

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Monday, April 21, 1941.

The Senate was called to order by the President.

Prayer by the Reverend Tom Akeley of Gardiner.

Journal of Friday, April 18, 1941 read and approved.

From the House:

Bill "An Act Relating to Automobile Junk Yards." (S. P. 539) (L. D. 1117)

(In the Senate on April 7th, passed to be engrossed.) Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Snow of Piscataquis that Body voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

**House Committee Reports
Ought Not to Pass**

The Committee on Education on Bill "An Act Decreasing the Subsidy Contributed by the State Relative to Industrial Education." (H. P. 791) (L. D. 306) reported that the same ought not to pass as covered by other legislation.

Which report was read and accepted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Relating to Signs on Pumps Dispensing Internal Combustion Engine Fuels," (H. P. 1165) (L. D. 461) have had the same under consideration and ask leave to report that the Committee is unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Speed Regulations," (H. P. 1552) (L. D. 843) have had the same under consideration and ask leave to report that they are unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Provide Assistance to the Civil Population of England,"

(H. P. 647) (L. D. 273) have had the same under consideration and ask leave to report that the Committee is unable to agree.

Which reports were severally read and accepted in concurrence.

The Committee on Claims on the following Resolves:

S. P. 78. Resolve to Reimburse the Town of Dresden for Support of Wilmer and Arthur Bixby, Sons of Fred E. Bixby.

S. P. 79. Resolve Reimbursing the Town of Baring for Hospital Aid to Una Hanning, State Pauper.

S. P. 80. Resolve Reimbursing the Town of Baring for Hospital Aid to Baby Edna Allard.

S. P. 110. Resolve Reimbursing the Town of Orland for Support of a State Pauper.

S. P. 112, L. D. 160. Resolve to Reimburse the Town of Dover-Foxcroft for Expenses of a State Pauper.

S. P. 184. Resolve in Favor of the Town of Oakland.

S. P. 186, L. D. 219. Resolve in Favor of the Town of Jay.

S. P. 219. Resolve in Favor of the Town of Jay.

S. P. 226. Resolve in Favor of the Town of Atkinson.

S. P. 229. Resolve in Favor of the Mayo Memorial Hospital, of Dover-Foxcroft.

H. P. 36, L. D. 32. Resolve in Favor of the Eastern Maine General Hospital of Bangor.

H. P. 38. Resolve in Favor of Gwendolyn MacPherson, of Bangor.

H. P. 39. Resolve in Favor of Marjorie Barry, of Bangor.

H. P. 91, L. D. 52. Resolve in Favor of the Town of China.

H. P. 92. Resolve in Favor of Thomas Gray Harvey, M D., of Mars Hill.

H. P. 95. Resolve to Reimburse the Town of Winterport for Support of Maurice Stillman and Family.

H. P. 231, L. D. 77. Resolve to Reimburse the Town of Millinocket for Support of Charles Roy and Family.

H. P. 232. Resolve in Favor of Milliken Memorial Hospital of Island Falls.

H. P. 233. Resolve to Reimburse the Town of Fort Fairfield for Funeral Expense of Son of Herbert Schwartz.

H. P. 234. Resolve to Reimburse the Town of Fort Fairfield for Supplies Furnished Harold Dube.

H. P. 235. Resolve to Reimburse the Town of Fort Fairfield for Supplies Furnished Harold Dube.

H. P. 236. Resolve to Reimburse the Town of Fort Fairfield for Supplies Furnished Isaac Dube.

H. P. 237. Resolve to Reimburse the Town of Fort Fairfield for Medical and Hospital Aid to Leo Dube.

H. P. 289. Resolve in Favor of the Town of Castle Hill.

H. P. 330. Resolve to Reimburse Archie Sanborn, as Manager of the A. & P. Store in Greenville, for Supplies Furnished to Marie Guerette, State Pauper.

