

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Second Legislature*

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

## HOUSE

Wednesday, March 21, 1945.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Robert Heigham of Wiscasset.

Journal of the previous session read and approved.

### Papers from the Senate Senate Reports of Committees Ought Not to Pass Recommended

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to State Aid for Agricultural Societies" (S. P. 301) (L. D. 848)

Came from the Senate, read and adopted.

In the House, on motion by Mr. Harrison of Portland, the Report, with accompanying Bill, was recommended to the Committee on Appropriations and Financial Affairs.

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to State Personnel Law" (S. P. 248) (L. D. 636)

Report of same Committee reporting same on Bill "An Act Increasing the Payment to the Treasurer of the Law Library Association of Somerset County" (S. P. 57) (L. D. 24) as it is covered by other legislation.

Report of same Committee reporting same on Resolve Permitting Examination of William J. Brasier of Portland, by State Board of Examiners of Funeral Directors and Embalmers (S. P. 118) (L. D. 225)

Came from the Senate read and adopted.

In the House, read and accepted in concurrence.

### Ought to Pass

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act to Provide for Scientific Investigation with Blueberries" (S. P. 72) (L. D. 68)

Came from the Senate the Report read and adopted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill was read twice.

Mr. Lackee of Addison, offered House Amendment "A" and moved its adoption.

House Amendment "A" read by the Clerk as follows:

House Amendment "A" to S. P. 72, L. D. 68, Bill "An Act to Provide for Scientific Investigation with Blueberries".

Amend said Bill by adding after the word "appropriated" in the second line of Sec. 3 of the printed Bill the words: "from the unappropriated surplus account".

House Amendment "A" was adopted in non-concurrence, and tomorrow assigned for third reading of the Bill.

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act relating to Prevention of Bang's Disease by the Department of Agriculture" (S. P. 125) (L. D. 330)

Report of same Committee reporting same on Bill "An Act to Establish a Seed Potato Board and Define its Powers and Duties" (S. P. 300) (L. D. 849)

Report of the Committee on Military Affairs reporting same on Bill "An Act relating to Aid to Veterans" (S. P. 204) (L. D. 480)

Report of the Committee on Ways and Bridges reporting same on Bill "An Act relating to Removal of Notices on Roads Closed for Repairs" (S. P. 340) (L. D. 811)

Came from the Senate the Reports read and adopted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Bills read twice and tomorrow assigned.

### Ought to Pass with Committee Amendment

Report of the Committee on State Lands and Forest Preservation on Bill "An Act relating to Baxter State Park Payments to the Maine Forestry District" (S. P. 274) (L. D. 613) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and adopted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Bill was read twice.

Committee Amendment "A" read by the Clerks as follows:

Committee Amendment "A" to S. P. 274, L. D. 613, Bill "An Act Relating to Baxter State Park Payments to the Maine Forestry District."

Amend said Bill by striking out in the 17th, 18th and 19th lines of said bill the underlined words "**valuation determined by the board of equalization at the same rate as the tax assessed on land in the Maine Forestry District**" and inserting in place thereof the underlined words "**1 1/3c per acre for all land within the Baxter State Park area**".

Committee Amendment "A" was adopted in concurrence and tomorrow assigned for third reading of the Bill.

Report of the Committee on State Lands and Forest Preservation on Resolve Authorizing Conveyance of the Interest of the State in Certain Land in Township 1, Range 1, N. B. K. P. in Somerset County (S. P. 97) (L. D. 139) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and adopted and the Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Report was read and accepted in concurrence and the Resolve was read once.

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to S. P. 97, L. D. 139, Resolve Authorizing Conveyance of the Interest of the State in Certain Land in Township 1, Range 1, N. B. K. P. in Somerset County.

Amend said Resolve by striking out the period at the end thereof and adding in place thereof the following: "; and be it further

**Resolved:** That the forest commissioner be, and hereby is, authorized to convey to Guy M. Whitten, of Rockwood, the interest of the state in lots 136 and 137 of the cottage lot in township 1, range 1, N. B. K. P., known as Rockwood Strip, in Somerset County, accord-

ing to a survey and plan of said lots made by J. C. Hutchinson in 1913.

Committee Amendment "A" was adopted in concurrence, and tomorrow assigned for second reading of the Resolve.

#### Message from the Head of Department

The following Communication:

STATE OF MAINE  
DEPARTMENT OF EDUCATION  
March 19, 1945.

To: Harvey R. Pease,  
Clerk of the House

In compliance with the House Order dated March 8, 1945, I am submitting a list of municipalities in the state, together with the approximate amount which each municipality would receive under the provisions of L. D. 901, which provides for the distribution of the budgetary balance remaining in the appropriation for teaching positions after a flat \$300 subsidy is made for each position which meets requirements defined in Chapter 37, Section 204, Revised Statutes 1944.

The computations given in this report are based on 1943-44 teaching positions, whereas, under the provisions of the law, allocations for teaching positions would be based on the number of teaching positions and the local tax rates of towns for school maintenance for the school year 1944-45. (See Chapter 37, Section 206, R. S. 1944) Since these school statistics are not yet available, figures given in the attached report can be considered as estimates only.

Respectfully submitted,

HARRY V. GILSON

Commissioner of Education

The communication was read, and with accompanying papers, ordered placed on file.

Mr. Wright, of Limestone, was granted unanimous consent to address the House.

Mr. WRIGHT: Mr. Speaker and Members of the Legislature: There comes a time in everyone's life when they find themselves on the spot, so to speak. That is where I seem to have landed this morning. A very serious situation has arisen in my home town of Limestone. Through circumstances beyond our control, we have lost our Board of Selectmen, that have very efficiently served the town for ten years or

more. The conditions that brought this about could not be foreseen, and therefore could not be avoided. The leading citizens of Limestone feel that our only salvation lies in going over to the town council form of government at the earliest possible moment.

The full seriousness of our situation was brought to my attention only yesterday afternoon, and I find myself obliged to ask your unanimous consent to present a bill. The document I have prepared is largely copied from and very similar to the legislation you recently passed to take care of the town of Brownville. I can assure you that if you will refer this to the Committee on Legal Affairs it will in no way delay the closing hours of this session.

I always have had, and I always will have, absolute confidence that our democratic form of government can and will take care of legislation of this sort better than any government on earth, and I confidently await your decision, and I thank you.

The SPEAKER: The gentleman from Limestone, Mr. Wright, asks unanimous consent to introduce a bill. Is there objection? The Chair hears no objection, and the Clerk will read the bill by title only.

Bill "An Act to Provide a Town Councillor Form of Government for the Town of Limestone in the County of Aroostook."

On motion by Mr. Wright, the Bill was referred to the Committee on Legal Affairs and sent up for concurrence.

### Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Jones of Waterville, be excused from attendance this week because of illness.

On motion by Mr. DeSanctis of Madison, it was

ORDERED, that Mr. Bird of Rockland, be excused from attendance today because of business.

On motion by Mr. Weeks of Waterville, it was

ORDERED, that Rev. Norman Hersey of Waterville, be invited to officiate as Chaplain of the House on Thursday, March 29th.

Mr. Ward of Millinocket, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Secretary of the Senate and Clerk of the House, respectively, furnish to members of the Senate and House of Representatives who were not members of the 91st Legislature one copy of the Revised Statutes of 1944 as soon as available. (H. P. 1350)

The Order received passage and was sent up for concurrence.

On motion by Miss Deering of Bath, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

### House Reports of Committees Leave to Withdraw

Mr. Knight from the Committee on Claims on Resolve in favor of T. E. McSherry, of Fryeburg (H. P. 203) (L. D. 94) reported leave to withdraw.

Mr. Weeks from the Committee on Legal Affairs reported same on Bill "An Act relating to Powers of Board of Commissioners of Police for the city of Augusta" (H. P. 652) (L. D. 300)

Mr. Benn from the Committee on State Lands and Forest Preservation reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to George E. Burns, of Argyle (H. P. 444) (L. D. 196)

Mr. Boulter from the Committee on Ways and Bridges reported same on Resolve relating to Designation of Portion of Route 11 in Aroostook County as a State Highway (H. P. 876) (L. D. 460)

Mr. Williams from same Committee reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Piscataquis County to Cecil Clark of Hallowell (H. P. 684) (L. D. 276)

Reports were read and accepted and sent up for concurrence.

### Ought Not to Pass Tabled and Assigned

Mr. Bird from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to the Owning and Keeping of Bulls

Over Eighteen Months of Age" (H. P. 404) (L. D. 160)

(On motion by Mr. Baker of Scarborough, tabled pending acceptance of Committee Report and specially assigned for Friday, March 23rd)

Mr. Jewett from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Test for Butter-fat in Milk" (H. P. 1170) (L. D. 734)

Mr. Knight from same Committee reported same on "Bill "An Act relating to Oleomargarine" (H. P. 1169) (L. D. 701)

Mr. Cobb from the Committee on Claims reported same on Resolve relating to Losses on Deposits of Inmates of State Institutions (H. P. 490) (L. D. 241)

Same gentleman from same Committee reported same on Resolve in favor of Francis M. Malcolm of Windsorville (H. P. 926) (L. D. 564)

Same gentleman from same Committee reported same on Resolve in favor of Clement P. Seavey of Scarborough (H. P. 412) (L. D. 185)

Mr. Hamilton from same Committee reported same on Resolve in favor of Donald S. White of Ludlow (H. P. 489) (L. D. 199)

Same gentleman from same Committee reported same on Resolve in favor of Nellie D. Pennell of New York City (H. P. 1175) (L. D. 737)

Reports were read and accepted and sent up for concurrence.

