

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

• SENATE

Wednesday, April 4, 1945.

The Senate was called to order by the President.

Prayer by Senator Lee C. Good of Aroostook.

Journal of yesterday read and approved.

From the House:
"Resolve Providing for the Restoration of State Trust Funds." (H. P. 18) (L. D. 8)

(In Senate on February 13th, passed to be engrossed in concurrence.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Owen of Kennebec, that Body voted to adhere.

From the House:
Bill "An Act Relating to the State Historian, State History and Public Records." (S. P. 55) (L. D. 26)

(In Senate, on February 7th, passed to be engrossed.)

Comes from the House, having been passed to be engrossed in concurrence, and subsequently the bill indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Brown of Aroostook that Body voted to indefinitely postpone the bill in concurrence.

From the House:
Bill "An Act Relating to Bounty on Porcupines." (H. P. 1342) (L. D. 993)

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

Comes from the House, passage to be engrossed reconsidered; House Amendment "B" offered and adopted, and the bill as amended by House Amendments "A" and "B" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Bishop of Sagadahoc, the bill was laid upon the table, pending consideration.

From the House:
Bill "An Act Relating to the Assessment of Taxes." (S. P. 398) (L. D. 1030)

(In Senate, on March 29th, passed to be engrossed as amended by Senate Amendment "A")

Comes from the House, passed to be engrossed as amended by Senate Amendment "A" and by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Noyes of Hancock, the bill was laid upon the table pending consideration.

From the House:
Bill "An Act Relating to Filling Congressional Vacancies." (H. P. 1343) (L. D. 995)

(In Senate on March 27th, passed to be engrossed in concurrence.)

Comes from the House, passage to be engrossed reconsidered, House Amendment "A" read and adopted, and the bill as amended by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, the bill was laid upon the table pending consideration.

From the House:
The Committee on Education on Bill "An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses," (H. P. 940) (L. D. 570) reported that the same ought to pass.

Comes from the House, the report read and adopted, House Amendment "A" read and adopted; subsequently bill as amended was indefinitely postponed.

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

From the House:
The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to the Payment of Taxes by Domestic Insurance Companies," (H. P. 1086) (L. D. 691) reported the same in new draft (H. P. 1419) (L. D. 1091) under the same title, and that it ought to pass.

Comes from the House, report read and adopted and the new draft passed to be engrossed as amended by House Amendment "A."

In the Senate, on motion by Mr. Dow of Oxford, the report and accompanying papers were laid upon the table pending adoption of the report.

From the House:
The Majority of the Committee on Legal Affairs on Bill "An Act

Relating to Horse Races," (H. P. 1202) (L. D. 761) reported that the same ought to pass as amended by Committee Amendment "A."

(signed)

Senators:

Batchelder of York
Leavitt of Cumberland
Gould of Androscoggin

Representatives:

Welch of Mars Hill
Donahue of Biddeford
Rankin of Bridgton
Warren of Westbrook
Snow of Auburn
Payson of Portland

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

(signed)

Representative:

Weeks of Waterville

Comes from the House, the reports indefinitely postponed.

In the Senate, on motion by Mr. Batchelder of York, the report and accompanying papers were laid upon the table pending adoption of either report.

House Committee Reports

The Committee on Judiciary on Bill "An Act Relating to Jurisdiction of Probate Judges to Grant Administration on Estates," (H. P. 814) (L. D. 422) reported that leave be granted to withdraw.

The same Committee on Bill "An Act Relating to the Lincoln Municipal Court," (H. P. 1315) (L. D. 964) reported that leave be granted to withdraw.

The same Committee on Bill "An Act Relating to Joint Tenancies in Real Estate," (H. P. 813) (L. D. 421) reported that the same ought not to pass.

The same Committee on Bill "An Act Re-allocating the Laws Relating to Private Hospitals for the Mentally Deranged," (H. P. 1136) (L. D. 680) reported that the same ought not to pass.

(On motion by Mr. Dow of Oxford, tabled pending adoption of the report.)

The same Committee on Bill "An Act Revising the Teachers' Pension Law," (H. P. 1072) (L. D. 665) reported that the same ought not to pass.

The same Committee on "Resolve Relating to Retirement Status of Charles Sumner Bates of Pownal,"

(H. P. 644) (L. D. 316) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Order of Names of Candidates on Ballots in Primaries and Elections," (H. P. 1299) (L. D. 944) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Discharge of Chattel Mortgages and Conditional Sales of Record," (H. P. 1190) (L. D. 703) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Proofs Required Under the Financial Responsibility Law," (H. P. 815) (L. D. 423) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Hearings upon Petitions for the Support of Parents," (H. P. 1165) (L. D. 686) reported that the same ought not to pass.

The same Committee on "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Attorney-General by the Governor, with the Advice and Consent of the Council, Upon Nomination by the Chief Justice of the Supreme Judicial Court," (H. P. 1195) (L. D. 754) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Judges of Municipal Courts Not to Act as Counsel," (H. P. 1141) (L. D. 684) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Setting Aside of Verdict by Presiding Justice," (H. P. 1273) (L. D. 916) reported that the same ought not to pass.

Which reports were read and adopted in concurrence.

The PRESIDENT: The Chair, on behalf of the members of the Majority party of the Senate, wishes to express the feeling of confidence and respect which we hold for the able, efficient and conscientious leader of the Minority party of the Senate and in demonstration of that feeling the Chair designates the Senator from Androscoggin, Senator Boucher, as President pro tem of the Senate and requests the Sergeant-at-arms to conduct him to the Rostrum at this time.

Thereupon, Mr. Boucher of Androscoggin was conducted by the Sergeant-at-arms to the Rostrum, the President retiring.

The same Committee on Bill "An Act Relating to Bidding for Institutional Supplies," (H. P. 1069) (L. D. 688) reported that the same ought not to pass.

The same Committee on "Resolve Relating to Retirement Pension for Arthur Irish, of Rangeley," (H. P. 186) (L. D. 64) reported that the same ought not to pass.

The Committee on Library on "Resolve for the Purchase of One Hundred Copies of 'History of Hartford,' and One Hundred Copies of 'Directory of Mexico, Dixfield and Rumford,'" (H. P. 1085) (L. D. 776) reported that the same ought not to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Registration of Certain Vehicles," (H. P. 1275) (L. D. 918) reported that the same ought not to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Washington County to Irvin G. Lincoln, of Carroll," (H. P. 1152) (L. D. 731) reported that the same ought not to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to Maintenance on State Highways," (H. P. 220) (L. D. 85) reported that leave be granted to withdraw.

The same Committee on Bill "An Act Relating to Construction of Addition to State Police Barracks," (H. P. 1220) (L. D. 770) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Highway Bond Issue Funds in Compact Portions of Towns," (H. P. 94) (L. D. 40) reported that the same ought not to pass as covered by other legislation.

The Committee on Claims on "Resolve to Reimburse the Town of Moscow," (H. P. 795) (L. D. 416) reported that the same ought not to pass.

Which reports were severally read and adopted in concurrence.

The Committee on Judiciary on "Resolve Authorizing Commissioner of Agriculture to Register Trade Marks," (H. P. 959) (L. D. 528) reported that the same ought to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to a State Police Barrack in the County of Cumberland," (H. P. 606) (L. D. 328) reported that the same ought to pass.

Which reports were severally read and adopted in concurrence, the bill and resolve read once, and tomorrow assigned for second reading.

The Committee on Education on Bill "An Act Relating to Records of Educational Institutions," (H. P. 502) (L. D. 244) reported the same in a new draft (H. P. 1411) (L. D. 1084) under the same title, and that it ought to pass.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing for Atlantic Salmon in Narraguagus River and its Tributaries," (H. P. 693) (L. D. 287) reported the same in a new draft (H. P. 1412) (L. D. 1094) under the same title, and that it ought to pass.

The Committee on Judiciary on Bill "An Act Providing for the Taking of Property by the State by Right of Eminent Domain," (H. P. 1319) (L. D. 963) reported the same in a new draft (H. P. 1413) (L. D. 1085) under the same title, and that it ought to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Alternative Method for the Enforcement of Liens for Taxes on Real Estate," (H. P. 19) (L. D. 6) reported the same in a new draft (H. P. 1414) (L. D. 1086) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to License Fees for Amusement Shows," (H. P. 968) (L. D. 547) reported the same in a new draft (H. P. 1415) (L. D. 1087) under the same title and that it ought to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Permits for Digging Into and Opening Streets and Highways," (H. P. 1143) (L. D. 792) reported the same in a new draft, (H. P. 1416) (L. D. 1038) under the same title and that it ought to pass.

The same Committee on Bill "An Act Relating to Pauper Settlements," (H. P. 1082) (L. D. 805) reported the same in a new draft (H. P. 1417) (L. D. 1089) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Amending the Charter of the Calais School District," (H. P. 1199) (L. D. 758) reported the same in a new draft (H. P. 1418) (L. D. 1090) under the same title, and that it ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the Municipal Court of Newport," (H. P. 1001) (L. D. 601) reported the same in a new draft (H. P. 1420) (L. D. 1092) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Fees of Officer for Service for Delinquent Taxes," (H. P. 353) (L. D. 102) reported the same in a new draft (H. P. 1421) (L. D. 1093) under the same title, and that it ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to Davidson Land Company," (H. P. 683) (L. D. 327) reported the same in a new draft (H. P. 1422) (L. D. 1095) under a new title, "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Somerset County to J. Russell MacArthur, Jackman," and that it ought to pass.

The same Committee on "Resolve Authorizing the Forest Commissioner to Advertise and Sell Certain Stumpage in the Town of Ashland," (H. P. 346) (L. D. 153) reported the same in a new draft (H. P. 1423) (L. D. 1096) under the same title and that it ought to pass.