H. P. 326. Resolve to Reimburse the Town of Madawaska for Support of Barthelemie Daigle, State Pauper.

H. P. 411. Resolve in Favor of the Town of Jay.

H. P. 412. Resolve Reimbursing the Town of Trescott for Burial Expenses of Aaron Mooers.

H. P. 413. Resolve Reimbursing the Town of Rumford for Medical Aid Furnished Joseph and Clara Glidden.

H. P. 458. Resolve to Reimburse the Town of Greenville for Support of State Paupers.

H. P. 459. Resolve to Reimburse the Town of Greenville for Support of Doris Magee and Family.

H. P. 580. Resolve in Favor of Presque Isle General Hospital, of Presque Isle.

H. P. 582. Resolve Reimbursing the Town of Hodgdon for Certain Pauper Expense.

H. P. 588. Resolve in Favor of the Town of Houlton to Reimburse for the Support of Goldie and Philip Clarke.

H. P. 590. Resolve in Favor of the Town of Houlton to Reimburse for the Support of John A. Armstrong, a State Pauper.

H. P. 591. Resolve in Favor of the Town of Houlton, for the Support of Irvin E. Cameron, a State Pauper.

H. P. 592. Resolve Reimbursing the Town of Paris for Poor Relief.

H. P. 593. Resolve to Reimburse the town of Lubec for Medical Aid Furnished Maynard Denbow, State Pauper.

H. P. 595. Resolve to Reimburse the Town of Lubec for Expenses Incurred by Simeon Townsend, State Pauper.

H. P. 596. Resolve to Reimburse the Town of Lubec for Support of a State Pauper.

H. P. 597. Resolve to Reimburse

the Town of Lubec for Support of State Pauper.