#### Tabled

Mr. Perkins from the Committee on Judiciary reported "Ought not to pass" on Resolve Permitting Examination of Arthur Andrews, of Rockport, by State Board of Examiners of Funeral Directors and Embalmers (H. P. 1078) (L. D. 667)

(On motion by Mr. Bell of Thomaston, tabled pending acceptance of Committee Report)

Mr. Williams from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Androscoggin County Law Library" (H. P. 1193) (L. D. 752) as it is covered by other legislation.

Mr. Peirce from same Committee reported same on Bill "An Act relating to Payments to County Law Libraries" (H. P. 956) (L. D. 578) as it is covered by other legislation.

Mr. Perkins from same Committee reported same on Bill "An Act relating to Interlocutory Petitions Pending Divorce Libel or Petitions Amending Divorce Decrees" (H. P. 1138) (L. D. 682) as it is covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act relating to Payment of Alimony" (H. P. 1075) (L. D. 666)

Mr. Judkins from the Committee on State Lands and Forest Preservation reported same on Bill "An Act relating to Control of White Pine Blister Rust" (H. P. 856) (L. D. 509)

Mr. Rollins from same Committee reported same on Resolve to Authorize Forest Commissioner to Convey Certain Land to Francis Boynton, of East Millinocket (H. P. 741) (L. D. 409)

Mr. Williams from same Committee reported same on Bill "An Act relating to White Pine Blister Control" (H. P. 1295) (L. D. 941)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

Mr. Bowker from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to the Maine Development Commission" (H. P. 790) (L. D. 413) reported same in a new draft (H. P. 1346) under same title and that it "Ought to pass"

Mr. Cobb from the Committee on Claims on Resolve in favor of the Estate of R. Byron Flewelling, late of West Gardiner, Deceased; for Damage to Property (H. P. 139) (L. D. 67) reported same in a new draft (H. P. 1347) under same title and that it "Ought to pass"

Mr. Hamilton from the same Committee on Resolve in favor of Henry K. Morey of Deer Isle (H. P. 925) (L. D. 563) reported same in a new draft (H. P. 1348) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

#### Ought to Pass

Mr. Knight from the Committee on Claims reported "Ought to pass" on Resolve to reimburse the town of Salem for Forest Fire (H. P. 501)

Report was read and accepted and the Resolve ordered printed under the Joint Rules.

### Ought to Pass Printed Bills

Mr. Smith from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to Premises where Condemned Animals are Found by Commissioner of Agriculture" (H. P. 616) (L. D. 280)

Mr. Knight from the Committee on Claims reported same on Resolve in favor of the New England Shipbuilding Corporation (H. P. 1050) (L. D. 657)

Mr. Thomas from same Committee reported same on Resolve in favor of Joseph Martin of Eagle Lake (H. P. 927) (L. D. 565)

Reports were read and accepted, and the Bill and Resolves having already been printed, under suspension of the rules the Bill was read twice, the Resolves read once, and tomorrow assigned.

### First Reading of Printed Bills

Bill "An Act relating to Filling Congressional Vacancies" (H. P. 1343) (L. D. 995)

Bill "An Act to Create an Airport Commission for the town of Sanford" (H. P. 1344) (L. D. 994)

Bills were read twice, and assigned for third reading tomorrow morning.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, in regard to the two preceding Bills which have just received their first two readings, I do not seem to find any printed bills, and I move that the bills be tabled pending printing.

The SPEAKER: The gentleman is entirely in order. Does the gentleman wish to lay the bills on the table pending printing?

Mr. ROLLINS: Pending assignment for third reading, Sir.

The SPEAKER: The gentleman can move to reconsider the assignment for third reading, and place the bills on the table pending assignment for third reading.

Mr. ROLLINS: Mr. Speaker, I would move that the House reconsider its action whereby, under suspension of the rules, these bills were given their first and second reading.

The SPEAKER: The Chair will rule that inasmuch as the bills have been printed, the first and second readings were entirely in order.

If the gentleman wishes to assign a time for third reading, pending distribution of these bills, he may do so.

Mr. ROLLINS: Mr. Speaker, I move that the bills lie on the table pending third reading.

Thereupon, on motion by Mr. Rollins, the House voted to reconsider its action just taken whereby Bill "An Act relating to Filling Congressional Vacancies" (H. P. 1343) (L. D. 995) and Bill "An Act to Create an Airport Commission for the town of Sanford" (H. P. 1344) (L. D. 994) were assigned for third reading tomorrow morning; and on further motion by Mr. Rollins, the bills were tabled pending assignment for third reading.

The SPEAKER: At this time the Chair wishes to offer the apologies of the Clerk and of your Speaker for the fact that these bills were not distributed. They were in the hands of the printer, were printed, and the Chair had assumed that they had been brought into the House and distributed.

### Passed to be Engrossed

Bill "An Act Governing the Handling of Pasteurized Milk" (S. P. 186) (L. D. 493)

Bill "An Act relating to Soil Conservation" (S. P. 187) (L. D. 494)

Bill "An Act Regulating the Labeling of Fresh Eggs for Sale" (S. P. 188) (L. D. 492)

Bill "An Act relating to Fish Weirs" (S. P. 342) (L. D. 927)

Bill "An Act to Provide for the Election of a Superintending School Committee for the town of Caribou" (S. P. 382) (L. D. 982)

Bill "An Act relating to Hearings in Vacation" (H. P. 645) (L. D. 296)

Bill "An Act relating to State Normal Schools Reserve Accounts" (H. P. 717) (L. D. 394)

Bill "An Act relating to Trustee Process" (H. P. 1186) (L. D. 747)

Bill "An Act Amending the Unemployment Compensation Law as to Employer Coverage" (H. P. 1339) (L. D. 990)

Bill "An Act relating to Aides-de-Camp" (H. P. 1340) (L. D. 991)

Bill "An Act to Incorporate the Patten Water District" (H. P. 1341) (L. D. 992)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Bill "An Act relating to Bounty on Porcupines" (H. P. 1342) (L. D. 993)

Mr. Elliott of Corinth, offered House Amendment "A" and moved its adoption.

House Amendment "A" read by the Clerk as follows:

House Amendment "A" to H. P. 1342, L. D. 993, Bill "An Act Relating to Bounty on Porcupines."

Amend said Bill by striking out the last word in the 28th line thereof, and all of lines 29 to 37, inclusive, thereof, and inserting in place thereof the following:

**The certificate shall be substantially in the following duplicate form, and only 1 certificate shall issue to cover all porcupines or hedgehogs presented by any one claimant in any one day:**

**CLAIMANT'S CERTIFICATE**

To the Treasurer of .....  
I hereby certify that I killed ...  
porcupine(s) or hedgehog(s), on  
the following dates, and places:

Date ..... Place .....  
Date ..... Place .....  
Date ..... Place .....

the nose and feet of which I now exhibit to you; and I claim the bounty allowed by law for killing the same.

Dated at ..... this .... day  
of ..... A. D. 19...

..... Claimant.

Further amend said Bill by striking out, in the 3rd and 4th lines of that part designated "**CLAIMANT'S RECEIPT**" the words: "**the porcupine or hedgehog**" and inserting in place thereof the following: "..... porcupine(s) or hedgehog(s)".

Further amend said Bill by striking out, in the 2nd line of that part designated "**TREASURER'S RECEIPT**", the words: "**the porcupine or hedgehog**" and inserting in place thereof the following: "..... porcupine(s) or hedgehog(s)".

House Amendment "A" was adopted and the Bill was passed to be engrossed as amended and sent up for concurrence.

**Passed to Be Engrossed  
(Continued)**

Resolve relating to Printed Vital Records (S. P. 255) (L. D. 629)

Resolve relating to Old Printed Laws (S. P. 256) (L. D. 628)

Resolve in favor of the University of Maine (H. P. 409) (L. D. 183)

Resolve Appropriating Money for Forest Insect Detection Service" (H. P. 718) (L. D. 388)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Oxford County to Fred L. Edwards, of Bethel (H. P. 1008) (L. D. 556)

Were reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed and sent to the Senate.

**Amended Bills**

Bill "An Act to Eliminate the 1937 Deficiency Account" (H. P. 406) (L. D. 182)

Bill "An Act relating to the Standard Non-Forfeiture Law and the Standard Valuation Law" (H. P. 972) (L. D. 609)

Bill "An Act relating to Financial Responsibility Following Accident" (H. P. 1070) (L. D. 689)

Resolve Authorizing Commissioner of Agriculture to Employ Poultry Expert (H. P. 1047) (L. D. 655)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended and sent to the Senate.