Which reports were severally read and adopted in concurrence, and the bills in new draft were read once, and tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to Reports of Thefts of Motor Vehicles," (H. P. 1184) (L. D. 745) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted in concurrence, and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The Majority of the Committee on Legal Affairs to which was recommended Bill "An Act Relating to School Committee in Town of Rumford" (H. P. 831) (L. D. 444) reported the same in a new draft

(H. P. 1410) (L. D. 1083) under the same title, and that it ought to pass.

(signed)

Senators:

BATCHELDER of York
LEAVITT of Cumberland
GOULD of Androscoggin

Representatives:

WELCH of Mars Hill
PAYSON of Portland
RANKIN of Bridgton
WEEKS of Waterville
WARREN of Westbrook
SNOW of Auburn

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

(signed)

Representative:

DONAHUE of Biddeford

Comes from the House, the Majority Report read and adopted and the bill passed to be engrossed.

In the Senate, on motion by Mr. Batchelder of York, the Majority Report "Ought to Pass" was adopted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

At this point, the President resumed the Chair, Mr. Boucher of Androscoggin retiring amidst the applause of the Senate.

Communication

State of Maine

HOUSE OF REPRESENTATIVES

Augusta

Office of Clerk

April 3rd, 1945.

Honorable Chester T. Winslow,

Secretary of the Senate

Senate Chamber

Sir:

On April 2nd the House voted to insist on its former action and join the Committee of Conference on "Resolve Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians," (S. P. 135) (L. D. 340)

The Speaker appointed the following conferees on the part of the House:

Mr. GROSS of Jefferson
Mr. CARPENTER of Skowhegan
Mr. COUSINS of Old Town

Respectfully,

Harvey R. Pease

Which communication was read and ordered placed on file.

Senate Committee Reports

Mr. McKusick from the Committee on Pensions on "Resolve Providing a Pension for Leroy M. Stevenson, of Dixmont," (S. P. 348) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Providing for an Increase in State Pension for Hallie W. Stone, of Portland," (S. P. 209) (L. D. 475) reported that the same ought not to pass.

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

Which reports were severally read and adopted.

Sent down for concurrence.

Mr. Cross from the Committee on Motor Vehicles on Bill "An Act Relating to Registration of Motor Vehicles," (S. P. 206) (L. D. 478) reported the same in a new draft (S. P. 423) under the same title, and that it ought to pass.

Which report was read and adopted, and the bill in new draft laid upon the table for printing under the joint rules.

Mr. Smith from the Committee on Salaries and Fees to which was recommended, Bill "An Act to Increase Salaries of Somerset County Officials," (S. P. 267) (L. D. 620) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted and the bill was given its first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 267, L. D. 620, bill, An Act to Increase Salaries of Somerset County Officials. Amend said bill by changing line ten to read as follows: 'Somerset \$2800.'"

Committee Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

First Reading of Printed Bills

"Resolve to Provide Funds for Eradication of Bang's Disease, Tuberculosis, and Other Infectious and Contagious Diseases of Livestock," (S. P. 420) (L. D. 1103)

Bill "An Act Relating to Complaint in Cases of Neglect of Children," (S. P. 421) (L. D. 1105)

Bill "An Act Relating to Relief During the Emergency for Businesses in Financial Distress Because of Wartime Conditions." (S. P. 422) (L. D. 1104)

Which bills and resolve were read once, and tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relating to the Salary of Judge of Probate of Hancock County." (H. P. 1401) (L. D. 1072)

Mr. Noyes of Hancock presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 1401, L. D. 1072, bill An Act Relating to the Salary of Judge of Probate of Hancock County. Amend said bill by striking out the underlined figures '\$2500' in the last line thereof and inserting in place thereof the underlined figures '\$2300'."

Which amendment was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill "An Act Relating to Decrees for Alimony." (H. P. 747) (L. D. 390)

Bill "An Act Relating to the Aeronautic Commission." (H. P. 789) (L. D. 430)

Bill "An Act Relating to Settlement of Suits By or Against Infants." (H. P. 1137) (L. D. 681)

Bill "An Act Relating to Appointment of State Humane Agents." (H. P. 1166) (L. D. 687)

Bill "An Act to Provide Civil Service Rules for Police and Fire Departments." (H. P. 1201) (L. D. 760)

Bill "An Act Relating to Rate of Speed of Commercial Vehicles." (H. P. 1210) (L. D. 711)

Bill "An Act to Grant Powers of Arrest to State Parole Officers." (H. P. 1271) (L. D. 914)

Bill "An Act to Incorporate the Portland Wharf District." (H. P. 1328) (L. D. 972)

"Resolve in Favor of William A. Johnson of Orrington." (H. P. 1392) (L. D. 1080)

Bill "An Act Relating to Advertising Resources, Etc., by Aroostook County." (H. P. 1393) (L. D. 1065)

Bill "An Act to Increase Teachers' Pensions." (H. P. 1394) (L. D. 1066)

Bill "An Act Relating to Control of Deer in Acadia National Park." (H. P. 1395) (L. D. 1067)

"Resolve Relating to Daily Bag Limit from Androscoggin Watershed above Middle Dam." (H. P. 1396) (L. D. 1081)

Bill "An Act Relating to the Salary of the Judge of Probate and the Register of Probate in Cumberland County." (H. P. 1397) (L. D. 1068)

Bill "An Act Relating to the Salary of the Sheriff of York County." (H. P. 1398) (L. D. 1069)

Bill "An Act Relating to the Salary of the Sheriff of Oxford County." (H. P. 1399) (L. D. 1070)

Bill "An Act Relative to the Salary of the Judge of the Brunswick Municipal Court." (H. P. 1400) (L. D. 1071)

Bill "An Act Relating to Salary of Sheriff of Cumberland County." (H. P. 1403) (L. D. 1074)

Bill "An Act to Increase the Salary of the Judge of the Rumford Falls Municipal Court." (H. P. 1404) (L. D. 1075)

Bill "An Act Relating to Selling of Malt Liquor Near National Soldiers' Home, etc." (H. P. 1406) (L. D. 1077)

Bill "An Act to Provide for the Issuance of Bonds of the State to Refund Waldo-Hancock Bridge Loan Bonds." (H. P. 618) (L. D. 281)

Bill "An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds." (H. P. 619) (L. D. 282)

Bill "An Act Relating to the Practice of Dentistry." (H. P. 734) (L. D. 392)

Bill "An Act Relating to Inactive Savings Accounts of Former Inmates of the State School for Boys." (H. P. 1164) (L. D. 685)

Bill "An Act Relating to Payments to County Law Libraries." (H. P. 1194) (L. D. 753)

Bill "An Act Relating to Registration of Voters." (H. P. 1258) (L. D. 882)

Bill "An Act Relating to Licensing Automobile Dealers." (H. P. 1322) (L. D. 965)

(On motion by Mr. Brown of Aroostook tabled pending passage to be engrossed.)

Which bills and resolves were severally read a second time and passed to be engrossed in concurrence.

"Resolve Authorizing the Forest Commissioner to Convey Certain

Interest of the State in Lands in Penobscot County to Donald L. Haskell, of Old Town." (S. P. 412) (L. D. 1098)

Bill "An Act to Correct Typographical and Clerical Errors in the Revision." (S. P. 414) (L. D. 1100)

Bill "An Act Relating to Powers of County Commissioners." (S. P. 415) (L. D. 1099)

Bill "An Act Relating to the Excise Tax on Motor Vehicles." (S. P. 417) (L. D. 1102)

Which bills and resolve were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to be Enacted

An Act relating to the Registration of Nurses (S. P. 80) (L. D. 74)

An Act relating to the Duties of Directors and Trustees of Banks and Directors of Loan and Building Associations, Regarding Insurance upon Mortgage Property (S. P. 85) (L. D. 128)

An Act relating to the Salary of the Treasurer of Kennebec County (S. P. 95) (L. D. 137)

An Act relative to Open Season on Woodcock (S. P. 136) (L. D. 341)

An Act relating to the Salary of the County Attorney of Knox County (S. P. 156) (L. D. 360)

An Act relating to Salary of the Judge of the Lewiston Municipal Court (S. P. 163) (L. D. 366)

An Act Increasing the Salary of the Judge of the Rockland Municipal Court (S. P. 167) (L. D. 370)

An Act relating to Authority of State Tax Assessor in Deorganized Towns (S. P. 184) (L. D. 378)

An Act relating to Premarital Medical Examinations (S. P. 214) (L. D. 470)

An Act relating to Prevention of Blindness (S. P. 217) (L. D. 467)

An Act relating to Salary of Recorder of Rockland Municipal Court (S. P. 218) (L. D. 466)

An Act relating to the State Prison (S. P. 221) (L. D. 464)

An Act relating to the Salary of the Judge of Western Somerset Municipal Court (S. P. 266) (L. D. 621)

An Act relating to Liquor Licenses to Hotels, Restaurants and Clubs (S. P. 295) (L. D. 716)

An Act relating to Transfer of Liquor Licenses (S. P. 296) (L. D. 715)

An Act relating to Licenses for Consumption Sale of Liquor (S. P. 297) (L. D. 714)

An Act Imposing Tax of One and One-quarter Mills Per Pound on Blueberries for Conducting Research and Extension Work and Otherwise Improving the Blueberry Industry of the State (H. P. 304) (L. D. 112)

(On motion by Mr. Dunbar of Washington, tabled pending passage to be enacted.)