H. P. 598. Resolve to Reimburse the Town of Lubec for Expenses Incurred by State Pauper.

H. P. 599. Resolve to Reimburse the Town of Lubec for Expenses Incurred by State Pauper.

H. P. 601. Resolve Reimbursing the Town of Dexter for Money Expended by Error.

H. P. 603. Resolve to Reimburse the Town of Fairfield for Expense Incurred in Case of Harry Jones.

H. P. 605. Resolve Reimbursing the Town of Bluehill of Certain Burial Expense.

H. P. 607. Resolve Reimbursing the Town of Veazie for Certain Burial Expense.

H. P. 608. Resolve in Favor of the Town of Kingfield.

H. P. 609. Resolve in Favor of the Lincoln County Memorial Hospital of Damariscotta.

H. P. 610. Resolve in Favor of Dr. R. W. Belknap of Damariscotta.

H. P. 746. Resolve to Reimburse the Town of Mattawamkeag for Supplies Furnished a State Pauper.

H. P. 747. Resolve in Favor of W. A. Sampson, of Augusta.

H. P. 749. Resolve in Favor of the Mars Hill Hospital for Care of Henry A. Kinney.

H. P. 750. Resolve in Favor of Mars Hill Hospital for Care of Arnold Briggs.

H. P. 751. Resolve in Favor of Mars Hill Hospital for Care of William Chambers.

H. P. 752. Resolve in Favor of Mars Hill Hospital for Care of Regina Dearborn.

H. P. 753. Resolve in Favor of Mars Hill Hospital for Care of Christine McPherson.

H. P. 754. Resolve in Favor of Mars Hill Hospital for Care of Harriet Fogg, Wife of Winfield Fogg.

H. P. 755. Resolve in Favor of Mars Hill Hospital for Care of Gloria May Fogg, Infant Daughter of Winfield Fogg.

H. P. 756. Resolve in Favor of Mars Hill Hospital for Care and Medical Treatment of Irene Gaudette.

H. P. 757. Resolve in Favor of the Town of Beddington.

H. P. 760. Resolve Reimbursing the Town of Windham for Money Expended for Certain Children.

H. P. 761. Resolve in Favor of the City of Gardiner.

- H. P. 762. Resolve to Reimburse the Town of Swan's Island for Money Expended for a State Pauper.
- H. P. 765. Resolve to Reimburse the City of Portland for the Support of Lewis Heath, Minor Son of William Heath.
- H. P. 767. Resolve to Reimburse the City of Portland for the Support of Angele Russo, and Family.
- H. P. 768. Resolve to Reimburse the City of Portland for the Support of Donald Edward Duran, Minor Son of Grace Duran Smith.
- H. P. 769. Resolve to Reimburse the City of Portland for the Support of Grave R. McVane, and her Children.
- H. P. 770. Resolve to Reimburse the City of Portland for the Support of Mary Jean Johnson.
- H. P. 771. Resolve to Reimburse the City of Portland for the Support of Robert C. Lundy, and Children.
- H. P. 773. Resolve to Reimburse the City of Portland for the Support of James A. Brown and Family.
- H. P. 774. Resolve to Reimburse the City of Portland for the Support of Alpheus E. Darling, and Family.
- H. P. 776. Resolve to Reimburse the City of Portland for the Support of Harland E. Curit, and Family.
- H. P. 777. Resolve to Reimburse the City of Portland for the Support of Germaine E. Gallant, and Daughter.
- H. P. 778. Resolve to Reimburse the City of Portland for the Support of Evelyn E. Call.
- H. P. 913. Resolve in Favor of the City of Bangor.
- H. P. 915. Resolve in Favor of the Eastern Maine General Hospital, of Bangor.
- H. P. 916. Resolve to Reimburse the Town of Richmond for the Support of John F. Bixby.
- H. P. 917. Resolve to Reimburse the Town of Richmond for the Support of Herman E. Easler.
- H. P. 918. Resolve in Favor of Mrs. Michael Kane, of Bangor, for Balance of Burial Expenses of State Paupers.
- H. P. 920. Resolve in Favor of the Town of Caribou for Support of Paupers.
- H. P. 921. Resolve in Favor of the Town of Caribou for Support of Paupers.
- H. P. 922. Resolve in Favor of the Town of Caribou for Support of Paupers.
- H. P. 923. Resolve Reimbursing the Town of Parkman for Money Expended for a State Pauper.
- H. P. 926. Resolve in Favor of the Plantation of Caswell.
- H. P. 927. Resolve in Favor of the Maine General Hospital of Portland.
- H. P. 1055. Resolve in Favor of Dr. Findley Dobson of Ashland.
- H. P. 1058. Resolve Reimbursing the Town of Woodland for Pauper Support.
- H. P. 1059. Resolve Reimbursing the City of Presque Isle for Certain Expense.
- H. P. 1060. Resolve in Favor of the Town of Brunswick.
- H. P. 1067. Resolve Reimbursing the City of Old Town for Supplies Furnished Pauper.
- H. P. 1069. Resolve in Favor of the Town of Fort Fairfield.
- H. P. 1070. Resolve in Favor of the Town of Fort Fairfield.
- H. P. 1071. Resolve Reimbursing the Town of Bingham.
- H. P. 1073. Resolve Reimbursing the Town of Norridgewock.
- H. P. 1077. Resolve in Favor of the Town of Bar Harbor.
- H. P. 1082. Resolve in Favor of the Town of Gouldsboro.
- H. P. 1083. Resolve Reimbursing the Town of Hudson for Supplies Furnished State Pauper.
- H. P. 1085. Resolve in Favor of the Town of Boothbay.
- H. P. 1087. Resolve Reimbursing the Town of Boothbay for Support of William Price of Boothbay, State Pauper.
- H. P. 1089. Resolve Reimbursing the Town of Greenville for Services Rendered State Paupers.
- H. P. 1093. Resolve in Favor of the Town of Fairfield.
- H. P. 1094. Resolve Reimbursing the Town of Merrill for Pauper Support.
- H. P. 1095. Resolve Reimbursing the Town of Merrill for Pauper Support.
- H. P. 1096. Resolve Reimbursing the Town of Merrill for Certain Pauper Supplies.
- H. P. 1097. Resolve Reimbursing the Town of Merrill for Certain Pauper Supplies.
- H. P. 1098. Resolve Reimbursing the Town of Littleton for Pauper Support.

H. P. 1099. Resolve Reimbursing the Town of Littleton for Pauper Support.

H. P. 1100. Resolve in Favor of the Town of Dyer Brook.

H. P. 1102. Resolve Reimbursing the Town of Merrill.

H. P. 1103. Resolve Reimbursing the Town of Merrill for Hospital Aid Furnished to George H. Graham.

H. P. 1104. Resolve in Favor of the Town of Easton.

H. P. 1105. Resolve in Favor of Marcotte Home, of Lewiston.

H. P. 1123, L. D. 374. Resolve in Favor of the Town of Fort Fairfield.

H. P. 1232. Resolve to Reimburse the City of Portland for the Support of Edwin F. Darling, Sr.

H. P. 1288. Resolve in Favor of Graves Furniture Company of Presque Isle.

H. P. 1290. Resolve in Favor of Jackman Plantation.

H. P. 1292. Resolve in Favor of the Town of Camden.

H. P. 1293. Resolve in Favor of the Town of Patten.

H. P. 1294. Resolve in Favor of the Town of Newcastle.

H. P. 1295. Resolve in Favor of the Town of Etna.

H. P. 1321. Resolve in Favor of the Town of Eastport.

H. P. 1323. Resolve Reimbursing the Town of Berwick for Medical Services and Care for Cora Pike Scribner.

H. P. 1513. Resolve in Favor of the Town of Hiram.

H. P. 1572. Resolve Reimbursing the City of Auburn for Support of State Pauper.

H. P. 1606. Resolve in Favor of the Houlton Furniture Company reporting a Consolidated Resolve under title of "Resolve providing for the Payment of Certain Pauper Claims" (H. P. 1919 (L. D. 1157) and that it "Ought to pass."