**Passed To Be Enacted**

An Act relating to the Reissuance of Revoked Hunting Licenses (S. P. 58) (L. D. 23)

An Act relating to Cigarette Tax Licenses (S. P. 153) (L. D. 371)

Bill "An Act relating to Taxation of Property of United States" (S. P. 222) (L. D. 462)

An Act relating to Powers of the Police Department of the city of Lewiston (S. P. 252) (L. D. 632)

An Act relating to Operating Motor Vehicles at Grade Crossings (S. P. 329) (L. D. 822)

An Act relating to Town Reports (S. P. 375) (L. D. 969)

An Act relating to the Assignment of Accounts Receivable (S. P. 378) (L. D. 970)

An Act to Incorporate City of Old Town Municipal Building District (H. P. 334) (L. D. 148)

An Act to Incorporate City of Old Town High School District (H. P. 335) (L. D. 149)

An Act to Grant a New Charter to the city of Old Town (H. P. 336) (L. D. 158)



An Act relating to Education of Blind Children (H. P. 358) (L. D. 123)

An Act relating to Payment of Certain Obligations of the Recipients of Old Age Assistance and Aid to the Blind under Certain Conditions (H. P. 359) (L. D. 124)

An Act relating to Rights of Surviving Husbands and Wives (H. P. 425) (L. D. 167)

An Act to Regulate Trust Investments (H. P. 183) (L. D. 63)

An Act relating to the Regulation of Loans in Trust Companies (H. P. 201) (L. D. 89)

An Act relating to Cash Reserve in Trust and Banking Companies (H. P. 202) (L. D. 88)

An Act relating to State Trust Funds (H. P. 407) (L. D. 162)

An Act Concerning Liens of Factors upon Merchandise or the Proceeds Thereof (H. P. 523) (L. D. 208)

An Act to Provide a Town Manager Form of Government for the town of Brownville, in the county of Piscataquis (H. P. 658) (L. D. 319)

An Act to Amend the Portland City Charter (H. P. 828) (L. D. 443)

An Act relating to State Police Retirement System (H. P. 947) (L. D. 575)

An Act Permitting Employees of Water Districts and Other Quasi-Municipal Corporations to Become Members of the State Employees' Retirement System (H. P. 1140) (L. D. 683)

An Act relating to Special License for Motor Service Stations (H. P. 1209) (L. D. 710)

An Act relating to the Solemnizing Marriages (H. P. 1320) (L. D. 966)

An Act to Provide for the Payment of Expense Incurred by the Maine State Office Building Authority and the Building Commission (H. P. 1325) (L. D. 973)

An Act relating to the Packing of Sardines (H. P. 1326) (L. D. 974)

An Act Amending the Charter of the city of Waterville (H. P. 1329) (L. D. 976)

An Act relating to the Presque Isle Municipal Court (H. P. 1330) (L. D. 978)

An Act relating to the Caribou Municipal Court (H. P. 1331) (L. D. 979)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

### Finally Passed

#### Tabled

Resolve in favor of the Maine Historical Society (S. P. 70) (L. D. 62)

(On motion by Mr. Brewer of Presque Isle, tabled pending final passage)

Resolve Designating the White Pine Tree as the State Official Tree (S. P. 181) (L. D. 381)

Resolve relating to Ice Fishing in Kezar Lake (S. P. 312) (L. D. 839)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

#### Tabled

Resolve in favor of Knox Memorial Association, Inc., for Support and Maintenance of "Montpelier" (H. P. 617) (L. D. 283)

(On motion by Mr. Bell of Thomaston, tabled pending final passage)

Resolve relating to Fishing in Mosquito Brook in Arrostook County (H. P. 691) (L. D. 309)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Education on Bill "An Act relating to Voluntary School Unions" (H. P. 1269) (L. D. 912) tabled on March 14th by Mr. Donahue of Biddeford, pending motion by Mr. Lord of Camden, that the House accept the Committee Report; and the Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the House: The proposed bill, on which the Committee on Education has reported unanimously "Ought not to pass" has for its purpose the granting to cities and towns now compelled by State law to join into unions the right to say whether or not they desire to join a school union.

Under your present law, which was born out of the depression of 1933, at which time the Legislature set up a re-grouping committee to act with the Commissioner of Education, cities and towns having less than seventy-five teaching positions are ordered by the State Commissioner of Education to join in a school union, or they may further be ordered, even though they belong to a school union which is operating efficiently, to join into another school union, and if the city or town refuses to join in a union as ordered by the State Commissioner of Education, the penalty is the withholding of all State subsidy.

The proposed legislation would grant to the cities and towns a right to say whether or not they desire to join in such a school union.

We have been told that the present law saves the State of Maine approximately twenty thousand dollars a year, but I ask you whether we are not sacrificing the Education of our youth to the dollar. The proposed legislation goes further and increases the State subsidy from \$1,200 to \$3,200.

We were told, on the floor of the House here, two weeks ago, that the only way we could get a good Commissioner to administer the Workmen's Compensation Act was to increase the salary. I believe that would likewise apply to our Superintendents of Schools.

The school union, as it exists in the State of Maine, exists only in one other State in the Union, and that is in the State of New Hampshire. Your other New England states do not have school unions other than on a voluntary basis. In the State of Vermont the school unions are there on a voluntary basis. The State of Maine, prior to the enactment of 1933, was on a voluntary basis.

Now we were told at the hearing by the Commissioner of Education that if this proposed legislation was to pass, that it would be impossible to administer it. I say that the history of your other Commissioners of Education during the time we had voluntary school unions showed that it was workable, and I do not think, at that time, that the education of the youth of Maine suffered any due to the fact that we had voluntary school unions.

At the present session there has been proposed in this Legislature by the city of Rockland a new city charter, and in the bill as presented the citizens of Rockland, after considerable discussion, incorporated into their new draft a provision which would give the Councillors of the city of Rockland the right to say whether or not they agreed with your State Commissioner of Education on any school union which he directed them to join, or, in the event it should prove that the union which he directed them to join was not with them, they would have the right to withdraw from the school union, and that measure was very violently opposed before the Legal Affairs Committee by the Commissioner of Education.

The town of Caribou had introduced at this session a bill relative to the Superintending School Committee of that town. If my impression is correct, that legislation was drafted by your State Commissioner of Education, and while it was not specific as to whether or not the increase of three to five members of the Superintending School Committee of the town of Caribou would give them two extra votes in the school union, a Deputy Commissioner of Education appeared before the Legal Affairs Committee and objected to the terms of the Caribou bill that had been drafted by your State Commissioner of Education.

There was also introduced at this session of the Legislature a bill relating to the Superintending School Committee of the town of Rumford. That bill was likewise opposed by your State Commissioner of Education on the ground that even though at the present time the town of Rumford was in a school union, that in the town of Hanover they had no teachers, and all the pupils were going to Rumford, and that at some future time the dictatorial powers imposed upon your Superintendent of Education under your compulsory school law may prevent him from telling Rumford they would have to form a school union with someone else.

In that regard, I would like to read a letter from the Chairman of the Rumford School Board.

"Dear Mr. Donahue:

Some time ago I appeared before the Legal Affairs Committee as a proponent of the bill amending

the Rumford Town Charter allowing an increase in the Rumford School Committee from three to five members. I was very much surprised to find that the Committee had reported on the matter unfavorably.

The proponents feel that the matter should be put before the Rumford voters, as the referendum clause allowed. A town the size of Rumford needs more than three men running their school affairs. I have been a member of the board for eleven years and am now serving my twelfth.

As to the effect upon the School Union, there is none. The only other town involved is the small town of Hanover where there are but 24 grade school children. These children are educated in Rumford schools as tuition students. There has not been a school in Hanover for three years and they never employed more than one teacher. The Hanover School Board has always been in agreement with the affairs as handled by the Rumford Board and at the present time they would welcome the chance to wash their hands of School Union affairs. Representative Boyker of Bethel, who represents Hanover in Legislature, will verify this if he is asked. He knows the situation as I have discussed it with him at length.

If there is anything that you can do to help Representative Poulin of Rumford, with this matter, I can assure you that it will be greatly appreciated. We, in Rumford, feel that the decision should be left with us. I do feel that the State Department of Education should not have interfered in this case and I have already written to Mr. Bailey, so stating.

Thanking you for your interest, I remain

Respectfully yours,  
(Signed) STUART F. MARTIN,  
Chairman of the Rumford  
School Board."

Now we have been told, time and time again, that there is no opposition to the compulsory school unions, and I say that these measures that have been introduced in this Legislature at this particular session show there is a decided opposition to the compulsory school union.

As I stated before, the State Commissioner of Education goes to your School Board and says: "You either join this union or else you

get no money." That is the situation. A year and a half ago I was told in so many words that unless we joined a school union, that is what would happen.

