; first, if he actually lives within 15 miles of the border on the New Hampshire side, and then he has got to be sure he doesn't go beyond 15 miles into Maine. Of course it would be impossible, as you can see, to check up on those registrations.

As the Senator from Oxford, Senator Bartlett, said, some years ago the law was this way and it resulted in so much confusion, especially in the towns of Kittery and Portsmouth, it was felt almost necessary to change the law and abolish the reciprocal zone provision which existed.

Mr. BURNS of Aroostook: Mr. President, I arise to endorse the remarks just made by the Senator from Oxford, Senator Bartlett. This matter was heard before the Judiciary Committee, and at the time the Secretary of State appeared before us and pointed out if this bill went through the State would lose approximately \$15,000 because of the loss of revenue, and probably that is so. There cannot be any question about that. But when we lose that amount of money we are treating the people living in those border towns fairly. These people, because of their geographical situation are obliged to carry two licenses on their trucks and motor vehicles. They are obliged to car-

ry Maine and New Hampshire licenses and because of that, they are compelled to pay more than those centrally located in the state. It seems to me that we should treat them fairly and not penalize them because of their geographical situation. It is a reciprocity measure and the same law exists in Massachusetts; and we are only undertaking to let the people in this district benefit by the New Hampshire measure, and I hope the motion of the Senator from Oxford, Senator Bartlett, will prevail.

Mr. CARLL of York: Mr. President, York County is also on the map and I think we should state our position. You take, for instance, the communities of Somersworth, New Hampshire and Berwick, Maine. Of course, the river is the dividing line. In all business and social ways, except as to political division, it is all one community and there should be a free inter-play of business interests going over the bridge. It seems to me that the question of the convenience of the people in that section is of more importance than the question of revenue that we get out of the registrations. I think it is entirely proper to give the people along that border that privilege.

Mr. BURKETT: Mr. President, referring to what Senator Carll has just said; this bill applies only to trucks. We have full reciprocity with New Hampshire and all the other states in the matter of pleasure cars, and this is only a truck measure.

Mr. BILLINGS of York: Mr. President, I will say that in my county we have the difficulty that the Senator from Oxford, Senator Bartlett has spoken of. We also have the ill will of the New Hampshire people, which makes it bad for a lot of truck drivers.

Mr. BLAISDELL of Hancock: Mr. President, surely in these times nobody can but feel that Maine cannot take the loss of revenue of \$15,000 which is admitted by the opposition; but the thing that appeals to me more than anything else is that the privilege we are now attempting to grant to trucks coming in from out of the state is not now granted to our trucks when they leave the state. I see no reason why the proper departments of the State of Maine should not go into the proper departments of our

adjoining states and have an arrangement or compact made with them, and then come to this legislature and say that they have agreed that if we will do this they will do that. Until that time,—I will agree with the gentlemen who have spoken,—but until such time as the proper departments get together and say that these things shall be done, I do not see why we should grant to them what they will not grant to us.

Mr. BARTLETT: Mr. President, I am glad that the Senator from Hancock, Senator Blaisdell brought up that question. The State of New Hampshire has that law. Pleasure cars can go from one state to another but trucks cannot. New Hampshire has the law on their books and Vermont has the law on their books and Massachusetts has the law on their books. The State of Maine is backward because this is a hardship to the people living on the border. It only takes 15 miles both sides of the line, and would permit people living on the sides to travel in that distance with their trucks without having the two plates. It would benefit the farmers more than anyone else for the limit is made to three-ton trucks. All trucks of over three tons would have to pay as they do now. It doesn't affect the big trucks or anything of the kind, but would benefit the farmers. It is a matter of courtesy and fair treatment to the people living on the line. The same proposition would be for people living over the Hallowell line who were coming to Augusta to have to buy a license and pay \$55.00 and the people from Augusta going to Hallowell would have to buy a license and pay \$108.00, which is just over an imaginary line. It is a matter of foolishness. The loss of revenue is a secondary matter, in my mind. It is a matter of better feeling between the people living on the border of the two states.

Mr. BLAISDELL of Hancock: Mr. President, I would like to ask of the Senator from Oxford, Senator Bartlett, if I understand him correctly that the state of New Hampshire already has a law which would permit Maine trucks to do what he is asking?

The PRESIDENT: The Senator from Hancock, Senator Blaisdell, asks a question through the Chair of the Senator from Oxford, Sen-

ator Bartlett, who may answer if he desires.

Mr. BARTLETT: I will say, Mr. President, in answer to the question that we can go fifteen miles into New Hampshire if we pass the bill. We could not go through the state of New Hampshire but we could go over the border fifteen miles.

Mr. PRESIDENT: Is the Senate ready for the question?

Mr. BARTLETT: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Bartlett, that the Minority Report of the Committee "ought to pass" on bill, entitled, An Act relating to zone registrations, be accepted and that Senator asks for a division.

A division of the Senate was had.

Twenty-seven having voted in the affirmative and none opposed, the Minority Report "Ought to pass" was accepted.

Thereupon, under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, bill, An Act relating to minimum wages for laborers (H. P. 1797) (L. D. 840), tabled by that Senator earlier in today's session pending passage to be engrossed as amended by House Amendment "A" and Senate Amendment "A" to House Amendment "A" in non-concurrence.