Which report was read and accepted in concurrence, the consolidated resolve read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

Divided Reports

Majority Report, "Ought Not to Pass"; Minority Report "Ought to Pass" from the Committee on Judiciary on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims," (H. P. 1517) (L. D. 858)

(In the Senate, on April 17th, Majority Report read and accepted, in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the Minority Report was read and accepted and the bill passed to be engrossed, and now asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives:

BRIGGS of Hampden
SLEEPER of Rockland
GOLDSMITH of Orono

In the Senate:

Mr. FARRIS of Kennebec: Mr. President, I move that the Senate insist on its former action whereby it accepted the Majority Report, and join with the House in a Committee of Conference.

Mr. LIBBY of Cumberland: Mr. President, I move that the Senate recede from its former action and concur with the House in the acceptance of the Minority Report. Mr. President, and members of the Senate, this is the same bill which was debated shortly on Thursday last and since that time I have had an opportunity to examine the statement which was left on our desks this morning by somebody appearing in opposition to the bill.

In the first place, the statement was made here that morning, that this bill was sponsored by the collection agencies outside the state of Maine. If you will analyze that statement for a moment, you can see that that is not so because this bill will put those collection agencies out of business. If this bill is enacted into law it gives the small merchant or the small wage earner who has a small claim the opportunity to go into the municipal court and press his own claim without the expense of collection commissions or legal fees. The bill is sponsored by people of the State of Maine, and without taking too much of your time, I have letters from the Portland Chamber of Commerce, individual lawyers in Portland, individual merchants in Portland, the Lewiston and Auburn Credit Association, Auburn Chamber of Commerce and individual merchants from Bangor and other cities in Maine.

With reference to the pamphlet which was left on our desks the other day, I want, if I may, to run

over the same, if you still have your copies here. It is headed, "Protest to Enactment of L. D. No. 858." It starts in with this language: "This bill purports to be a relief for the poor debtor even though sponsored by the Maine Merchants' Association. What does it do for the debtor?"

Bear in mind this argument is made by one of the men who is representing various creditors and plaintiffs in collections and lawsuits. He devotes his whole argument on the terrible things it does to the poor debtor, who is his natural prey in the ordinary course of events. "It allows the debtor to be brought into court, there being no record in the court of an itemized account so that he may know what he is being brought in for." If any of you gentlemen have been served with a summons in court, you will remember it is a short, printed form. It says your goods and estate is attached to the value of \$50.00 and orders you to appear in the municipal court, and winds up with "Fail not in appearance at your peril." Not only do you not get the itemized account but you do not get notice of what the suit is and you don't get it until you get to court and examine the writ in court. This doesn't differ a particle from the other procedure.

I would call attention to section 1 of the bill, which provides "The plaintiff shall state the substance of his claim and shall cause the claim to be reduced in writing in concise, untechnical form." If that language means anything, it means when a creditor goes to the municipal court he has to state what the claim is and if it is a bill of goods he must file an itemized account, just as he does in a writ under the present system.

Now, the second objection, "If he intends to defend the claim in whole or in part, he must appear personally or by an authorized representative two days before the date set for the hearing and file with the court full and specific defense to said claim and he must also appear on the day of the hearing. Unless he does both, judgment will be entered against him by default." Now, what happens under the present practice? If the defendant doesn't appear, judgment is rendered by default. That is true now. If he does appear, he has to file some

sort of plea. Either he denies he owes the money or else sets up the defense that the goods were not as represented, or whatever the defense may be. In order for the judge to know what the issue is going to be between the two parties it is absolutely necessary that the debtor be required to file some complaint and what the defense may be if he wants hearing. "If the debtor does not deny the claim but desires time in which to pay it, he must so advise the judge not later than two days before the hearing and must again appear, on the date of the hearing to give reasons why he desires time to pay." What is there unfair about that? A man is required to come in and say one of three things. First, he admits the claim and wants to pay it. Secondly, he denies the claim. Thirdly, he admits the claim and wants time in which to pay it. In any event, the judge of the court who will undoubtedly set apart one day a week for small claims, has got to know these things in advance to make up the docket. There is nothing unfair in requiring the debtor to state what his position is.