Now that is the situation. If this Legislature desires to continue with compulsory school unions, that is for you to decide, but I say this: That we are sacrificing the interests of our youth for the purpose of granting to your State Commissioner of Education a way of relieving him of his duties to properly see that you have an adequate number of Superintendents of Schools in this State. You know and I know that over a period of years we have maintained our normal schools; we have trained our boys and girls of this State who have become teachers and superintendents of schools; yet, year after year, as soon as they gained some experience, we have seen them go off to Massachusetts and other places in this country after we have assisted them in their education. We know that many of the boys are coming back after this war is over, yet if we permit these compulsory school unions to continue, we are decreasing the opportunities for them to serve as Superintendents of Schools in the State of Maine. Do we want to do that? We will do that if we continue with our compulsory school unions.

As I said before, the bill provides for an increase in the State subsidy to your Superintendents of Schools, and I say that we can do a service to the returning veterans if we open up this field to them and give them a chance to serve you and serve your children as Superintendents of Schools.

We have seen a growth in the State Department of Education in the last year. While they talk about saving \$20,000 a year by the elimination of these superintendents, it is a fact that there has been added to the staff of the State Department of Education three Deputy Commissioners within the last year. I say: Won't it be better to spend that money toward the payment of salaries of superintendents located in your own towns rather than have your centralized control here in Augusta and teach your children by remote control?

There are two distinct lines of thought in this Legislature in regard to what the powers of your

State Department of Education should be, and I merely want to call your attention to two bills that have been introduced at this session.

On the calendar of February 22nd there was introduced Bill "An Act Relating to School Superintendents." That bill would grant to the citizens of a town, upon the filing of a petition containing the names of ten percent of the voters, the right to question any decision of the Board of Education of that town, and, as I interpret the bill, it would include the right to question the joining a school union. Under Legislative Document 490 you have a bill which tends to further vast powers in your State Commissioner of Education, because the purpose of that bill is to eliminate the supervision of the Governor and Council over payments of school funds under your State subsidy law which are returned to your various cities and towns.

I think I have set forth the issue as fairly as I can, and to my mind, the question is this: Are you going to give your cities and towns the right to say whether or not they shall be forced into a school union and thereby jeopardize the interests of your school children, or are you going to give them the right to say that they may or may not join a school union?

In looking over some of the school unions which we had at the time the law was on a voluntary basis, I find that the town of Scarborough and the town of Old Orchard, by voluntary agreement, formed a school union, yet since 1933 the town of Scarborough has had a State agent. They have never been ordered by the State Department of Education to join in a school union and, for a period of twelve years, the same man has continued to hold the office of Superintendent of Schools in Scarborough as the State agent, and not as a duly elected Superintendent of Schools by the voters of the town of Scarborough.

Under your voluntary school union system, the town of Alfred and the town of Sanford have a voluntary school union. At the present time the town of Sanford is alone. A check of your school unions which have been compulsorily formed will show that the majority of them contain less than thirty teaching positions. I do not be-

lieve that your compulsory school union is the answer to the problem of these small towns.

At the hearing, the State Commissioner of Education questioned the language of the proposed bill and objected to the use of the word "schools" instead of "teaching positions", and I have prepared an amendment which will meet that objection. He likewise objected to the fact that there was no provision authorizing a voluntary school union where the number of teaching positions involved were less than twenty, and, by the same amendment, a city or town having less than twenty teaching positions, is given the right to join into a voluntary school union.

You will probably hear something about the right of a city or town to appeal to the Governor and Council in the event they are not satisfied with the decision of the re-grouping committee. I think it is a fact that there have been not over three appeals to the Governor and Council during the time this law has been in effect, and the answer of the Governor and Council has been—"that the Legislature has said that they want compulsory school unions, and the only way we can make it workable is to make you go into the school union even though you don't want to."

Now I do not think it is absolutely necessary that a person should have had prior teaching experience before he becomes a Superintendent of Schools, because your State Commissioner of Education was never a Superintendent of any school in this state or in any other state before he was made State Commissioner of Education, because his record shows that the major part of his experience was based upon his experience as a supervisor and a director, a regional director and a national director of the National Youth Administration.

So I say that if we want to give the boys who are coming back a chance to render a service to the children of Maine, let us change this law, put it on a voluntary basis and open up the field, so that after they have acquired an education in Maine, they will not be compelled to go to Massachusetts or elsewhere for the purpose of seeking employment.

**THE SPEAKER:** The Chair recognizes the gentleman from Camden, Mr. Lord.

Mr. LORD: Ladies and Gentlemen of the House: Being a new man in the Legislature, I dislike very much to have to disagree with my colleague, the gentleman from Biddeford (Mr. Donahue), but having had some twenty years' experience in this work of supervision, I think I can talk from experience and not from theory.

Previous to 1918—in case there are those here in the House who are not familiar with the whole picture—the citizens of the State of Maine, through their Legislature, decided for efficiency's sake that there must be union superintendents of schools. I presume most of you in this House represent the smaller towns of this State, and, as yet, I have never heard any request from the smaller towns that they be permitted to have their own superintendents of schools.

Some of you will remember, previous to 1918, the circumstances in regard to education in this state, and perhaps some of you were local supervisors of schools in those days. The Legislature decided that it would be better and more efficient for the children whom my friend speaks of in this State to have a union supervision in order that there might be men and women who were trained in supervision instead of the local people that you well know about. That was carried out up to 1933, when it seemed wise to the Legislature at that time to inaugurate a plan of regrouping, so that adjacent towns might be grouped together and have one or more of the larger towns in the union. That was done, and since 1933 to date there have been 25 regroupings in the State of Maine.

Now that was not done on the pure issue of saving money, but, as my friend has said, the State is saving some \$21,000 a year by that regrouping program. May I state right here, that in the case of Scarborough and several other like towns, agents were appointed because the regrouping committee does not have the power to regroup towns unless the superintendent of schools has retired either by losing his position or taking another one or by death. So that there are towns yet in the State of Maine that will go into unions when certain superintendents retire, and Scarborough happens to be fortunate in having a former Superintendent of Schools, a trained man, living in that town, who takes

care of the schools in that town as a school agent.

Now, according to this bill, if you adopt such a measure as this you are taking a step backward, even back to 1918, because, in the case of the larger towns that the gentleman from Biddeford (Mr. Donahue) speaks of in particular—and of course his interests, as you will know, are for the City of Biddeford, which city has had a little difficulty in this same program during the last two years—but there are a few larger towns, no doubt, in the State of Maine that would like to spend the money and have their local or own superintendents of schools. I am not thinking so much about those towns as I am thinking about the towns that surround them, the small towns that many of you represent. What is going to happen to those towns when and if a bill such as this is passed by this Legislature? They will be out on the limb, the same as the town of Scarborough, but many of them will not have an experienced superintendent living in the town who can take care of the schools.

So the Commissioner of Education is not looking after his own interests in this matter; he is following a plan of other Commissioners of Education; he is looking after the interests of the small towns that you people represent and which are attached to these larger towns, and, because of that fact, can pay enough money to hire a trained superintendent of schools. So I say that there is no stability in organization under this proposed bill. At no time will the Commissioner or anybody else know how many towns are going to be united in a union or how many he has got to look after so as to appoint another agent or somebody to look after those towns.

The matter of salary in this bill is something that should be considered. Now of course as a superintendent of schools myself, I should delight in having the increase that would probably come from such a measure; but there is a potential increase of 150 per cent for expenditure for superintendents of schools in this bill, increasing the State's stipend from \$1200 to \$3000; and I submit to you that at this time we probably would not be able to find the money to carry that on, even though I would like to have it for myself.

Under this bill towns may unite the first three years and choose a superintendent of schools, but the superintendent of schools may be appointed for a term of five years or not longer than the time of duration of that union. It also states in this bill that even during the first three years, when two-thirds of the school union committee decides to dissolve, it may do so, and, if they have elected a superintendent for three years, for that term, and then two-thirds of the towns making up that union should decide to dissolve, what is going to happen to the superintendent who is under contract for those three years? Then, after the first three years, any town at any time may decide to withdraw from the union. I say to you: What happens to the rest of the towns that are in that union?

I feel it is not necessary for me to take very much of your time in answering this thing. I do not believe that this Legislature at this time is ready to step back and go into this voluntary program which will look after several of the larger towns you represent—they will be taken care of—but I appeal to you for the smaller towns in the State of Maine, of which there are many, and I say to you that those towns should be taken care of so that they may receive the expert supervision of trained people. This bill would certainly put us back to the place where we were when some of you people know the conditions that existed in your towns under your local superintendents of schools.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Blake.

Mr. BLAKE: Mr. Speaker, I do not wish to repeat what has been said, but I would like to say a few words on this statement in this bill: "A union of towns formed under the provisions of this section shall upon its first organization continue for a period of at least 3 years unless sooner dissolved by a 2/3 vote of the joint committee . . ."

Now perhaps I do not have as much confidence as I ought to have in the voluntary action of towns, but it seems to me that a lot of things can happen under this provision. In the first place, it is voluntary, and any town so desiring, may unite in a school union, and

they may pick and choose as they please and leave out any small town if they do not desire to include it. Now many of these small towns from their very geographic position, I think, would have great difficulty in finding a union which they could join under those conditions.