An Act to Increase the Salaries of the County Commissioners of Knox County (S. P. 349) (L. D. 900)

An Act relating to the Duties of the Department of Health and Welfare and the Inspection and Licensing of Institutions and Boarding Homes for the Aged (H. P. 357) (L. D. 122)

An Act relating to Diverting Water by Canals for Mills (S. P. 387) (L. D. 988)

An Act relating to School Age and Kindergartens (S. P. 388) (L. D. 996)

An Act relating to the Redemption of United States Bonds and Certificates Issued in the name of Minors (H. P. 520) (L. D. 254)

An Act to Increase the Salary of the County Attorney of Aroostook County (H. P. 675) (L. D. 323)

An Act relating to Clerk Hire in the Office of County Attorney and Register of Deeds, Southern District, Aroostook County (H. P. 676) (L. D. 324)

An Act relating to Reimbursement to Towns for Tuition (H. P. 724) (L. D. 499)

An Act Permitting the Highway Commission to Provide for Proper Traffic Control Signals, etc. (H. P. 872) (L. D. 514)

An Act relating to Veterinary Surgery (H. P. 916) (L. D. 524)

An Act relating to Dog Licenses (H. P. 917) (L. D. 558)

An Act relating to Salary of County Treasurer of Penobscot County (H. P. 992) (L. D. 592)

An Act relating to the Sale of Liquor to Minors (H. P. 1013) (L. D. 653)

An Act relating to Dancing and Entertainment on Premises Where Malt Liquor is Consumed (H. P. 1014) (L. D. 533)

An Act relating to the Salary of the Judge of the Franklin Municipal Court (H. P. 1091) (L. D. 778)

An Act relating to the Salaries of Various Officers of Franklin County (H. P. 1092) (L. D. 779)

An Act relating to Issuance of a Receipt for Payment of Poll-Taxes (H. P. 1142) (L. D. 791)

An Act relating to Registration of Truck Tractor and Semi-Trailer (H. P. No. 1204) (L. D. No. 705)

An Act relating to Registration of Motor Vehicles (H. P. No. 1208) (L. D. No. 709)

An Act Amending the Unemployment Compensation Law as to Benefit Eligibility Conditions (H. P. No. 1237) (L. D. No. 863)

An Act Amending the Unemployment Compensation Law as to Claims for Benefits (H. P. No. 1244) (L. D. No. 869)

An Act Amending the Unemployment Compensation Law as to Appeals (H. P. No. 1245) (L. D. No. 870)

An Act Amending the Unemployment Compensation Law as to Appeal to Courts (H. P. No. 1246) (L. D. No. 871)

An Act Amending the Unemployment Compensation Law as to Unemployment Compensation Fund (H. P. No. 1253) (L. D. No. 878)

An Act Amending the Unemployment Compensation Law as to Collection of Contributions (H. P. No. 1254) (L. D. No. 879)

An Act to Increase the Salaries of Certain Oxford County Officials (H. P. No. 1263) (L. D. No. 886)

An Act to Increase the Salary of the County Attorney of Oxford County (H. P. No. 1278) (L. D. No. 921)

An Act Amending the Unemployment Compensation Law as to Employer Coverage (H. P. No. 1339) (L. D. No. 990)

An Act to Create an Airport Commission for the town of Sanford (H. P. No. 1344) (L. D. 994)

An Act relating to the Maine Development Commission (H. P. No. 1346) (L. D. 1002)

An Act relating to the Bragdon Wild Life Sanctuary and the Wells and Kennebunk Game Preserve (H. P. No. 1353) (L. D. No. 1004)

An Act relating to the Salary of Clerk of Courts of Androscoggin County (H. P. No. 1356) (L. D. No. 1006)

An Act relating to Salary of the Treasurer of Androscoggin County (H. P. No. 1357) (L. D. 1008)

An Act relating to the Salary of the Sheriff of Androscoggin County (H. P. No. 1358) (L. D. 1007)

An Act relating to Fees for Jurors (H. P. No. 1359) (L. D. 1009)

An Act Creating the Caribou Utilities District (H. P. No. 1362) (L. D. 1020)

An Act to Extend the Charter of Kingman Water Power Company (H. P. No. 1363) (L. D. No. 1021)

Finally Passed

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Penobscot County to John Sharpe, of Argyle (H. P. No. 443) (L. D. No. 195)

Resolve in favor of Irving Crockett of Durham (H. P. No. 630) (L. D. No. 1011)

Resolve Authorizing the Forest Commissioner to Grant Right-of-way to Construct an Access Road Across the Public Lots in Township D, Range 2 (H. P. No. 857) (L. D. No. 457)

Resolve Authorizing the Forest Commissioner to Convey Argyle Grange Hall in Penobscot County to Alton Grange No. 411 (H. P. No. 858) (L. D. No. 458)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Herbert R. Dow, of Argyle (H. P. No. 859) (L. D. No. 516)

Resolve for Location of Lookout Station on Picked Mountain in the town of Clifton, Penobscot County (H. P. No. 1098) (L. D. No. 785)

Resolve in favor of Cora Porter of Mapleton (H. P. No. 1287) (L. D. No. 1010)

Resolve in favor of Harold Harvey and Henry Marsh of Corinth (H. P. No. 1351) (L. D. No. 1012)

Resolve Appropriating Money to Repair Fish Way at Aroostook Falls (H. P. No. 1352) (L. D. No. 1013)

Resolve Providing for a Fish Screen at Foot of Echo Lake in the town of Fayette (H. P. No. 1355) (L. D. No. 1014)

Orders of the Day

On motion by Mr. Bishop of Sagadahoc, the Senate voted to reconsider its action taken earlier in today's session whereby bill, An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses (H. P. 940) (L. D. 570) was indefinitely postponed in concurrence.

Mr. BISHOP of Sagadahoc: Mr. President, I now move we accept the committee report "Ought to Pass" on this bill which was later amended by House Amendment A. In defense of this motion permit me to say that the Committee on Education studied this bill rather carefully; the report was unanimous that it ought to pass. The

bill does not have any appropriation attached to it. It is designed especially to permit inmates at our various institutions—and we have thirteen of these state institutions with people who have been sent there for various reasons—and at the present time they are not permitted to follow any particular course of study and this permits them if they are able and if they wish, to be given permission to study these courses. And I think the bill has a lot of merit. It is merely permissive legislation and I hope it will receive favorable consideration.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, that the Senate adopt the report of the committee.

On motion by Mr. Welch of Aroostook, the bill was laid upon the table pending motion by Mr. Bishop to adopt the "Ought to Pass" report of the committee.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table bill, An Act Relating to Licensing Automobile Dealers (H. P. 1322) (L. D. 965) tabled by that Senator earlier in today's session pending passage to be engrossed in concurrence.

Mr. BROWN of Aroostook: Mr. President, I now move indefinite postponement of this bill and in defense of that motion, or in explanation of that motion, I wish to take a few moments to consider the bill. It is Legislative Document 65 amending the present law in regard to the granting of licenses to automobile dealers. The first section says that the Secretary of State shall not issue a certificate of registration to any such dealer unless the applicant is a dealer or used car dealer within the meaning of Section 21. Section 21 is amended to read: "Such 'dealer' or 'used car dealer' shall have an established place of business within the state of Maine consisting of a permanent enclosed building or structure containing adequate space, facilities and equipment to properly display, store and service such motor vehicles". Later on, there is a paragraph pertaining to the punishment of anyone who makes false statements regarding it. There is an amendment which I understand deals entirely with Section 21-A so for the purpose of consideration, we

will only consider Section 21 as amended which says that such dealer or used car dealer shall have a structure containing adequate space, facilities and equipment to properly display, store and service such motor vehicles.

I will not say as some people do when they oppose a bill, that this is a vicious piece of legislation but it borders on it because it is restrictive and prevents new people from going into business if they wish to and prevents those who may be in business from continuing if they have not a permanent building or have not the proper space, facilities and equipment to properly display and service such motor vehicles.

In the first place before you can have a license you must have an established business, which is rather putting the cart before the horse because you cannot go into business until you have a license and you cannot get a license until you have a business.

There is a question as to what would be considered a permanent building. I remember a couple of years ago when we were discussing the matter of a bridge across the Allegash River and we proposed building a wooden bridge and the State Highway Department said under the modern methods of construction and treating woods this bridge ought to last fifty years and yet a certain man came in and said if it was a permanent bridge he would be in favor of it but if it was a wooden bridge, he was opposed to it. Does this mean that this building must be made of brick to make it a permanent building or enclosed structure?

This sets up that a man must be in business before he can sell a car either new or second hand because it definitely applies to dealers in both new and second hand cars and makes no distinction and before he can be a dealer and get a license he must have the proper facilities to service the car. What does "service" mean and where does it end? Does it mean he must have complete garage equipment which in many cases can run into thousands of dollars or does it simply mean that he must have a place where he can have a man grease a car? Why the necessity of going into a business where he must be a dealer and run a service station at the same time?

This is a restrictive piece of legislation where a man in business doesn't want another man to come in and attempts to legislate on every other person and prevent him from going into business. I am about fed up on legislation of this type. We have had a great deal of it this session, people in business trying to legislate for themselves and prevent others from going into a legitimate business. We have a lot of boys coming back from the war pretty soon and a lot will want to go into business and unless they have money enough to set up a permanent building and completely equip it with all kinds of servicing equipment they are barred out and I am not in favor of putting out restrictive legislation which will prevent any young man from going into a legitimate business, and certainly selling cars is a legitimate business. This would bar him from going into that business and I am opposed to such legislation.