"The judge orders payment in full by a certain time or by regular installments and if the debtor fails to comply with the order, even missing one installment through necessity or otherwise, he is adjudged in contempt of court, subject to incarceration at the county's expense, irrespective of the size of the bill or the balance due on account."

Now, he is presupposing every one of our municipal court judges in the state of Maine have not any sense or feeling or consideration of the people within the jurisdiction of their courts. Now, this act doesn't say he is to be adjudged in contempt of court. He may be. It is entirely in the discretion of the judge. If some debtor comes in and says his wife or child has been taken to the hospital and he is unable to keep up weekly payments for three, four or five weeks, do you think there is any judge in the courts of Maine who will send him to jail for contempt of court? It is absolutely unfounded. It is in the discretion of the judge who will act on the circumstances in the case.

"He is denied a right to appeal from the court's findings unless he takes an appeal before the hearing is held. He likewise is denied his

constitutional right of trial by jury. If he seasonably appeals, he must file a bond with the plaintiff to pay all the plaintiff's costs, together with an affidavit and specifications, together with the fees required for the transfer to and entry in the Superior Court." Now, with reference to the first objection there. I think these is some merit to it. He is denied the right to appeal unless he takes appeal before the hearing is held. If this bill should be enacted, I shall propose an amendment granting the debtor the right of appeal, either on the original issue if the claim is owed, or from any order the judge makes regarding the terms of payment, and from any contempt order that the judge of a municipal court makes. I think there should be a right of appeal to the next higher court from any one of the three items.

With reference to the second part of the objection, "If he seasonably appeals, he must file a bond with the plaintiff to pay all the plaintiff's costs, together with an affidavit and specifications, together with the fees required for the transfer to and entry in the Superior Court." He has to do that under the present practice. He goes to trial in a municipal court. The defendant appeals. He has to file a bond to pay plaintiff's costs. He has to do that under the present statute. He has to do that now. If he appeals from the municipal court order, he has to pay \$2.20 to the clerk in the recorder's office to have the appeal made up and entered in the Superior Court.

Number 6. "The debtor is denied the right to file demurrers, dilatory pleas and general denial answers." With reference to that objection. This bill presupposes that your small creditor goes to court without any lawyer and the debtor appears in court without any lawyer, and will you tell me why you want to reserve the right to file demurrers on a ten, fifteen or twenty dollar claim? He doesn't know any more about demurrers and dilatory pleas than he knows about Hitler's next move in Europe.

Seven. "If the debtor claims a counter-claim or an account in set-off and so advises the judge, a notice shall be sent to the plaintiff at the expense of the defendant." If he files a counter-claim now he has to file a statement of what it is in order to bring the statement before the judge.

Eight. "Witnesses shall be sworn but the court shall conduct the hearing as it sees fit, present rules of practice notwithstanding." Now, the reason for that provision is simply this: If you are going to have any hearing before a judge, with a creditor acting for himself and a debtor acting for himself, why on earth do you want the judge to follow the present rules of pleading and practice? You have two laymen trying the case, not two lawyers.

Nine. "If the debtor has made an unfair, insufficient or misleading answer, he is subject to being taxed costs in a sum fixed by the court, not exceeding \$25.00." The reason for that provision is simply to prevent false claims being filed, perjury, or any of these fantastic things that might happen, but probably never would, but it would prevent anyone filing fake set-offs or anything of that nature.

Ten. "By failure to comply with the court's order of payment, the defendant faces a fine up to \$20.00 or imprisonment up to two weeks and after paying the fine or serving the jail sentence he does not resume the payments immediately or at any time in the future fails to make a payment, he is again subject to the same fine or jail sentence." That is simply a contempt procedure to which we should provide the right of appeal if it is enacted into law, and if you don't have some right to punish for failure to live up to orders, then the order is not worth a continental.

Then the "Protest" ends up, "Why does the merchant wish this bill passed? Because, for an entry fee of \$1.85, a bill up to \$50.00 may be collected for the merchant with no collection commission or counsel fees." There is the fly in the ointment. Collection agencies instead of being behind this bill, are opposed to it. It gives a man with a claim of \$10 or \$15, a wage earner who has been fired, gives the right to come in and make a claim. He cannot do it now because of the excessive cost. A man cannot come in and collect a bill for \$10 or \$15 or he will find himself owing too much money when he has finished.

This provision is in the statutes of every state except Maine. The gentleman in the House who introduced the bill went to Massachusetts and examined the small claim law. He talked with people there. The

thing is working out very satisfactorily. It is not a fly by night proposition. It is a bill for the relief of the small wage earner who cannot go to court now. It is relief for the poor debtor.