It has been said that many of these school unions consist of one large or sizeable town and several small towns. Under this bill, at the end of three years the large town may withdraw from the union and leave the small towns to their fate. Generally these small towns are not sufficiently provided for financially to carry on any such union. Furthermore, after a union has been formed, if some of the towns get a two-thirds vote they may dissolve these unions. Perhaps they might have a wish to get rid of some small town, and, by this provision, they may do so, and that small town would be left with only local supervision or with an agent from the State, if the State could find any such agent. It seems to me that if you put this under purely voluntary action there will be, in many cases at least, just chaos.

I want to say this: I have been in school work for forty years; I lived as a student and worked as a teacher under the old regime, and I have worked for years under the present set-up; and I want to say to you that there is no comparison. Maine has made some real strides in education during the past few years, and, from my experience, I can assure you that the major factor in that advance has been these school unions where the smallest and the poorest town in the State as well as the largest and richest city can have the same measure of expert supervision. I do not believe that this Legislature wants to throw this progress out of the window.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker, I was interested in the remarks of the last speaker when he expressed in no uncertain terms his lack of confidence in our town officials. I have heard that statement before, and it came from your State Commissioner of Education. I say that that remark is born from a desire for dictatorship, because, when we

tell our town officials and when we tell our voters in our towns that we no longer trust them with their right to the ballot, you know and I know what the consequences are.

The speaker previous to the last speaker stressed very emphatically the fact that your small towns were going to be deprived of something. I believe that the law of the State of Maine requires all superintendents of schools to hold a State certificate. Is there something the matter with the examinations that they conduct to determine whether or not a person is qualified to be a superintendent of schools? Would those qualifications be eliminated by the voluntary school union bill?

My friend finds fault with the language of this bill. I say to you that the language of this bill was taken from your Revised Statutes of 1916, word for word. There has been no change; and we operated in 1916 when you and I went to school in the State of Maine.

They talk about the change in 1933, and I challenge the opposition to this bill to find one word in the Legislative Record of 1933 where either an opponent or proponent for the change spoke one word in either branch of the Legislature. It went through as a child of the depression which existed at that time.

They say that this bill provides no safeguards in regard to the contracts of superintendents of schools. Again, I ask the opposition to point out to me where under your present regrouping law there are any safeguards of the contracts of superintendents of schools of the State of Maine. They tell you that Scarborough for thirteen years has been left out on a limb because the present law does not permit them to bring it into a school union. I say: If that is so, let us get rid of the present law.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I may be out of order, but have I got the right, through the Chair, to ask a question?

The SPEAKER: The gentleman from York, Mr. Marshall, may ask a question of the gentleman from Biddeford, Mr. Donahue, and the gentleman may answer if he sees fit.

Mr. MARSHALL: Mr. Speaker, I am put in an embarrassing place. You do not believe in this bill at all? You are a spokesman for somebody else, are you not?

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, may answer if he sees fit.

Mr. DONAHUE: Does the gentleman inquire whether I do not believe in voluntary school unions? Is that the question?

The SPEAKER: The Chair understands the gentleman's question to be: "You do not believe in this bill, do you?" The gentleman may answer if he sees fit.

Mr. DONAHUE: Mr. Speaker, I will answer. This proposition for voluntary school unions gives to the town officials and the voters of a town the right to say whether or not they desire to belong to a school union, and I absolutely believe in this bill.

The SPEAKER: The question is on the motion of the gentleman from Camden, Mr. Lord, that the House accept the "Ought not to pass" report of the committee. All those in favor of the motion of the gentleman from Camden, Mr. Lord, that the House accept the "Ought not to pass" report of the committee will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed and the "Ought not to pass" report was accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Relating to Small Claims" (H. P. 241) (L. D. 92) tabled on March 15th by the gentleman from Auburn, Mr. Jacobs, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. JACOBS: Mr. Speaker, I move the acceptance of the Minority Report "Ought to pass." Mr. Speaker and Members of the House: This refers to Small Claims Courts, as provided in the bill, to make all municipal courts in Maine a place for anyone who has a bill against another to come before the court and make his charges known. I think it is a fair bill, one that we need in our every-day business. No

matter what business you are engaged in, you often find yourself confronted with bills which you have against a debtor that you do not wish to bring before the regular court because it is too expensive a proposition. This bill, if passed, will give everyone an opportunity to come before their local municipal courts with a small claim and have it heard before the judge of that court. If the bill is proper and right and the debtor is able to pay, he pays the bill and it costs the proponent \$1.75—\$1.00 goes to the court and 75 cents for the expenses of that court.

This Small Claims Court is a vehicle whereby any of us who have bills against others can go before the judge of the municipal court and obtain judgment.

Some people have argued that this might put a debtor in jail. It does not do so any more than in the regular course of business. We have that same right now unless the debtor takes a poor debtor's oath.

There are many people in the State of Maine who will try to avoid paying their just bills simply because a person who has a bill against them does not push it far enough because it is expensive under the regular law.

A short time ago I gave an attorney in my city twenty-five accounts. I had to pay him \$25—a dollar apiece—before he would accept them, and that, he said, was for a letter to each one. He kept those bills six months, when I asked for collection of those bills and asked him where he stood on them. He came into my store with a check for \$23.50 and said that was all he could get unless he brought suit, and that would cost me fifty per cent besides his charges.

Now many of us here in this Legislative Hall have bills against people who owe us, and I know from my own experience that I have had many small accounts that I let go dormant and let go unpaid simply because I do not want to pay fifty or sixty per cent of the bill to someone else and get only thirty-five or forty per cent back.

It has been argued that this might put some debtor in jail. I do not believe any judge of any municipal court in the State of Maine will put anyone in jail if he cannot pay a bill. I have the

highest respect for the integrity of the courts of Maine, both the Superior and the Municipal courts. The judges are selected by the Governor of Maine, and I know from experience and observation that the Governor of Maine will not appoint a judge, generally speaking, unless he is fitted to act as such.

It has been said, also, that under this bill we could put a woman in jail. Why not, if she owes a bill? You cannot sue a woman if she is a married woman, because her husband is liable for her bills. I do not believe that any judge in our courts has any desire to put anyone in jail, but he will simply come to a final conclusion, and if he finds out that the debtor can pay the bill, the debtor must pay it, but if he is not able to pay it, it goes unpaid.

It has been argued that we should not give credit at all. In my opinion, seventy-five per cent of the business of this nation, states, towns and cities, is done on credit. What is credit? Credit is simply confidence in action. If it were not for credit and confidence, we would not have any business; we would not have any towns or cities or states. It is confidence, one to the other, that makes credit. It would be impossible, on the whole, to do business without credit. I say credit is necessary, and this Small Claims Court for small bills is an avenue for those who have the bills to seek in the Small Claims Court an opportunity to collect these small bills. There are thousands of people who have bills against their neighbors or business associates which are left unpaid simply because they do not want to go to court and have to pay fifty to sixty per cent to collect a small bill.

It has been argued that a Small Claims Court would be burdensome and take a lot of time. I have a friend who went to Boston a short time ago and visited one of these small claims courts. While he was there three men came into court, summoned there by the judge, and all those three claims were paid within twenty minutes. They were small claims, seventeen, eighteen or twenty dollars. It has been told to me that one judge in a neighboring state has twenty-five or thirty of these claims a day at a dollar apiece. That is fair compensation, I believe, for the service and time rendered.



I wish to quote from a judge of a neighboring state his experience in a small claims court. He is judge of a municipal court.

"I am enthusiastically in favor of the small claims court. The experience of this court shows that approximately 80 per cent of the small claims filed in this court have been settled before the date of the hearing has been reached."

Now, members of this House, that is the experience of someone who does have it, and he tells you what he thinks about it. This is signed by George J. R. Waldron, of the Portsmouth Municipal Court. I believe it has merit. He tells me that no one, as far as he knows, has ever been sent to jail on these small claims, and that they are a benefit to the people who have them. Judge Waldron was recently a partner of a Justice of the Superior Court, Justice Sewall, of Portsmouth, or Kittery rather—there is just a line between them. I think that has some merit. Judge Waldron has been State Attorney of New Hampshire for two terms, and he has high standing in his locality and in the state, and he would not tell us this if it were not so. He further says that out of the other twenty per cent ten per cent is settled in full or by partial payment in his court.

I have another letter from a judge in Rhode Island. He says: "I believe the small claims court is very useful to merchants and individuals and has been an effective measure for collecting small accounts by small creditors. I believe our court here has been welcomed by the lawyers rather than opposed."

It has been argued that this has been before this Legislature before—not this one, but the 91st and 90th, and that this is an injury to the lawyers of the State of Maine. I do not believe it. I do not believe there is an attorney in this House that would be bothered one bit or lose a dollar by having this small claims court bill pass and become a law.

Justice Merrill of the Superior Court recently said in Portland, before a meeting of the Cumberland Bar Association, at which he was a guest, that the practice of law was a profession and not a business. Which is it, the collecting of small accounts which we have in

our everyday business? Is that a business or a profession?