Mr. LEAVITT of Cumberland: Mr. President, as a member of the Committee on Legal Affairs which reported this bill "Ought to Pass", I feel some explanations are due especially in the light of what Senator Brown has just said. In the first place an amendment to this bill took out the words that they must have facilities to properly display and store. The amendment does say that they shall have proper facilities to service such motor vehicles. This bill is not intended to create a hardship on any person coming back to the state of Maine after the war or even now who wants to conduct what is considered a legitimate business of automobile dealers. It is attempted however to stop people from coming down here from other parts of the country and coming in to a town, particularly into a lot and bringing in a number of cars which they have picked up in other parts of the country and selling them off to Maine people without first servicing those cars and seeing that they are proper cars to sell. That has created a very considerable hardship on the legitimate dealers of this state and at the hearing a very large number of dealers appeared in favor of this bill.

I do not want to bore you by taking up all the points that Senator Dow has brought up but as civilization gets more complicated we must have more and more rules.

Mr. DOW of Oxford: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator may state his point.

Mr. DOW: Mr. President, the Senator has referred to me as speaking on the bill and I have not spoken on it as yet.

The PRESIDENT: The Chair will rule the point is apparently well taken.

Mr. LEAVITT: Mr. President, I am sorry, I apparently got mixed up. Nevertheless, I say as civilization is encroaching upon us, this is a part of the restrictive legislation which I believe is good legislation and I do hope the Senate will go along with the bill and vote against the indefinite postponement.

Mr. BROWN: Mr. President, I am not surprised that the legitimate automobile dealers were here in favor of the bill. I also understand they paid their lobbyist \$500 to come up here and lobby for it. He has now collected the money and has gone home because he is certain the bill is going to be passed. I can understand why so-called legitimate dealers oppose this as it is to prevent anyone else from encroaching upon their business. I contend we are in a country of free enterprise. We have always said that Yankees are good traders. We are coming in here and we are going to talk about state barriers in regard to motor vehicle traffic and now here is the setting up of a state barrier which says that a citizen of another state shall not come in and start a business unless he meets the requirements set up by the legitimate dealers so-called. I know of men getting trimmed just as badly in buying cars of legitimate dealers as they do when buying of these concerns which they are trying to legislate out of business. I still contend if I had a second hand car or a second hand piece of machinery and I gave it to a man to sell who did not have a completely equipped shop, the man buying it knows it is second hand and knows it has not been serviced and he buys it as it is.

I hope this bill will not pass. I am not going to say anything about some of these points taken up in debate about the longer we live the more civilized we get and the more we have got to be restricted and that evidently the time of free enterprise is over as has been express-

ed by some of the proponents of this bill. I am not willing to subscribe to that idea.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Brown, that this bill be indefinitely postponed.

A viva voce vote being had

The motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dow of Oxford, the Senate voted to take from the table House Report from the Committee on Judiciary, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass", on bill An Act Relating to Small Claims (H. F. 241) (L. D. 92) tabled by that Senator on March 23 pending acceptance of either report.

Mr. DOW of Oxford: Mr. President and members of the Senate: I move the acceptance of the majority "Ought Not to Pass" report on this particular piece of legislation. I think, in my opinion, it might be well in discussing this legislation to explain my position, individually, on the bill and also the position of the majority of the Committee on Judiciary who signed with me on that majority report. I think I would like to take up a few sections of the bill to explain my position and the position of the majority.

The title of the bill is, "An Act Relating to Small Claims." Section 2 is the section which sets up the policy of this particular legislation, and reads as follows:

"There is hereby established a speedy, informal and inexpensive procedure which a plaintiff may pursue in an action commenced in a municipal court for the determination according to the rules of substantive law of a small claim."

I read that first particularly because I want to go back now to Section 1, in which a small claim is defined:

"A 'small claim' is any right of action cognizable by a court of law not involving the title to real estate in which the debt or damage claimed does not exceed \$35."

My understanding of that particular definition is that it does not only refer to collections, but it refers also to tort, slander, libel, forcible entry, and detainer, and

other actions where the amount involved does not exceed \$35. The bill says, "There is hereby established a speedy, informal and inexpensive procedure." I wish you would keep that in mind for a few minutes, if you will, and pass with me to Section 3, understanding that that is the argument used in favor of this measure, and that the virtue of this—it is supposed to be—is that it will assist in collection of small claims by a process which is speedy, informal, and inexpensive.

One question is: Is this a process which is speedy, informal, and inexpensive? For whom, the plaintiff or the defendant, the creditor or the debtor? As you hear this bill discussed, who benefits by it, the plaintiff—the creditor—or the debtor, the defendant? And I want to say, right here, so that my remarks will be understood, I don't consider it any crime for a man to owe money. I don't know how many members of this Body have been in that position; I have. In talking with some of the members, the attitude seemed to be, that for a person to owe money was some kind of a crime, and I don't proceed on that theory at all. I have had a good many things and enjoyed them which if credit had not been extended to me, I would not have had. But I do think that when a person owes money, he is not altogether to blame. Circumstances over which he has no control are partly to blame. And any person in business today must extend credit. If he is in business, there is a certain amount of risk which goes with it, and the person takes those risks.

The bill, further on in Section 3—and I am reading this, word for word, because I don't want to be misquoted or accused of it—

"The plaintiff shall state the substance of his claim either orally or in writing to the judge or recorder of the municipal court having jurisdiction thereof, who shall cause it to be reduced to writing in concise, intelligible untechnical form in a docket kept for that purpose to be known as the small claims docket."

You notice the word "untechnical" because very soon I shall want to refer to it, in connection with being "untechnical."

"The plaintiff shall also state his own and the defendant's residence and mailing address which shall be noted on the docket. He shall at the same time pay an entry fee of \$1.75. He shall upon request be furnished with summonses for witnesses without charge."

Bearing in mind that this bill is speedy, inexpensive, untechnical, I want to read Section 5 to you: This is in a bill which is speedy, untechnical, informal, etc. This is what the debtor is going to have quite a lot to do with.

"Section 5. The magistrate shall thereupon fix the time and place for hearing which shall be within not less than 20 nor more than 30 days thereafter, shall give to the plaintiff a memorandum thereof and shall forthwith mail to the defendant at the address furnished by the plaintiff, by registered mail, return receipt requested, a notice signed by him and bearing the seal of the court, which after setting forth the name of the court shall read substantially as follows:

To of in the County of and State of Maine:"

The name of the plaintiff goes in there, next, and his address:

"exhibits his claim against you in this court for (in words) dollars and (in words) cents (\$....) upon the following claim: (here insert the nature of the claim as it appears on the docket;"

telling the debtor what it is all about,

"no list of items need be included," in other words, "\$55 for groceries," and no list of items need be included;

"The court will give a hearing upon this claim at (here insert the location of the court) at (here insert the hour) o'clock in the (here insert 'forenoon' or 'afternoon' as the case may be) on —" the day when it is going to be held.

"If you deny the claim in whole or in part, you must not later than —"

and here they insert the date when you must do those things,—"personally or by attorney file with the judge or recorder either orally or in writing your full and specific defense to the claim and you must appear at the hearing. Unless you do both, judgment may be entered against you by default and your nonappearance at the hearing will

be taken as an admission that you are able to pay the claim. 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." Still continuing this untechnical process, "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 therefore.

"Take notice that if you are found indebted, upon hearing or default, the court may order payment at the time stated or by installments and that failure to comply with such order may be treated as a contempt and subject you to punishment." I want, for just a minute, to mention the fact that I will treat the word "contempt" later.

"Any paper herein required to be filed may be sent by mail to (here insert proper mailing address of judge or recorder).

"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 therefor accompanied by a fee of \$.75 and your sworn affidavit that there are matters in dispute requiring a jury trial with specifications thereof and that the request is made in good faith. If such request is not made, the judgment of this court will be final."

This is what the debtor is going to be faced with when someone goes in and files a claim against him; and this is the notice he is going to get, telling him about this new method for collection against someone when they don't pay their bills. Section 6:—In connection with a person's right under this new bill —"If no answer—" This is the title: "If no answer, default; demurrer, etc., prohibited. If no answer be filed in compliance with

the notice provided for in the preceding section, the defendant may be defaulted. Demurrers, dilatory pleas and answers of general denial are prohibited." That means just what it says, to me, and I presume it does to you.

"Section 7. Trial by jury and appeal waived";—and I want to call your attention to one thing in Section 7 which reads as follows: "The defendant shall not be entitled to an appeal." Then it sets up that he may request several things, but he does not have any appeal.

It does seem that under the existing law, a married woman cannot be jailed for debt. Under this law I don't see why she couldn't be. Maybe that it all right with you, but it is taking away some of the protection which we have written into the statute books for them.

Section 8 says, "When set-off and counterclaim is interposed in defense, if the amount so claimed shall not exceed the jurisdiction of the court, the magistrate shall immediately notify the plaintiff thereof who shall either personally or by attorney at least three days prior to the date fixed for hearing file his answer thereto; and upon hearing if the plaintiff shall have filed his answer thereto the court shall determine which party is justly indebted to the other, if either, and for what amount and shall enter judgment accordingly. If the plaintiff shall not have filed his answer, the claim of the defendant shall be allowed unless the court for good cause shall otherwise order, and judgment may be entered for either party as justice may require."

That is the clear, untechnical language of the bill and the rules we have to go by.

I realize considerable has been said before the Judiciary Committee about the success of the New Hampshire law, but I would like to have you have it clearly in mind that we are not discussing the New Hampshire law but this document here—which are two different animals of entirely different color, which will be explained to you later.

Section 12. "A party absenting himself from hearing without excuse shall be deemed thereby to have admitted his ability to pay the amount of any judgment which may be rendered against him." If

he does not appear, he admits that is what he owes, and that is all there is to it.