I have a couple of executions taken at random at Augusta Municipal Court. Here is one where the original amount sued was \$4.00. The cost of court was \$5.41 and disclosure cost \$3.55, making a total of \$12.96 on the original bill of \$4.00. Had this bill been enacted into law, you would not have had these costs and the debtor saddled with them. Here is another where the original bill was \$11.00. The cost of court was \$6.96 and disclosure cost \$7.11, making a total of \$25.07 on a bill which was originally \$11.00.

This is one of those rare pieces of legislation which appeals to me because it benefits both classes which it affects. It benefits the creditor class, getting away from the high expense of collection under our present system and it benefits the debtor class in getting away from these various forms of action such as trustee processes on a week's pay, disclosure proceedings, incarceration in jail under contempt proceedings, capias proceedings and that sort of thing. It benefits both classes and I am firmly convinced the people of Maine want this. I therefore, hope the Senate will recede from its former action and concur with the House. When the vote is taken, Mr. President I ask for a division.

Mr. FARRIS of Kennebec: Mr. President, in opposition to the motion of my colleague from Cumberland County, Senator Libby, I wish to state that I am still opposed to the system that this bill proposes to set up in our municipal courts. We have a fine system of municipal courts in the state of Maine and our dockets are not overcrowded. We have fine municipal court judges and recorders and we are getting along very well.

This bill, as the Senator says, was taken from the Massachusetts act and it may be all right in Boston, Worcester and those larger cities where the district court and the calendars are crowded and these small claims cannot be attended to as they should be and I do not believe that at this time we should engraft such a bill as this on our municipal court system. For that

reason, Mr. President, I am opposed to the motion.

Mr. LIBBY: Mr. President, there is one thing I neglected to say in regard to this proposed bill and that is that if this bill were enacted I think there should be an amendment to it to prevent any assignees of accounts from coming in under the benefits of the act and also prevent creditors holding securities such as the instalment furniture house that sells furniture on a mortgage, and the small loans company which takes mortgage, and the automobile finance companies. I think all of those should be excluded from any benefits under this act and that the act should be confined to unsecured creditors in these small accounts.

Mr. HARVEY of York: Mr. President, I rise first of all, to ask the Senator from Cumberland, Senator Libby, one question through the Chair, and that is, where in this measure is the taking away of the trustee process?

The PRESIDENT: The Senator from York, Senator Harvey asks a question, through the Chair, of the Senator from Cumberland, Senator Libby, which that Senator may answer if he wishes.

Mr. LIBBY: Mr. President, under Section 3 the plaintiff appears before the judge or recorder and states his claim, and in Section 4 it says, "The judge or recorder shall thereupon fix the time and the place for the hearing of said claim, give to the plaintiff a memorandum thereof and then shall mail to the defendant, at one or more of the addresses supplied by the plaintiff, as the judge or recorder may deem necessary or proper, by registered mail, return receipt requested, a notice signed by the judge and bearing the seal of the court, which, after setting forth the name of the court shall read substantially as follows: First the name of the defendant, then the name of the plaintiff and his claim and then the assignment by the court for the date of hearing. There is no provision at all in that, for using the ordinary writ. It is all done by special order sent out to the defendant and provides for no attachment of any kind.

Mr. HARVEY: Mr. President, may I ask another question: Does that prevent the creditor from

turning the claim over to counsel and having him trustee?

The PRESIDENT: The Senator from York, Senator Harvey, asks a question through the Chair of the Senator from Cumberland, Senator Libby who may answer if he wishes.

Mr. LIBBY: Of course, Mr. President, this bill is not exclusive. A man may still bring his suit under the present practice.

Mr. HARVEY: Mr. President, it was my understanding—and of course that has been corrected in the expose of the reasons why we should recede, by our colleague from Cumberland (Senator Libby)—that one of the things was that we might do away with the trustee process, but that has been stricken out. This bill does not in any way do away with the trustee process.

My objection to this measure is found in Section 14.

I don't believe it is now time that our courts in civil action may impose penalties by way of contempt, if they want to call it that. "Contempt of court under this act shall be punished by a fine of not more than \$20 or by imprisonment for not more than 14 days."

Furthermore, I don't feel that the taxpayers of this state should be called upon to pay further expense by reason of unfortunate debtors being placed in jail through contempt proceedings or otherwise because these creditors have been lax in letting out articles of small amounts for which they weren't paid.