Many times I wish I were a lawyer. I respect every member of the bar and I respect the law itself. As I said before, I do not believe that there is a man in the State of Maine who is a lawyer worthy of the name that will protest this bill on account of the pecuniary amount received by collecting small accounts at your expense.

Who wants this bill? I believe every man and woman doing business in the State of Maine who is a merchant, a professional man, a farmer, a milk dealer, or a garage proprietor or a cleaner, or who is in any profession of any kind, needs this bill. The retail dealers of Maine, 2200 of them, want this bill. We think it is a fair bill. Ladies and Gentlemen of the House, I believe that this bill, if passed, would serve a useful purpose and would not send anyone to jail.

I close with these words taken from the Maine Constitution: "Right and justice completely, but denial promptly and without delay."

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Jacobs, that the House accept the minority report "Ought to pass."

The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I regret exceedingly the necessity of my taking any of your time this morning to discuss the bill and motion now before the House.

The association of which I have the honor to be President has gone on record by vote against the small claims bill. I am also a member of the Judiciary Committee on the part of this House and I signed the majority report, eight to two, I think, that this bill ought not to pass.

I agree with my good friend, the gentleman from Auburn, Mr. Jacobs, in a great many of the statements that he has made; but when anyone who comes in before this Legislature with a bill, the burden is upon the proponent of the bill to show you first that there is a demand for the legislation contained in the bill and also that the bill itself is competent to carry out the purpose desired.

The small claims court, as I recall it, or this form of procedure, was first established in the Middle West, in Kansas City or Chicago, and the object of the small claims court—and I wish to emphasize that—is to alleviate the condition and distress of the poor.

Now this present bill, if it were a proper bill—which I shall maintain that it is not—takes the small claims idea and perverts it so that it becomes not the alleviating of the condition of the poor but becomes, in my humble opinion, an object of oppression.

This bill is for the purpose of the collection of claims, and it is stated that there are 2200 people that are interested in it.

I am not going to stand here and argue to you against the small claims court in and of itself, but it is very similar to a great many other bills that come before this House. They appear before our committee, and, as stated here, they say they are in favor of a bill. What they really mean is that they are in favor of some principle. A great many times we do not know what is in the bill, and it is only when we study the bill itself that we can determine whether it is proper legislation that we ought to pass at this session.

I am very happy that my friend, the gentleman from Auburn (Mr. Jacobs) mentioned Judge Waldron. It is to Judge Waldron that I am personally greatly indebted in this matter. He appeared before our committee and told us about the procedure and practice under the New Hampshire law.

This is not the New Hampshire law. Where it came from I do not know. I hope I know where it may be going.

Now in New Hampshire they have a small claims court, and, as I have said to some of the proponents of this measure, if they really wanted a small claims court that was fair and just and all that anybody ought to have, I could draw them a small claims court bill on one page in half an hour. But they do not want that.

Now what is the New Hampshire law that they are talking about? I gathered the opinion, perhaps wrongfully, from the hearing before our committee, that this was the New Hampshire law which they were advocating, because they had Judge Waldron there as Exhibit

“A”, and he was very, very helpful.

I hold in my hand an application which they use in New Hampshire, which they file with the judge. It contains the name of the creditor and the name of the debtor and his address and so forth, and then it says: “The above-named creditor complains that said debtor is indebted to him in the sum of \$30.” It is dated at Portsmouth and signed by the creditor. That is all that they file with the judge. Now then, what does the judge do? I hold in my hand a copy which I obtained from Judge Waldron. After giving the name of the city, it says: “To John Jones, Portsmouth, New Hampshire: Take notice that William Green, of Portsmouth, etc., has entered in this court a claim against you in the amount of \$30, and the substance of said claim is”—for example, \$30 for groceries sold. That is all there is to it. “You are directed to appear before said court, located at Portsmouth, New Hampshire on”—such and such a date at say ten o'clock in the forenoon—“at which time a hearing on the above claim will be held. Upon your failure to appear before said court at the time specified, judgment and costs will be rendered against you.” And that is signed by the judge. That is all that happens—judgment will be entered against you.

Now what happens here—or what may happen? I have no objection to the first two or three sections of the bill in and of itself. I wish you ladies and gentlemen of the House would turn to your Legislative Document No. 92, because if I should stand up here—and I do hope I have the regard of all of you—but if I should stand up here and tell to you what is in this bill, I do not believe I would expect anybody to believe what I said. So it is necessary for me to read the exact language and comment for a few moments as I go along. Now won't you please follow me?

It says in the second section: “There is hereby established a speedy, informal and inexpensive procedure which a plaintiff may pursue . . .”—and that is the object of this bill and the plaintiff is pursuing all along the line.

It says in Section 3 that the claim shall be in “concise, intelligible untechnical form.” The informality of this court I object to because no lawyer or anyone else

who believes in orderly procedure would agree to that. But that is not important. I object to it on the ground because, on the campus of the institution which I had the privilege of attending there is this over the door: "Order is Heaven's first law." I feel about that as the members of this House might feel if they should come in some morning and see no rules under which to proceed. But I do not object to that—that is so immaterial to me I do not press that at all.

Now under Section 4 on Page 2 it says: "No process of attachment or trustee process shall issue in causes governed by this chapter." That means you shall not attach property or trustee a man's wages. That is all right—it looks as if it helped the debtor. But let us take up Section 5. Now you can skip the first paragraph because that is relatively unimportant. I want you to bear in mind what I have just read to you as the notice that is sent out by the judge of the New Hampshire Municipal Court. It simply says that if you fail to appear judgment will be rendered against you. No one has any objection to that. On Page 2, second paragraph under Section 5, it states: "To (John Jones) of Augusta in the County of (Kennebec) and State of Maine: (William Green) of Augusta in the County of (Kennebec) and State of Maine exhibits his claim against you"—we will say a grocery bill of \$30. Then go on with the next paragraph: "The court will give a hearing upon this claim"—then put in the name of the court and the time. Now that is about as far as the New Hampshire law goes, except they say they will issue judgment against you if you do not appear.

Now I want you, as I read this to you and comment upon it, to imagine a situation of some poor teacher in the City of Augusta, State of Maine, some poor man working for a living—I want you to imagine his situation when he gets this notice, signed by the judge, and, I presume, under seal of the court: "If you deny the claim in whole or in part you (the debtor) must not later than (inserting the date) personally or by attorney file with the judge or recorder either orally or in writing your full and specific defense to the claim . . ." I have not much objection to that.

But read this: "and you must appear at the hearing." "Unless you do both (file your answer and appear) judgment may be entered against you by default and your non-appearance at the hearing will be taken"—now listen to this: "will be taken as an admission that you are able to pay the claim."

He may not have a dime in the world, but if he does not answer that and does not show up at court, that is taken as conclusive evidence that he can pay the bill, no matter what its amount may be, within the jurisdiction of the court.

"If your defense is supported by witnesses, account books, receipts or other documents you should produce them at the hearing. Summonses for witnesses will be furnished without charge on request."

"If you have any demand in the nature of set-off or counterclaim you must not later than the day hereinbefore set for filing your defense personally or by attorney file with the judge or recorder a complete and intelligible statement thereof, accompanied by a fee of \$75."

"If you admit the claim, but desire time to pay, you must, not later than the day set for filing your defense, personally or by attorney state to the judge or recorder, orally or in writing, that you desire time to pay, and you must also appear at the hearing and show your reasons therefor."

Take the next paragraph: "Take notice that if you are found indebted, upon hearing or default"—and that means if you do not appear you are defaulted—"the court may order payment at a time stated or by instalments and that failure to comply with such order may be treated as a contempt and subject you to punishment."

This is in the notice that the debtor gets from the court. You recall that under the New Hampshire law all they said was that you would be defaulted.

"Any paper herein required to be filed may be sent by mail"—that is all right.

"If you wish your defense to be submitted to a jury you must not later than the day hereinbefore set for filing your defense file with the judge or recorder of this court your request therefore accompanied by a fee of \$75"—and what else? "and your sworn affidavit that there are matters in dispute requiring a jury

trial with specifications thereof"—if he knows what those are—"and that the request is made in good faith. If such request is not made the judgment of this court will be final."

Now you can imagine what a debtor's state of mind would be when he gets that notice signed by the judge. Contrast that, if you will, to the New Hampshire law. All they get against him is a judgment.

They further say, in the next paragraph: "Notice shall be valid although refused by the defendant and therefore not delivered." That is not important. But let us go down to Section 6 at the bottom of Page 3: "If no answer be filed in compliance with the notice provided for in the preceding section"—which I have just read to you—"the defendant may be defaulted"—that is if he files no answer.

Now listen to this: "Demurrers, dilatory pleas and answer of general denial are prohibited."

If I understand the English language, this debtor, when he comes in under this bill, cannot even deny that he owes the money. Now read it—do not take my word for it: "Demurrers, dilatory pleas and answers of general denial are prohibited." That is the last sentence in Section 6.