Section 16 has to do with "contempt," which I mentioned a short time ago, and it refers to Chapter 95, Section 35. It says, "No execution shall issue upon any judgment rendered under the provisions of this chapter, 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." Bear in mind that this is for the collection of money. And chapter 95, section 35, reads as follows; as far as we are interested: "Whenever a party complains in writing and under oath that the process, decree, or order of court which is not for the payment of money—" But it has been my impression that this bill is for the payment of money; but this says, "not for the payment of money."

Section 19 is very interesting to me, because this is supposed to be the panacea for all bad credit, the place where you can get your money in a hurry, a good place to put your bills where you can get them collected. It says, in this section 19, "No person shall be permitted to enter in any one court more than five small claims in any one week nor more than 20 small claims in any one month." If the thing is good, why the limit? I think possibly it is because some of the friends of this bill foresee the avalanche of bills. What we have had this session will be nothing, compared with the bills we will get from judges of the municipal courts for raises, next session. I understand they do get a dollar for each one, but you are limiting them to five a week, and in the small towns it wouldn't amount to a whole lot.

At the hearing before the Committee, the sponsor appeared, and after his introductory remarks, he introduced the proponents. I don't know whether they were all members of the Merchants' Association of Maine, but they were well organized. Their case was conducted by a former member of this Body at the last session, but I am in-

formed the same gentleman voted against a measure very similar to this, then. He had another attorney associated with him, and they did a good job. About the only opposition came from one man who said he was there representing quite a few people. His name is Charles O. Dunton, legislative agent for the American Federation of Labor in the State of Maine. He said he spoke for the group. If he is authorized as he said he was, to speak for them, there was some opposition.

As far as I am concerned, personally, it will be brought up in your minds if it has not already in the argument, we lawyers are accused of having a selfish interest in this bill. I am not particularly interested in that angle because the average lawyer knows the only lawyer this will hurt is the young lawyer who is just starting in, because the average lawyer who has developed a practice over a period of years — and does not neglect it by coming down here to the Legislature — has about all he wants to do without handling collections. Most of us don't like them. I would have kicked them out of my office a long time ago, if it wasn't for one thing; a lawyer has certain clients and they have collections. If you advise them to take their collections elsewhere, they will take their business with them. And you don't want to lose them. I just had a letter from a boy in Bridgton, to carry out this point, a young lawyer who just got back from a number of months in service. His office was closed. He called me up; I asked him to write me a letter. He said it was practically impossible for him to get started again, if it hadn't been for the collections. It wasn't the money, it was the contacts he made with people that helped him to get reestablished. That is no sob story; that is the truth.

I am convinced that this measure does not accomplish what the proponents seek. It is entirely a plaintiff's bill. If the members of this Body want to discuss the New Hampshire law, I would be perfectly willing to do so, but I am confining myself to this particular law, and I hope the majority report of the Committee on Judiciary, "Ought Not to Pass," prevails.

Mr. CROSS of Kennebec: Mr. President and members of the Senate: I am in rather an unenviable

position to argue any technical points of this bill, as I am not a lawyer.

The bill appeals to me for the very reason the Senator from Oxford stated, which I interpreted differently from him; it is a small claims collection bill; because it does set up a speedy, not particularly technical method of collecting those bills. I am in business, myself. I am a member of the Merchants' Association; I will tell you gentlemen so now, but I am not supporting the bill for that reason. It has been before this Legislature on three different occasions, possibly more, but of my own knowledge at three sessions. I have supported that bill each time because I felt it was a protection to the debtor and not altogether a means of collection for the creditor. Most of you gentlemen know that some very poor methods are used for collection of bills by lawyers, highly technical ones, I don't think we need to go into that, but so much more technical than this bill that there is no comparison whatever. They can tie somebody up in knots so well that he has no means of getting out except hiring a lawyer and going to court. He is fully protected by this law if his case is sound and he does not owe that bill, he is fully protected, and has a fair chance to defeat it. On the other hand, if a married woman does owe the bill, the creditor is entitled to his money. I see no reason why he shouldn't have a place to take it without going through the present highly technical law.

There have been several points brought up in connection with this about which I would like to speak. First, under an interpretation of Sections 1 and 2, we might have occasions where other than debts would come into court; for instance, the word "slander" was mentioned. I cannot conceive of anyone getting to the point of suing for slander and bringing in anything under \$35 limit. I doubt very much whether we would have any complications from that. Also, if a debtor owes the bill and the creditor has proven his case, I mean if he honestly owes the bill, very few debtors would be unable to scare up \$35, \$10, \$5, \$3, \$2, as the case might be. The amount of \$35 is so low, it cannot work very much hardship on anyone. If they owe the bill they would be perfectly agreeable to pay before it goes to court. They are

fully protected by the disclosure portions of the bill. If the judge feels they cannot pay, he throws it out of court and there it dies. What I am trying to get at is, this bill is for both the creditor and the debtor. I believe the debtor is protected, 100%. If he wants to settle the claim, he can do so easily. It is certainly no crime to owe money, but it is a crime to owe money when he can pay it, when someone is trying to avoid payment of a bill for purely selfish reasons—there is nothing more provoking than someone who will avoid through technicalities payment of a bill—. I have probably got as many bad bills as anyone, and I doubt if I would use this court for more than one out of a hundred. If I can't collect a bill, I don't think any judge can, I don't think the court can do it.

I think some of the argument of harm to the young lawyer is pretty well explained by the following information which most of you know first hand. In the past three sessions of the Legislature, the only ones who have signed the minority reports have been young lawyers. It is the same story in this case. It is the young lawyers who have signed the minority report, and their reasons as they have stated on the floor of the House, from which the report came, were that they did not wish to be selected out as "poor relations" of the lawyers. They were willing to take their chances on making a living without the small claims. I don't believe they will find there are many claims they wouldn't get. The average business man pays a retainer to a lawyer and has him handle all his work, has him handle the claims. He is too busy; he'd rather hand them over in a group.

This is just one more club for the lawyer to use, and God knows, he has enough now. He can threaten them with one more. I would like to illustrate what can be done under the present law, and how little protection there is for a debtor. This man is 70 years of age, and lived within 20 miles of Augusta about 30 years ago. He is a very honorable type of man. He had always made his brag, so to speak, and I don't doubt it, that he always paid his bills, and he did. I have known him for 25 years. One day he came to me, he looked ten years older, he said, "Bert, I don't know

what to do about this. I have been in jail." He said 30 years ago he had traded at the local grocery store, and paid his grocery bill monthly. The man who owned the store died, and the executors turned the books over to a lawyer. The lawyer sent him a request for payment of a bill thirty years old, but he ignored it because he paid his bills monthly and he knew he didn't owe the bill. He didn't have any receipt, though. But one day the deputy sheriff arrived with a warrant for his arrest, and took him to the county jail and he was there two days. I don't know who signed the warrant—the claim was 30 years old and had been outlawed 23 years. When he told his story to the sheriff, he opened the door, and he said, "Go home and if I were you, I would sue the lawyer for false arrest." That is what happened to that man because he didn't know what to do and didn't call on his friends.

I have very high respect for the average lawyer, but there are many who use the worst features of the present law and have no respect whatever for the poor debtor. This bill protects the debtor as much as it does the creditor. I believe this bill is sound legislation, and I hope the motion of the Senator from Oxford County to accept the majority report on this bill, will not prevail.

Mr. DUNBAR of Washington: Mr. President and members of the Senate: from remarks made by the previous speaker, I should expect him when the vote is taken to vote with the majority of the Committee, "Ought Not to Pass," because that is where his argument lies that he is attempting and wants to attempt under this measure to protect the poor debtor who has summarily in the case he has illustrated, been thrown into jail for two days for failure to pay a bill that was 30 years of age and outlawed. Under this bill you have before you today, you can't plead the statute of limitations; special pleas and dilatory pleas are barred under this bill. This iniquitous bill—I shall say I consider it the worst piece of legislation that I have seen offered in this Senate at this session, and the Lord knows, we have had plenty of them—This particular bill is conceived in greed and is born of selfishness. I had supposed, when I became a member of the

Legislature, that there were three classes of bills, measures, that we considered: resolves, legislation that was purely private and special, and general laws. But here, today, under the guise of a general law they are putting through, or attempting to put through, a piece of private and special legislation to help out and assist the Merchants' Association in the collection of bills. The State's Merchants' Association are the people back of this bill, and the Senator from Kennebec County says he belongs to it, and that is perfectly right and proper for him to do so. They maintain offices at 142 Free Street, in Portland, Maine. It is well organized and well financed; the proof being the legislative agents they have had here at this session of the Legislature, one of whom has been a former Senator of this Body of two years ago, and for whom I have the highest respect, except that I couldn't understand it for the life of me, from the attitude he took two years ago as a member of the Legal Affairs Committee of which I was likewise a member, which voted unanimously—including the young lawyers—that the bill then before us should not pass, and that piece of legislation I hold here in my hand now was Legislative Document 314 and not one bit different than the piece of legislation we have got before us today except the title. The title today is, "An Act Relating To Small Claims." Two years ago it was, "An Act To Provide For Speedy and Inexpensive Adjudication of Small Claims." When that bill went into the House, it was debated there and they passed it and it is true, if I remember rightly, that this bill has been in the Legislature at two previous sessions. They have been able to get it through the House.

The PRESIDENT: May I remind the Senator he must not refer to action taken in the House for the purpose of influencing legislation in this Body?

Mr. DUNBAR: I beg your pardon if I overstepped.

The PRESIDENT: The Chair will state, however, that that would apply to action taken in the House at this particular session and would not apply to action taken at any previous session of the Legislature.

Mr. DUNBAR: May I inquire of you, I am leading up to it, would I have the right to quote from the record that was made in here two years ago?