Mr. BURNS of Aroostook: Mr. President, I now move the indefinite postponement of the bill and in explanation will say this, that the Senate Amendment "A" offered this morning undertook to amend House Amendment "A" and had in it a sentence already stricken out of the bill by virtue of a House Amendment and it just doesn't make sense so I move indefinite postponement of this bill.

Mr. WINN of Androscoggin: Mr. President, of course, having had some legislative experience I realize that when they want to defeat anything sometimes they can do it by adding a lot of amendments. The bill as I understand it was very

simple. I did not put it in. It is relative to the payment of wages. They tried to fix it so that a man who works on the highway would be assured that he would receive at least forty cents an hour and I believe that the state of Maine, if they are not going to pay at least forty cents an hour should not attempt to build any highways. Any member of this body who is in close touch with the situation regarding living wages today will realize that that is only fair and I can see no reason for indefinite postponement of the bill. As a great statesman said years ago, he thought a great deal of the common people and he thought that God did also because He created a lot of them.

I don't think there is anyone here who believes that any man should attempt to live on less than forty cents an hour. If the bill is confused by amendments I wish the distinguished gentlemen of the Senate would assist in straightening it out so that we can get it back in the proper condition. I hope the motion will not prevail. And Mr. President, I ask for a division.

The PRESIDENT: The Senator from Aroostook, Senator Burns, moves that the bill be indefinitely postponed and the Senator from Androscoggin, Senator Winn, asks for a division.

A division of the Senate was had.

Fourteen having voted in the affirmative and ten opposed the motion to indefinitely postpone in non-concurrence prevailed.

Sent down for concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, Majority Report "Ought not to pass," Minority Report "Ought to pass" on bill, An Act relative to open season on Moose (H. P. 433) (L. D. 116), tabled by that Senator earlier in today's session pending motion to accept the Minority Report in concurrence.

Mr. SCHNURLE of Cumberland: Mr. President, I'm going to make a motion in a moment and in explanation of that motion I would like

to make a few remarks. While it is somewhat against my principles to allow an open season on moose there seems to be a tremendous feeling in the three counties mentioned in this bill that they should have an open season. It has been called to the attention of the Committee this session and also two years ago that the animals were somewhat of a menace down there and have caused the State considerable trouble in damage claims, both from crop damage and also from damage to automobiles, and inasmuch as this law does not make the open season general all over the State but only in these three communities I move that the Minority Report be accepted.

Thereupon, on motion by Mr. Blaisdel of Hancock, the bill and accompanying reports were laid upon the table pending motion for the acceptance of the Minority Report "ought to pass" in concurrence and tomorrow assigned.

Miss MARTIN of Penobscot: Mr. President, I ask unanimous consent of the Senate to introduce a bill out of order and in explanation I will state that this has to do with the disorganization of the town of Kingman. A few weeks ago we passed a bill that had as one of its sections that it must be adopted by special town meeting of the town of Kingman. They adopted it at a regular town meeting and the Attorney General rules that it is unconstitutional. They haven't the time to have a special town meeting before the limitation of this act takes effect. There is also the added difficulty that when this bill was drawn provision was not made for any officers to continue the organization or to allow any particular organization to collect the taxes or assess them. We could not recall the bill from the Governor's office because it had already been signed and this is the same as the original bill with the amendments that the Attorney General and the Committee felt so desirable. I hope that I will be granted permission to introduce this bill.

Mr. BLAISDELL of Hancock: I would like to say, Mr. President, on behalf of the Committee on Legal Affairs in addition to what the Senator from Penobscot, Senator Martin, has said that a most terrific

situation does exist. We have poured over this matter from five o'clock until almost seven tonight. A desperate situation does exist and something must be done to relieve these people.

Mr. FERNALD of Waldo: I would like to ask, Mr. President, a question of the Senator from Penobscot, Senator Martin, through the Chair.

The PRESIDENT: The Senator may ask his question which the Senator from Penobscot, Senator Martin, may answer if she desires.

Mr. FERNALD: As I understand it, Mr. President, this applies solely to Kingman. Is that correct?

Miss MARTIN: Yes, Mr. President, it applies solely to the town of Kingman in Penobscot County.

Thereupon, unanimous consent was given the Senator from Penobscot, Senator Martin, to introduce bill, An Act to provide for the surrender by the town of Kingman of its organization.

The bill was received and under suspension of the rules was given its two several readings and passed to be engrossed without reference to a committee.

Sent down for concurrence.

The PRESIDENT: The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

On motion by Mr. McDonald of Washington, the Senate voted to reconsider its action whereby earlier in today's session bill, An Act relating to State Planning and Development (H. P. 1852) (L. D. 916) was passed to be engrossed as amended by House Amendment "A" in concurrence; and the same Senator offered Senate Amendment "A" to House Amendment "A" and moved its adoption: "Senate Amendment 'A' to House Amendment 'A' to Legislative Document 916. Amend said bill by striking out in the ninth line thereof the word 'entire' and by striking out in the tenth line thereof the words 'and its activities'. Further amend said amendment by adding at the end of the third paragraph the follow-

ing words: 'and by inserting in place thereof the following: "Section 3. Information to be furnished to Board upon request of the Governor and Council. Any department or institution of the State shall make available to the Planning Board information in their possession."' "

Thereupon, on motion by Miss

Martin of Penobscot, the bill was laid upon the table pending adoption of Senate Amendment "A" to House Amendment "A" in non-concurrence. _____

On motion by Miss Martin of Penobscot,

Adjourned, until tomorrow at ten o'clock.