Now I submit to any member of this House that if some poor debtor receives the notice which I have read to you, telling him what he has to do, signed by the judge of the court, if he is the ordinary citizen he will be the most scared man you ever saw in fourteen states, and of course he will pay. Do not take my word for it; just read that Section 5 over and see if what I am telling you is not true.

Now in New Hampshire all they do if he does not show up is to default him, just the same as we do on an ordinary summons, and then issue their execution which they do not issue here.

Let me digress for a moment to tell you what has happened under this New Hampshire law. This is the first time I have had anything to say on a small claims bill in this Legislature, although I was here two years ago and they said that no one was in favor of it except the underfed and the lean and the hungry ones. I have not brought suit on an account of this kind for twenty-five years, and I do not in-

tend to. What has happened is this: A practice has grown up that if someone gives a lawyer a number of bills to collect sometimes the lawyer sues on them and he stands his own officers' fees. If he has ten bills to collect, he figures if he sues on ten of them he may lose the officer's fee on one or two by not being able to collect them, but, taking the thing by and large, he makes a profit on the business. That is what they were doing over in New Hampshire, Judge Sewall said. So, when they passed this law, all the lawyers in the collection business were for it, because, instead of having to pay the deputy sheriff two dollars they could send a letter by registered mail at a cost of twenty-three cents—they had only twenty-three cents invested and the lawyers were still doing business.

Just a word on this jury business. When you take this whole bill together and see how it is proposed to collect these bills you will see it does not alleviate present conditions but gives an additional control.

Let me read one decision of the Supreme Court of Maine on that jury trial business. It says—and I am quoting from 37 Maine, page 173, "An Act of the Legislature, which takes away this privilege of trial by jury directly, is tyrannical and a palpable violation of the constitution; one which renders it difficult to obtain, beyond what public necessity requires, impairs individual rights and is inconsistent with this provision for their protection. If an Act requires conditions for the purpose of preventing a trial by jury, the spirit of such a provision is at war with the spirit of the constitution, and so far as it deprives one of this means of protection, it is void."

I believe, Mr. Speaker and Members of the House, that the provision relating to jury trial violates that provision of the constitution of our state, and, furthermore, that this entire bill, if it does not violate the constitution of Maine, violates the constitution of man.

Now let us proceed. On page 4, the third line at the end: "The defendant shall not be entitled to an appeal." That language is plain enough. In order for a man to obtain his right of trial by jury he must appeal to get to the Superior Court where they have a jury, and, in all matters involving a sum of

twenty dollars, he is guaranteed under our constitution his right of appeal.

Now I want to go over to Page 6. Section 16 says: "No execution shall issue upon any judgment rendered under the provisions of this chapter"—that is what they get in New Hampshire—they get executions—"but for failure to comply with the terms of an order provided for in the preceding section, if satisfied that the party to whom it is directed has received it or that his failure to receive it has been occasioned by his own misconduct, upon motion of the party in whose favor the order is made the court may institute proceedings for contempt substantially as provided in section 35 of chapter 95."

Now what is that section? Section 35 of Chapter 95, to which they refer, comes in our equity statute and is on Page 1657 of the Revision of 1944, and relates to summary process that may be used by the highest court of this State to compel an individual to comply with one of its decrees. Let me read just three or four lines. I am reading from the Revised Statutes: "Whenever a party complains in writing and under oath that the process, decree, or order of court," and listen to this, "which is not for the payment of money only, has been disregarded or disobeyed by any person, summary process shall issue \* \* \*". Now that is contempt. Now follow me in this: "\* \* \* may institute proceedings for contempt substantially as provided in section 35 of chapter 95."

Now what is it that this municipal court judge wants to enforce? There cannot be any question about this: It is for the payment of money. That is what they have got their judgment for, for the payment of money. They refer to Section 35 of Chapter 95. What does that say? I am quoting: "or order of court which is not for the payment of money only." In other words, they seek to give to the municipal courts of our State under this act powers which the Supreme Judicial Court in Equity in this State does not and cannot have, because this Legislature, in my humble opinion, has no power to pass any such law. You cannot compel anybody to pay money; you can compel him to do a certain act like signing a deed or something, but you do not collect money that way, not in a state whose common law is based on the

Anglo-Saxon form of government.

What happens? They serve this notice on him for contempt, and, if he fails to appear after due notice, *caipias* may issue. What is a *caipias*? That is a document that issues from the court and says, "Go out and take him and bring him in here."

Then it says further in Section 16: Contempt of court under the provisions of this chapter shall be punished by a fine of not more than \$20 or by imprisonment for not more than 30 days." If he is in contempt, they are going to put him in jail or fine him, and the Supreme Judicial Court of this State does not have and cannot have such power as that because our statute prohibits it.

The disposition of fees I do not care about. I am about through. I just want to call to your attention again Section 5 and contrast that with the New Hampshire law. Furthermore, speaking about putting them in jail, we have such a thing as a poor debtor's oath. What they get over in New Hampshire is a judgment; that is all they get. They have to proceed under a statute similar to our poor debtor's oath statute.

Now when a man is summoned in before the disclosure commissioner to disclose his effects and he takes the poor debtor's oath, he holds up his right hand and says substantially this: that he has not anything except what is exempt from attachment. He can have certain things that no creditor can take. And he states that he has not concealed any property. After they have given him that oath, he goes Scot-free from disclosure for a period of three years. If he has any property, they can levy on it by execution.

Furthermore, under this act you can put a married woman in jail if she is in contempt. That cannot be done under the disclosure act. She is cited in, but you cannot put her in jail.

Who is going to pay this man's board while he is in jail? If you disclose him under the disclosure act, the creditor pays it. Under this act it looks as if the county might have to pay it; at least there is no provision in the act covering it.

Now if you will just take this New Hampshire law here. All they get over in New Hampshire is an execution, and I have read to you the notice which they send them

there. I have no objection to this New Hampshire provision whatsoever, but I do object most strenuously to a bill which says a debtor shall have no right of appeal and where he is taken into court and there threatened with a contempt proceeding. He is all softened up when he gets that notice, if he is one who can read the English language, and they threaten him with jail right along.

I do not believe that anyone can read Section 5 and read that notice and see what they attempt to do in this bill for the purpose of collecting and think that any such bill ought to pass this Legislature. As I said before, if they want a small claims act all they have to do is to get a judgment. If you want to make it inexpensive, I do not care whether you send the notice by registered mail or not. I could draft all any man ought to have for a small claims bill in half an hour.

Mr. Speaker and Members of the House: I hope when you vote on this bill you will follow the majority report, "Ought not to pass" and vote "No" on the pending question.

I am not defending my position because I happen to be a member of the bar, but I am opposed to the bill because of what the bill contains when you analyze it. I took an evening three weeks ago and carefully read it and went all through it. The more I read it the more astonished I became. This bill, in essence, takes something which the majority of people favor — alleviating the condition of the poor — and, taking what is a good thing and used in some places for that purpose, it is very possible that here, instead of alleviating the condition of the poor, you have placed in the hands of certain creditors a bill that gives them the power to oppress the poor. I hope you will vote "No" on the pending question.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Meloon.

Mr. MELOON: Mr. Speaker, I am in favor of the motion of the gentleman from Auburn, Mr. Jacobs, to accept the minority report. I have been in favor of this bill quite strongly from the start, as near as my lay mind could assimilate the matters in this bill, but, until the full and complete report which has just been rendered to us by our friend, Brother Perkins, I did not as clearly understand it as I do now,

and I am more strongly in favor of Mr. Jacob's motion than ever. I have two reasons for that, and, very briefly, I will state them.

In my particular business as a florist, on account of the nature of the business we cannot take the time to look into the credit of customers that call up. We make our deliveries and make our collections thereafter if possible. From the very nature of the business, you cannot take the time to do that sort of thing. Because of the accumulative costs of collection, quite some years ago I discontinued any plan of going through any collection agencies, and, when it was impossible to collect these small bills myself, which, from the very nature of the business most of these bills are, I crossed them off of our books. That is my first reason.

My second reason is that as an employer of labor I fight for my employees any time and any where. If I think they are unjustly accused or downtrodden — and many of my boys at one time or another have had small bills that they justly owed and had not paid, and the accumulated costs have been quite staggering in many cases — I have personally taken it upon myself to get in touch with their creditors and pay those bills and take them out of the employees' wages a few dollars at a time. I think I am quite typical of all small businessmen.

For these various reasons, I hope you will support the motion of the gentleman from Auburn, Mr. Jacobs, and accept the minority report on this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connellan.

Mr. CONNELLAN: Mr. Speaker, I shall also be very brief. I am one of those "young, starving lawyers" that has signed the majority report.

I would like to get away from one question here, and that is the question which interests Mr. Meloon and Mr. Jacobs — the question of collecting a debt. Certainly under this bill a debt can be collected, and I do not believe anyone has any objection to making that easier for the businessman. But I would like to call your attention to one thing that the gentleman from Boothbay Harbor, Mr. Perkins, neglected to mention, and that is, in Section 1 of this bill, the defini-

tion of small claims: "A 'small claim' is any right of action cognizable by a court of law \* \* \*." Now that takes in not only debts, but it takes in actions of tort, slander, libel, forcible entry and detainer, and numerous other items, any small claim at all up to the amount of \$35. And then under Section 6, which Mr. Perkins referred to, the plea of general denial is prohibited.