The PRESIDENT: The Chair will state you have; and further state for the information of the Senators in general that the only rule the Chair knows anything about, in not referring to members of the House, is because of the fact that the two branches of the Legislature are supposed to proceed independently of each other. It is not proper for Senators to refer to action taken in the House on any particular legislation in order to influence action in this Body.

Mr. DUNBAR: Thank you. I didn't want to transgress the rules. When that bill came in here two years ago, the Senator who has been working for the bill here this winter met it on its Committee Report, and stated—and I am reading from page 717 of the Legislative Record: "Mr. President, I move the acceptance in nonconurrence of the unanimous report of the committee, "Ought Not To Pass." I will say that this bill was maturely considered in committee, and conclusions were based less perhaps on objections to the object sought than to unfortunate, and in some cases dangerous, provisions of the bill itself."

Now, I do want to speak for the young lawyers. I have the honor and distinction of being a member of the Board of Bar Examiners of this State, now serving my fourteenth year. I have looked into the faces of young lawyers—prospective young lawyers that desired to be admitted to the Bar. I know something of my troubles and trials when I started out to be a lawyer, 39 years ago. I had no one interested in me, as many of them have no one interested in them, to take them into some going law firm, well established, and give them a start. They will have to locate—as I had to locate—in some small community, which is not the place where I am now practicing law and I want to say to you and say to you frankly, if I have accomplished anything in my profession, if I have risen to any heights at all, I would not have been able to have so risen if we had had this sort of a bill or law. I had to depend on small claims and friends who were ready to assist me. But this act takes away from a lawyer and the young lawyers the opportunity and puts it into the hands of collection agencies who are not lawyers, who will use this bill for the purpose of col-

lecting the claims. The so-called merchants that belong to this Association, they won't be filing their claims in court personally. They will be solicited by this organization, or similar collecting organizations; they will say, "We did a good job for you in getting this bill through the Legislature. Now, you give us your business, and we can cut rates under what you would have to pay a lawyer. We can collect your bills for less. you won't have to pay that \$1.75; we will take care of that, if you will give us your business." Where will the young lawyer get a start? I have seen, since I have been on the Board, classes run from 35 or 40, to take the examinations, I have seen that dwindle down to a class of one since the war started. Last August we had 3; last February—we hold examinations twice a year—there were two. A year ago February we had one. And I found when I came to the Legislature this winter that they were pleased; you could hear it around the lobby; that they had a chance this year to put it over because there were so few lawyers in the Legislature. We know, as lawyers, in the Senate and in the House what it means to have so few lawyers in the Legislature. Perhaps some of you have felt it likewise. Where are they, where are they, the young lawyers? Those within the draft age and physically fit are in the service of their country. They have been taken away from their classes; they have been taken away from their businesses; and some of those who are left in this country are preparing themselves, and some are across the water, somewhere, fighting to save our institutions and our liberties. And what are we doing here today? Attempting to pass a measure that, when they come back to us, they will find on the statute books of this State a law set up in which they had no opportunity to participate, that can jail their father or their mother or even their wife; yes, and even setting up machinery to jail them, while they were away, fighting for us, and denying them the right of appeal.

Think it over, seriously. Don't vote on this measure, please, for selfish purposes; don't vote on this measure because you have got a few dollars in outstanding milk bills that somebody owes to you; don't vote on this measure if somebody

owes you a florist's bill; don't vote on this measure if somebody owes you for his wife's last dress. But look at it in the broad principle; in the broad way. How is it going to affect the public at large? If you will do that, if you will leave selfishness out of it, if you will leave greed out of it, I have no fear as to what will happen to this bill. This bill, as I read it, and the more I read it, the more I become disturbed, I say to myself, as I read it, "For Heaven's sakes, is Maine going forward or are we going back? Are we going back to the days when debtors were thrown into jail? Are we? Are we going back to the days of the Old Bailey in London and the Bastille in Paris? Are we going back to the days of the stocks and the pillory and the ducking post—ducking stool—in this country? Those were the days, Senators, when people were summarily thrown into jail for debt." Two years ago I had this card mailed to me by a gentleman, a retired Harvard professor who was on his vacation in the South. He knew nothing about a bill pending before the Legislature then, which is similar to this bill, and from Virginia on March 1, 1943, he sent me this card, "Ancient lawyers sent their friends to places such as this, but we are immune in 1943," and on this is a picture of the jail in Virginia where the debtor was sent in times past.

Now, I will admit maybe he is not summarily thrown into jail, but it doesn't make any difference whether he is thrown in or carried in in an automobile; it is jail, nevertheless, and this bill, Senators, this bill, this bill does full justice, full justice in my opinion to that Dickens' character of Old Scrooge, and as far as I am concerned, this bill from now on by me will be known as the "Scrooge Bill." And I want to say now and on the record, and I have thought it over carefully before I decided that I would say it, if this act becomes a law—which I hope it never will be; I hope the State of Maine will never be disgraced enough to pass it—but if it becomes a law and a debtor is thrown into jail in my county under it, I offer him my services free of charge to take his case to the Supreme Court of this State, to see if under the constitution of this State a man can be put in jail and de-

nied the right of an appeal. That is what bothers me; that is what bothers me with this bill.

Only last week I was called out of the Judiciary Room and I met a young man in uniform, a Navy man. Someone had told him I was a member of the Board of Bar Examiners, and he wanted to know something about the procedure whereby he could become a lawyer. He was a non-resident, but he had married a girl in Maine so he said he intended to make this state his residence, and I told him, first, he would have to establish a six months residence in Maine, as one qualification; then I told him what legal study he would have to pursue. And then he said to me, "I am bothered because I haven't had two years of college," which is a prerequisite now under our law. I said, "Have you had a high school education?" He said, "Yes." "Well," I said, "we have put a bill through the Legislature this winter," and I doubt if any of you noticed it except the lawyers; it was sponsored by the Board of Bar Examiners, and drafted by Mr. Atwood, our secretary—and signed by the Governor the 15th day of March. It provides that a boy who has served two years in the service and has been honorably discharged, we will strike off the two years of college and will permit him to take the examination if he has a high school education, upon the theory that a boy who has been in service and served two years, that his mind and brain have become broadened to such an extent that it is at least equivalent to two years of college." Now, you show me a similar Board—Dentistry, Medical, Osteopathic, Hair Dressers, Barbers, or what-not—that has passed any similar legislation this winter. That is what we have done, and when I told the young man that, he stuck out his hand and said, "I thank you. That is good news to me."

Now, I am taking a lot of time, but I must take the time. I can debate this for three hours, but I won't. What happens under this bill? And the reason I speak so feelingly on this—and I do speak deeply and feelingly on it, Senators—is because I came from the common herd, lowly honorable, honest people. I never had the pleasure of knowing my mother. She died when I was a mere baby, and I was

taken into the home of my paternal widowed grandmother to be reared. I know something of her troubles. We lived in a sardine town, reasonable work, trying to earn enough money during the summer to take her through the winter, and I have heard her discuss and wonder if she was going to be able to earn enough to take us through, and it became settled into my very nature the fear of debt and the only thing I am thankful for today is that she was barred from having the fear that some creditor would put her in jail—that you could do under this bill, if you had had a law similar to this one at the time when she came along and I came along.

Now, how does this bill work? At the outset, before I start on this, let me tell you who is opposing this bill: well, the State Bar Association is opposed to it; the Sheriffs' organization is opposed to it; the judges of the municipal courts are opposed to it; and organized labor is opposed to it.

Let us take an illustration of this bill. We will say Mr. A lives in a certain community, and at the solicitation of some collection agency, turned over to them a flock of bills, a lot of bills, to take these bills and collect them. Now he is done with them. They start the machinery of the law going by filing these claims in court. All right. We strike a Mr. B who is in that list of debtors. He is a man that has had a hard row, an honest man. He has got a family, five or six children, a baby six months old and twins 17 years old in high school. He has been paying this creditor what he could pay each week. But they owed a lot of other bills. He gets this notice; he says, "I can't understand it. I have been paying on this bill." He goes to see the creditor about it. He says, "Yes, it is true you have been paying, but you could pay faster." He says, "I couldn't pay faster. I have got to take care of my children." "Well, you will have to go see the agency; it is all out of my hands." As a result the man discusses it with his wife, "What am I going to do? We can't cut down on the baby's milk." "Well," she says, "I don't know. We can take the twins out of school, put them to work." "I dislike to do that. All I can give them in this life is a high school education," he says. "No. I will go to jail for the 30

days, as provided in the law, before I will take those children out of school, or before I will deny my baby milk," and he goes to jail.

Now, you let that story permeate through the town where it occurs, or through the county where that occurs, Senators, and I am telling you, that storekeeper might just as well start liquidating his business because he is done. And I want to say to him, if he ever thought of running for public office, he will certainly have to have courage to offer himself as a candidate for that office, whatever it may be.

I listened to debate on this bill by a layman. But I think he was badly advised by some attorney as to the law when he said you cannot sue a woman, if she is a married woman, because her husband is liable for her bills. I don't know how much weight that had at this session, in the other Body, but it is such poor law that I want to correct it. True, a husband is liable for his wife's bills, but if the wife makes a promise, "Let me have these goods, you charge them to me, I will pay for them," that is her debt as well as his. He can be sued on it, and she can be sued on it. Further, the same gentleman, said, "I don't believe 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." Well, I may not be worthy of the name of lawyer, but as long as I am a member of the Senate, I will speak and I don't see why I should be taxed, or the citizens of a county should be taxed, to pay the expense of officers' fees for committing the man to jail and also have to pay the expense of his board of \$450 a week while he is in jail. No!

I am taking too long, I know.