Now I can conceive where the state and counties would be spending a tremendous amount of money for that alone, but the biggest indictment to this entire measure is, to my way of thinking, found in Section 17. I wish you would read Section 17. It says: "No person shall be permitted to enter into any one court more than 5 small claims in any one week nor more than 20 small claims in any one month." Now, if this is such a marvelous measure and one that should meet your approval here, our creditors shouldn't be limited to that number. And that, to my way of thinking, means something; it means something to those who proposed this measure, by which they limit the entering of more than five

claims in any court during any one week by one creditor. They know why, because they know that the small claims courts would be just deluged with all kinds of claims and they want to limit it because by so doing they won't create the stigma, or any stigma which this bill will give to our small courts if it meets with your approval.

Mr. HILDRETH of Cumberland: Mr. President, my colleague from Cumberland County, Senator Libby, has in my opinion so ably covered the objections to this bill, or the alleged objections to this bill, that I would merely like to say as a lawyer I admit that it would work some hardships on lawyers, particularly those who are beginning their practice, but I believe that the benefits of this bill far outweigh that principal objection. I would like to say that if I were in debt or if I were behind in wages which were owed me, I would much prefer to go to a judge and trust to his discretion as given him under this act even though I waived some formal rights, than I would to have an attorney out to make a name for himself continually harrassing me. I don't think it would make any difference whether I were a debtor or a creditor, I believe that this bill would bestow great advantages upon me.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Libby, that the Senate recede and concur with the House in the acceptance of the Minority Report "Ought to Pass" and that Senator has asked for a division. Is the Senate ready for the question?

A division of the Senate was had.

Eleven having voted in the affirmative and fourteen opposed, the motion to recede and concur did not prevail.

Thereupon, on motion by Mr. Farris of Kennebec, the Senate voted to insist on its former action whereby the Majority Report, "Ought Not to Pass" was accepted in non-concurrence, and to join with the House in a Committee of Conference.

The President appointed as Senate members of such committee, Senators Farris of Kennebec, Harvey of York, Bridges of Washington.

The Majority of the Committee on Judiciary on Bill "An Act to Enable Candidates for Office to File Their Names in State Primaries without Petitions," (H. P. 310) (L. D. 119) reported that the same ought not to pass.

(signed) Senators:

FARRIS of Kennebec
HARVEY of York

Representatives:

HINCKLEY of South
Portland

GRUA of Livermore Falls

WILLIAMS of Bethel

PAYSON of Portland

BRIGGS of Hampden

MILLS of Farmington

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

(signed) Senator:

LAUGHLIN of Cumberland

Representative:

McGLAUFILIN of Portland

Comes from the House, the Majority report read and accepted.

In the Senate:

Mr. FARRIS of Kennebec: Mr. President, I move the acceptance of the Majority Report in concurrence.

Mr. STILPHEN of Lincoln: Mr. President, in the absence of the Senator who signed the Minority Report, I would move that the bill lie upon the table.

The motion to table prevailed, and the bill was laid upon the table pending motion to accept the Majority Report, and especially assigned for later in today's session.

First Reading of a Printed Bill

"Resolve Authorizing the Purchase of Property for the State." (S. P. 558) (L. D. 1160)

Which bill was read once, and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

Senate Committee Report

Final Report

Mr. Batchelder from the Committee on Public Utilities submitted its Final Report.

Which was read and accepted.

Sent down for concurrence.

Passed to be Enacted

Bill "An Act Providing State Services for the Blind." (S. P. 540) (L. D. 1115)

Bill "An Act Relating to cruelty

to Animals." (S. P. 552) (L. D. 1148)

Bill "An Act Creating and Establishing a Body Corporate and Politic to be Designated and Known as the Maine State Office Building Authority." (S. P. 553) (L. D. 1149)

Bill "An Act Relating to Tuition for Indian Scholars in Elementary Schools of Old Town." (H. P. 297) (L. D. 107)

Bill "An Act Relating to Health Officer for Penobscot Tribe of Indians." (H. P. 1349) (L. D. 802)

Bill "An Act Relating to Schools at Pleasant Point and Peter Dana's Point." (H. P. 1350) (L. D. 803)

Bill "An Act Relating to the Penobscot Tribe of Indians." (H. P. 1351) (L. D. 804)

Bill "An Act Relating to Representation of Indian Tribes at the Legislature." (H. P. 1352) (L. D. 805)

Bill "An Act Relating to the Penobscot and Passamaquoddy Tribes of Indians." (H. P. 1353) (L. D. 806)