If anything I have seen in this Legislature can be capable of opening up the doors of injustice, that section is the one. Under this act any claim at all cannot be denied. I think that that to me is one of the most important reasons why I hope the motion of the gentleman from Auburn, Mr. Jacobs, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Mapleton, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Members of the House: I am not in favor of the passage of the small claims bill. I voted against it two years ago, and I am going to vote against it today. I intended to keep still until the time came to vote, but the preceding gentlemen who have spoken have called my attention to some chances for injustice in this bill, particularly in the case of Section 6.

Now if I refer to something in a joking manner, you will see that I am serious. I do feel that injustice might be done to a person under Section 6, because if the defendant does not appear he is not given the right to deny the charge against him.

Now you may think what I am going to say is said jokingly. It refers to a maternity case. One of my daughters was born in 1926; another one was born previously, in 1913. I wish there had been some born in between, but there were not. I had a bill for a maternity case which I refused to pay. This, I think, happened somewhere about 1921. If there had been any basis for this, I should have been glad to pay the bill; but it happens that I have moved about the State — I have taught in eight counties and I have lived sometimes in one section and sometimes in another. It happened that after the physician died I had a bill presented to me by mail. The fee for the birth of my younger daughter, at the time of her birth, was \$25; and in 1913 the fee was \$10; and I presume

in between, if there had been a case in 1921, it would have been somewhere in between, and it might have been referred to the small claims court in case I refused to pay it.

I refused to pay this bill; I didn't know what it was about. I received a letter from a firm of lawyers saying I owed the bill to the physician, but I did not know what it was about. They threatened that if I did not appear, judgment would be rendered against me and I would have to pay the costs of court. This just illustrates the fact that there may be false claims made, and the defendant may not have the right to deny the claim.

I would like to call your attention, also, to the fact I was born in 1880 when costs were cheaper. I sometimes shock my daughters when I tell them that one of them cost \$10 and the other one \$25. I refer back to 1880 — I happened to be one of a pair of twins, and the fee for me was two for eight dollars. (Laughter) So I tell them I doubt if they are worth more than that.

I am opposed to this bill on general grounds, because I do not think it is fair.

The SPEAKER: The House will be in order.

The question is on the motion of the gentleman from Auburn, Mr. Jacobs, to accept the minority "Ought to pass" report.

The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, when the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: The same thing, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker, forty years ago I do not think we needed this bill. I think at the present time there are so many dead-beats going around and beating people out of two or three dollars, that we need this bill more than ever. I believe this bill will be a help to the debtor and also to others. I have a bill in my hands, and a letter, dated March 3, 1945, which states: "We have collected \$30.91 in execution against so and so"—this was a bona fide bill—"This represents \$17 for the bill,

\$1.26 interest, plus \$12.65 costs." That bill was for \$17.26 and had been running about a year and a half. The result was that out of that \$17.26 I received \$8.26, and the debtor paid \$12.65 of costs which she would have avoided under this bill.

I claim this bill would help the debtor and also the one to whom he owes the bill. I do not believe in pushing a person who is unable to pay, and I never have; but in these cases where you find there is a deliberate intent to beat everyone for two or three or five dollars because it is too small to collect, under that bill you could get it, and I think it would straighten a lot of these dead-beats out. I hope that you vote "Yes" on this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: As a member of the bar and of the Judiciary Committee of this Legislature, I am naturally, and properly so, concerned with any measure affecting the administration of justice in this State. Furthermore, I am personally concerned with a measure which has as its basic principle the elimination of unneeded delays and also the elimination of unneeded expense to arrive at a proper conclusion before our courts.

For the past several years, the bar of this country has been seriously concerned with this same general subject-matter; nearly all the branches of our judicial agencies have been engaged in a serious and determined effort to revise, readjust and amend their methods of procedure so as to render them more compatible with present-day problems of business and living. Therefore, in the first instance, the theory of the small claims court appeals to me because it seems to fit perfectly into an increasing trend in the eyes of the law for the betterment of justice.

However, before abandoning any existing system, I think it only fair to examine the reasons which anyone would advance to warrant such changes.

Now as I see the situation today in the State of Maine, as far as collections are concerned, our present procedure is fundamentally wrong. I say that simply based

upon my own observation. It is wrong because it is unjust, inconvenient and inequitable to both the creditor and the debtor. Our system today is cumbersome; it is conducive to delay—and that is what this present measure is trying to get around. Therefore, I think it is a laudable and proper principle.

We have heard a good deal today on discussions of pure technicalities of this bill. Now I could take considerable time and discuss, as the other speakers have, the various sections. Rather than do that, I would like to leave with you an impression of vital importance as to the principle of the bill, if you will keep in mind what is trying to be accomplished. Technicalities have a proper place, and, on that score, I would remind you members of this House that lawyers delight in technicalities; but, as one lawyer, I would like to say today that I am in favor of the elimination of technicalities if, by that result, no essential harm will be done and a broad general advance for the public interest can be made; and I believe it can be done under this system.

So, in conclusion, disregarding the proper aspects of the bill from the technical end, I simply say to you that I would like to draw this comparison—and perhaps you can see what the bill is trying to do.

It was not so many years ago that a trip to the dentist was a rather wonderful experience: the chances are that he found several cavities that required attention. In former times, in treating these cavities, he filled one this week and one the next week and one the following week. The result was that you made several trips to accomplish the same purpose. Now, with the introduction of novocaine and similar drugs, even if there be some cavities, you go to your dentist and he completes the job in one operation. Certainly that is a saving of a person's time and possibly money.

I do not know how many members of this House have had occasion to go to court, but I think you will agree with me that if you have to go to court it is a lot better to have the operation over in one trip than to make several trips.

So far as the New Hampshire act is concerned, it is true that this present measure before you is not an exact copy, because the New



Hampshire law does stop with the issuing of the execution; but if we are going to accomplish the real, vital purpose, to secure payment of just debts—and, after all, I believe it is the moral responsibility of a person to pay his just debts, and, if he does not do so, the judicial procedure of this state should be so devised that the end can be accomplished—if we are going to do those things, we should follow one step more as provided in this bill.

As it stands today in our municipal courts, after a person has been found liable to pay a debt the court has no authority whatever over how he shall pay it. This bill says that, after that point has been reached, "at the same time"—and this is important—when all the parties are present, the judge shall then consider the matter of how the man shall pay the bill. That seems perfectly logical to me. I cannot understand why it should be necessary, keeping in mind small claims, those under \$35, that a man should go first to one court and find he owes a debt and then in a period of time, after that, four or six or eight weeks, or several months, be hailed before a disclosure commissioner to find out how he is going to pay it.

The people of the State of Maine, in my judgment, the small businessman, the merchant, anyone who has a claim, are absolutely entitled and should be able to come in in one simple procedure without unnecessary expense and without unnecessary delay, have the issue decided, have the court determine how that man shall pay. I believe if that is done the rights of the parties will be fully protected under the law, and I think if we follow along with the gentleman from Auburn (Mr. Jacobs) that we are making a step in the right direction.

The SPEAKER: The question is on the motion of the gentleman from Auburn, Mr. Jacobs, that the House accept the minority report.

The Chair recognizes the gentleman from Augusta, Mr. Peirce.

Mr. PEIRCE: Mr. Speaker, as an attorney, as a member of the Judiciary Committee who has heard this bill, and as a signer of the minority report, "Ought to pass," I would like to say a few words in regard to this bill.

When the opponents of a measure lack logic and reason on their side, they make impassioned pleas to your prejudices and to the Constitution. I charge that if the opponents of this bill favored the principle, as they say they do, they would have offered amendments which would have saved their constitutional consciences.

As a young attorney, like other young attorneys, I depend to a large extent on collections for an income. I have been a member of the bar for nearly three years. I have been conducting my own private practice for ten months. At the present time about 70 per cent of my income depends upon collections. Personally, I do not feel that this bill will injure or in any way interfere with my practice and the income from my collection business.

The SPEAKER: The question is on the motion of the gentleman from Auburn, Mr. Jacobs, that the House accept the minority "Ought to pass" report of the committee. The gentleman from Boothbay Harbor, Mr. Perkins, has asked for a division.

All those in favor of the motion of the gentleman from Auburn, Mr. Jacobs, that the House accept the minority "Ought to pass" report of the committee will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had. Seventy-three having voted in the affirmative and forty-eight in the negative, the motion prevailed and the minority "Ought to pass" report of the committee was accepted.

This being a printed bill, the rules were suspended, and the bill was given its two several readings and was assigned for third reading tomorrow morning.

The SPEAKER: If there is no further business, the Clerk will read the notices.

On motion by Mr. Jacobs of Auburn,

Adjourned until ten o'clock tomorrow morning.