Now, they say—they will give you the idea that they want to get at, not the ordinary debtor, but at the dead-beat. There are very few dead-beats, I find, in this state or in my town or in my county, but if it is the dead-beats they want to get at, the dead-beat can beat this bill any time he wants to. All he has to do is get the confidence of the creditor, pay a little, until he gets his bill up to \$35.50, and sit down on it, and you will do nothing on this bill. But the danger is, you are liable to force the honest debtor who is afraid to get his bill below

\$35—you may make a dead-beat out of him, when he doesn't want to be made a dead-beat of. That is the nature of this bill, Senators.

Now, all through the lobby of this Legislature, I have heard, it has come to me time and time again, they have got this law in New Hampshire. Why don't we have it in Maine? I have heard it. I suppose they did have this law in New Hampshire, until somebody took the trouble to get the New Hampshire Law. I have it here. I want to say, if any of you Senators have been fooled on the proposition that this is the New Hampshire law, you either misunderstood—I want to be fair—you have either misunderstood the person that said it to you, or else you have been deceived. We have here today Bill No. 92, that contains almost seven printed pages. The New Hampshire law is here, and in double-spaced type-writing, it covers two pages. I will guarantee, you can put the New Hampshire law, and if you printed it as this bill is printed, it will take no more than a page and a half. And under the New Hampshire law you can't jail a man as you can jail him in this case. You can't deny the right of appeal as you can in this case. I have it here. The only thing like the New Hampshire law that is similar to the Maine bill is the first paragraph, and that reads practically the same as our law. From that time on, there is no more likeness to the New Hampshire law than day is from night.

To give you an illustration, let me read the last part of section 8: "proceedings after judgment. All proceedings subsequent to rendition of judgment follow the practice and procedure now provided for," "now provided for," that is the right of appeal. Execution issues in New Hampshire: No execution issues in Maine under this law. No, they didn't want the New Hampshire law, but you have been sold the New Hampshire law. It has been sold to you, and some of you may be in favor of this bill because you think it is the New Hampshire law.

Now there comes to my mind and I think it is appropriate to put this in: I have a book that I keep on a stand at the head of my bed. Any time I feel I might be losing the common touch I pick it up and I read it, or portions of it. It is by Edgar Lee Masters and it is en-

titled "Spoon River Anthology" and it is those who are speaking after they have departed this life and they are speaking truthfully the thoughts they keep within themselves during life. When this bill came in I thought of a certain paragraph in that book that I thought fitted this bill. That is when I speak of the selfishness and greed that is in it. And I turned to the article entitled "Schroder the Fisherman". It was his observation of life, what he had run into, speaking after he had departed. If I cannot quote it to you, I have it before me. Mr. Schroder said, "I sat on the bank above Bernadotte and I cast crumbs in the water just to see the minnows bump each other until the strongest got the prize; or I went to my little pasture where the peaceful swine were asleep in the wallow or nosing each other lovingly and I emptied a basket of yellow corn and watched them push and squeal and bite and trample each other just to get the corn. And I saw Christian Dallman's farm of more than three thousand acres swallow the patch of Felix Schmidt as a bass will swallow a minnow. And I say if there is anything in man, spirit, or conscience or breath of God that makes him different from fishes or hogs, I'd like to see it work."

What an unfortunate experience for that man as he passed through life. He had run into too many people who believed in the principle of this bill, "Get all you can no matter how you get it". I suppose, going back to this bill there may be some people who have gone into bankruptcy. All right. You can be sued under this bill and you cannot set up bankruptcy because it is denied to you. I suppose there may be people here who owe bills that have become outlawed. If you have, you cannot plead the statute of limitations under this bill because it is denied to you. Another class of people we have protected—I do not know for how long—is the person we call the infant, the person under twenty-one years of age. He can be brought into court and cannot set up infancy as he can set it up now. That is the bill and there is much more.

I want to leave just one other thought with you and I am serious in making it to you. Many of us are here in this Senate this winter because our friends of the opposition party have no candidates to run

against us. The reason for that, Senators, was because they had no state issue, no state issue. But if you pass this bill and if they keep their record right, which I believe they will, if you pass this bill you will give them a state issue. Maine is beginning to be a pretty independent state in her voting. When you go from seventy-five thousand Republican majority in September to a Republican majority of fourteen thousand eight hundred in November, when they did present to the people a state issue or a national issue it is pretty independent voting.

Now let me take you back because all you have to do is remember that in 1939 there was put through this legislature an automobile title law. Do you remember it? Do you remember the commotion it caused when it was put into operation? Do you remember the Democratic party meeting in Portland previous to a meeting of the Republican party in 1940 and putting a plank in their platform to repeal that iniquitous law? Do you remember us going in there a week later and trying to match them with it by likewise putting a plank into our platform that we were opposed to it?? Do you remember it? Then the issue was drawn. Both parties saying they were opposed to it but for fear it would go into the campaign Governor Barrows convened the legislature in special legislative session and took away from them the right to make a campaign issue of this bill.

If you pass this bill they will start putting someone in jail—and they will do it because they will want to make a political issue of it. I say it will do no good to put something in the platform saying that you are mistaken, or even legislate in special session. You provide the people with a state issue that they have been groping for and looking for. I again say in my county when we had a thirty five hundred majority in September going to five hundred democratic in November, it would be enough to defeat Senator Washburn and myself and at least half the members of the House. Perhaps some of you would say it would have been a good thing if it had been done. That will happen as sure as I am talking to you now. Now Senators, I am serious on that. There is no need of this bill.

If this bill is passed you will open the way for the mail order houses who will extend credit because they will know if the bills aren't paid the debtors can be put in jail and they will solicit the business and you will lose a lot which will go outside the state.

I am pleading with you. Don't vote for this bill just because you have a few bills of your own. Collect them in the usual way. There is a usual and a proper way—the way you collect them now. I hope the motion of the Senator from Oxford, Senator Dow, will prevail.

Mr. BISHOP of Sagadahoc: Mr. President, I am confused. I am reminded of history, whereby humble Abe Lincoln debated with the eloquent Stephen Douglas. In this case, we find lawyers disagree and I would refer to the case of two years ago when one of our colleagues, a statesman opposed this measure. That situation has changed. That same person is now a proponent for this measure.

In my humble profession when anyone does something contrary to what they believe, for money, it is considered bribery. I am confused to know where statesmanship leaves off and bribery begins.

Now, I feel we are fumbling and stumbling over words and sentences. I like simplicity. Our statutes in the State of Maine are crammed full of unnecessary words and confusing sentences. Now, this New Hampshire law that has been referred to that was argued before the committee and has been referred to here this morning works well in New Hampshire. It is a simple law. It is easily understood. Now, let us in the State of Maine make an attempt at simplicity. I have here in my hand a Senate amendment. It is a copy of the New Hampshire law, a law that works well for them and I believe would work well for us. I am friendly to the small claim court idea but I want one that is simple and effective, and if it is in order, Mr. President, I would offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Chair would state it is not in order at the present time, the question being upon the adoption of the committee report.

Mr. CROSS: Mr. President and members of the Senate, it is un-

fortunate, I feel, after the moving discourse of the Senator from Washington, Senator Dunbar, that I do not weep easily, having been compared to various animals of different hue, having been charged with resembling Scrooge—I think the Senator slipped slightly in not going back slightly and speaking of Shylock and his pound of flesh.

We are here to pass legislation which is good for the people of Maine and in their welfare. If the lawyers on the Judiciary Committee in the past and those on the Legal Affairs Committee have felt there was some merit in this bill and have quoted the New Hampshire law, why have not they reported it out in a new draft and put such good legislation on the books? Apparently they have other reasons.

As I listened to the Senator from Washington, Senator Dunbar, in his plea, I began to believe the only altruists in this legislature were the lawyers. I began to believe the only volunteers in the armed forces, the only persons who were willing and able and had gone to War were the lawyers. I deeply resent that and I think every member of the Senate does, and if I am mistaken in interpreting his words I am sorry, but I understand he said or did imply that the lawyers were away fighting our war for us, and I ask you gentlemen who are in business and you gentlemen who are not in business, if you have any friends who have had to shut up or leave in the hands of relatives or their wives, their small businesses? I know thousands of them in this area. They are just as much interested in the laws we pass here as the lawyers who are fighting beside them. Some of the best friends I have in Augusta are now over across. Some have paid the supreme penalty, some the supreme sacrifice, and many of them are lawyers. The best friend I have on earth is the man who first introduced this small claim bill—I do not know that he introduced it but he was the sponsor of it—and he was a lawyer and I had every faith in his legal ability. I had every faith in his human ability and if he said it was good legislation from the legal standpoint I still stand by it.

I know, as I said before, hundreds of small business men in the war and this bill here will help pro-

tect them and people who are running their business for them. In many cases it is their wives, and I say to you that the difference between making a living in a small business is in your accounts receivable. The moment you begin losing money in your credits, it is not long before you go out of business.

This law or a similar law is now on the books in every state in New England. It is on the books of nearly half the states of the Union and to my knowledge and belief it has never been repealed by any legislature. If so, I would be glad to have the opposition point it out. If there is any demerit in the bill it will certainly show up later. If we are influenced in our vote by political reasons and not by the merits of the bill, I do not think I know the members of the Senate.

Mr. MCKUSICK of Piscataquis: Mr. President and members of the Senate, I would not be so presumptuous as to attempt to debate the merits and demerits of this bill on a technical basis with the legal fraternity. I am not a member of the merchants' association, but I am the father of a boy in uniform who has a college degree and if the war had not come on he would have gone to law school and in the course of events apply for admission to the Bar, and if he returns and comes out of uniform, it is his purpose to continue and become a member of the Bar; and yet I am still in favor of the small claims court.