Bill "An Act Relating to the Taking and Sale of Clams in the Town of Woolwich." (H. P. 1906) (L. D. 1137)

Bill "An Act Relating to the Passamaquoddy Tribe of Indians." (H. P. 1914) (L. D. 1153)

Bill "An Act Relating to the Adoption of Children." (H. P. 1915) (L. D. 1162)

Finally Passed

"Resolve to Reimburse Aroostook Central Institute of Tuition Owed by the Town of Blaine." (H. P. 585) (L. D. 1151)

"Resolve in Favor of Joseph L. Perry, of Rumford." (H. P. 1913) (L. D. 1150)

Emergency Measure

Bill "An Act Incorporating the Maine Vocational School." (H. P. 1867) (L. D. 1079)

Which bill being an emergency measure and having, received the affirmative vote of 26 members of the Senate and none opposed, was passed to be engrossed.

Orders of the Day

On motion by Mr. Stilphen of York, the Senate voted to take from the table House Report from the Committee on Judiciary, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass", on bill An Act to Enable Candidates for Office to File Their Names in State Primaries without Petitions

(H. P. 310) (L. D. 119) tabled by that Senator earlier in today's session pending motion to accept the Majority Report.

Mr. STILPHEN of Lincoln: Mr. President, I move the acceptance of the Majority Report.

Mr. HILDRETH of Cumberland: Mr. President, I'm not going to oppose the motion so I don't mind speaking in the absence of the Senator from Kennebec, Senator Farris, but I would just like to say a brief word in explanation of this bill.

The purpose of it is to permit, not to require but to permit, candidates for office dispensing with the circulation of nomination papers. It seems that, at least in the larger cities, the circulation of nomination papers has approached the point where it is such a nuisance as to cast considerable reflection upon the working of our political machinery. It is perfectly possible, in the larger cities of this state, to hire any number of people to circulate nomination papers on payment of a very nominal amount per signature. And those people think it a great nuisance to the public, continually harrassing them throughout the primary season.

Therefore, it seems to me that there is considerable merit in allowing those candidates who wish to do so to dispense with the circulation of nomination papers. It would be the hope of the proponents of this bill—it wasn't my bill and I didn't appear in favor of it—that if such permission were given eventually we might be at the stage where the cost and expense to the state of circulating nomination papers could be saved. And people would run on their own names and on their own strength rather than on the activities of a lot of hired runners for them.

I believe that in England or Canada somewhat the same object is accomplished by a different method, namely, requiring a fee to be paid when one wishes to run for office and then unless that candidate gets a reasonable percentage of the votes cast the fee paid is forfeited. It is felt that that system does not keep anyone from running because the fees are reasonable, and that you also preclude the fellow from running who just wants to make a nuisance of himself.

At this stage of the legislative proceedings, however, I have no desire at all to hold up the action

on this bill so I am going to vote for the adoption of the Majority Report, but I did want to make that brief explanation.

Mr. CHAMBERLAIN of Penobscot: Mr. President, certainly I am not going to oppose the adoption of the Majority Report "Ought Not to Pass". That would be a very futile thing to do. But it seems to me that this bill has a great deal of merit.

First, the cost of the petitions. There must be—without in any way knowing how many petitions are sent out by the Secretary of State—there must be many many thousands at a considerable expense to the state of Maine and to the people who pay taxes.

It is easy to get names. It is said that if you remove these petitions most anyone will run for office. Well, they can do that now. It takes a very small number to be a representative from a city or town. It takes a small number to be a member of the Senate. I can get the whole of the signatures required for my occupation of this seat in the Senate, in the city of Brewer without any trouble whatsoever and without going into the rest of the county. And when these petitions are sent to the Secretary of State to be determined that a person is a legitimate candidate, the Secretary of State's office can never ascertain whether the signatures are there rightly or not.

I would go further than Senator Hildreth has said, that it is permissive, and if he wants to I would require it, and as he has mentioned that if the nuisance is great in the cities, it is equally great in the town. If you would really consult the people of this state, those who are not candidates, they would fairly beg you to remove these petitions. And if we had as much collective intelligence as we have individual understanding the majority report "Ought Not to Pass" would not be accepted.

The PRESIDENT: The question before the Senate is on the adoption of the Majority Report "Ought Not to Pass". Is the Senate ready for the question?

A viva voce vote being had, the Majority Report "Ought Not to Pass" was accepted in concurrence.

On motion by Mr. Elliot of Knox, Adjourned until tomorrow morning at ten o'clock.