There are certain things about this bill which I think are worth calling to your attention in a few words. We have been accused of greed. I wonder why the sheriffs oppose this bill. Is it for any reason except that they will lose a few fees? There is no other reason that I know of.

There is another feature and I am surprised that it hasn't been spoken of. We have been speaking of the poor debtor. I wonder if we forget the poor creditor. People of abundant means are not always good payers of bills. It is entirely possible and frequently happens that an employer may have small amounts due him. He does not want to go through the process of court to collect a small bill of \$20 or \$25. At the same time he needs the money to feed his children. The poor creditor has to have money to pay his bills the same as the poor

debtor. It has been brought out that every state in New England has a small claims court and Maine is the only one that has not. We must be satisfied that there is a demand for the small claim court for it has come up time after time. I say the Judiciary Committee would have had time to have corrected any defects in the bill and amended it.

I hope this will pass and if it doesn't work out it can be amended at the next session of the legislature.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Dow, that the majority report "Ought Not to Pass" be adopted.

Mr. GOOD of Aroostook: Mr. President, I didn't intend to say anything on this measure, but receiving a letter the other day from a judge in Caribou and the high sheriff in Aroostook County asking me to go on record opposing this small claims bill, I feel it my duty as a Senator, representing those people, to comply with their wishes as far as possible.

Personally, there is one thing I do not like and that is to take away the rights of appeal. It seems as though back in the past years our laws worked fairly well—probably not perfect—and we are passing laws here that probably won't be perfect, but we are trying to hang to this tradition that men are to be free and men are going to have an equal chance.

We know in this age it is a day of streamline, and I am opposed to streamlining legislation to the extent that we can go out and take a young man who has been unfortunate and cannot meet his obligations, and because we may not be feeling right that day we say we are going to put him in jail because he doesn't pay us.

They argue there are papers they can provide. How many men of the average class are going to get sworn affidavits and papers signed—and they have got to do it within a day if they are brought into court. If they don't do it there is contempt and you can go and take that man and throw him into jail because he has not filed the papers. I have had experience with people and I have dealt with a good many and I find they don't make out many papers. A great many people don't know how to make them out. It takes a lawyer. A great many

don't know what an affidavit is and therefore, they won't even sign a paper.

The New Hampshire law, as I understand it, is nothing like this and it works all right as far as I am concerned. Chain stores are in favor of this kind of a bill. Chain stores and mail order houses will extend credit up to a certain point and they know that they can collect the bills owed them because they will know how it can be done, because the men will either pay or go to jail. It may be a father or it may be a mother and still they say it is good times. I do not call it good times. I never consider good times at the sacrifice of young men. This war is the reason we are having this influx of wealth. I tried to picture in my mind as I sat here the boys who are going all over the country everywhere, to all parts of the world and they are coming back and we want the same kind of laws that they had when they went away. Unfortunately they will be weakened in nerves and strength and some of them may contract small bills and they can be put in jail if they are unable to pay. How would I feel thinking of the boys I said goodbye to who went to Burma and India and up into China and God knows where he is now — supposing he came home and I was not able to help him and he owed a man a ten dollar bill. What he had done for his country, where he might have made the supreme sacrifice would not be considered but because he could not pay this bill they could put him in jail. It makes a difference when it touches home.

I think it is time we as legislators give these people and these unfortunates a chance to appeal. If they make that change in this bill I have not a word to say.

Mr. BROWN: Mr. President, unless this debate is ready to close and we are ready to vote on it, I move we recess until four o'clock this afternoon.

The PRESIDENT: Is it the pleasure of the Senate that we recess until four o'clock this afternoon?

A viva voce vote being had

The motion to recess did not prevail.

Mr. NOYES of Hancock: Mr. President, I move the previous question.

Mr. BISHOP of Sagadahoc: Mr. President, I am confused again. I

wish to inquire if this means there can be no further discussion on this matter.

The PRESIDENT: The Chair will state if the motion for the previous question is voted, the main question will be put at once without further debate.

Mr. BISHOP: Mr. President, may I debate it now?

The PRESIDENT: The Chair will state that the question is whether the main question shall be put now and the Senator is not entitled to debate the merits of the bill involved.

Mr. BISHOP. Mr. President, this bill has merit enough to need discussion and we should have all the discussion and not call any time out until this thing has been brought to a head, so I hope we can finish the job and not try to cut corners but debate the issue, so I hope the motion will not prevail.

The PRESIDENT: The question before the Senate is shall the main question be put now.

A viva voce vote being doubted

A division of the Senate was had.

Twenty-seven having voted in the affirmative and one opposed, the motion prevailed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Dow, that the Senate adopt the Majority Report "Ought Not to Pass."

Mr. DOW of Oxford: Mr. President, when the vote is taken, I ask that it be taken by Yeas and Nays.

The PRESIDENT: The Senator from Oxford, Senator Dow, has requested that the vote be taken by Yeas and Nays. Under the Constitution, to order the Yeas and Nays, the affirmative vote of one-fifth of the membership of the Senate is required. Is the Senate ready for the question?

A division of the Senate was had.

Obviously more than one-fifth having risen, the Yeas and Nays were ordered.

Mr. BISHOP: Mr. President—

The PRESIDENT: The Chair will inquire for what purpose the Senator rises?

Mr. BISHOP: Mr. President, I wish to inquire if it is possible to discuss this?

The PRESIDENT: The Chair will state that the Senator cannot discuss the merits of this bill.

Mr. BISHOP: Mr. President, may I express myself on another matter? A general matter?

The PRESIDENT: The Chair will state that the Senator is out of order. The question is on the motion that the Senate adopt the "Ought Not to Pass" report of the committee. Is the Senate ready for the question.

The Secretary called the roll:

YEA: Senators: Batchelder, Boucher, Brown, Clements, Clough, Currier, Dorr, Dow, Dunbar, Hood, Howes, Sterling, Townsend, Washburn, Welch—15.

NAY: Senators: Bishop, Cleaves, Cross, Denny, Hall, Hopkins, Leavitt, McKusick, Morrill, Noyes, Owen, Savage, Sayward, Smith, Spear, Willey—16.

ABSENT: Senator Gould.

Fifteen having voted in the affirmative and sixteen opposed the motion to adopt the "Ought Not to Pass" report did not prevail.

Thereupon, on motion by Mr. Cross of Kennebec, the Minority Report "Ought to Pass" was adopted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

Mr. BISHOP: Mr. President, in order that this New Hampshire law might be discussed if we think it proper, I offer Senate Amendment A and move its adoption for the sake of discussion.

Mr. DUNBAR of Washington: Mr. President, if in order I would like to have Senate Amendment A lie on the table and be printed.

The PRESIDENT: The Chair will state for the amendment to be in order for presentation, the Senate must first reconsider its action whereby it assigned the bill for second reading tomorrow and then it would be in a position where the amendment could be offered to the bill and the amendment lie on the table. Is it the pleasure of the Senate to reconsider the action taken a few minutes ago whereby the bill was tomorrow assigned for second reading.

Mr. CROSS of Kennebec: Mr. President, we voted on the bill in its original form and I can see nothing to be gained by reconsidering. There will be ample time to present an amendment as time goes on. Considering the hour of the day I hope reconsideration fails.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Sagadahoc, Senator Bishop that the Senate reconsider its action whereby this bill was tomorrow assigned for second reading.

A viva voce vote being had

The motion to reconsider did not prevail.

On motion by Mr. Brown of Aroostook

Recessed until this afternoon at four o'clock.

After Recess

The Senate was called to order by the President.

On motion by Mr. Dow of Oxford, the Senate voted to take from the table bill, An Act Relating to the Payment of Taxes by Domestic Insurance Companies (H. P. 1419) (L. D. 1091) tabled by that Senator earlier in today's session pending adoption of the "Ought to Pass in New Draft" report of the committee in concurrence; and on further motion by the same Senator, the report of the committee was adopted in concurrence and the bill was given its first reading.

Thereupon, House Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill as so amended was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass" from Committee on Salaries and Fees on bill An Act to Increase Salary of Sheriff of Kennebec County, (S. P. 263) (L. D. 624) tabled by that Senator on March 22 pending adoption of the report.

Mr. OWEN of Kennebec: Mr. President, I now move that the Senate substitute the bill for the report and I might say in support of my motion that I do not think this is in opposition to any wishes of the members of the committee, but it will save time, rather than to have it recommitted.

The motion to substitute the bill for the report prevailed and the bill was given its first reading.

Thereupon, Mr. Owen of Kennebec presented Senate Amendment A and moved its adoption:

"Senate Amendment A to S. P. 263, L. D. 624, bill, An Act to Increase Salary of Sheriff of Kennebec County.

Amend said bill by striking out the underlined figures '\$3300' in the last line thereof, and inserting in place thereof the underlined figures '\$3000'."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Sterling of Somerset, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on State Lands and Forest Preservation on 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) tabled by that Senator on March 22 pending acceptance of the report in concurrence; and on further motion by the same Senator, the "Ought to Pass" report of the Committee was adopted in concurrence and the resolve was given its first reading.

Thereupon, Mr. Sterling of Somerset presented Senate Amendment A and moved its adoption:

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

Amend said resolve by adding at the end thereof before the period, the following: 'for the sum of \$853.25.'"

Which amendment was adopted and the resolve as so amended was tomorrow assigned for second reading.

On motion by Mr. Sterling of Somerset, the Senate voted to take from the table 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. 1007) (L. D. 555) tabled by that Senator on March 21 pending assignment for second reading; and on further motion by the same Senator, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act Relating to Liquor Licenses in Unorganized Territory Where No Elections are Held (H. P. 1405) (L. D. 1076) tabled by that Senator on April 3 pending assignment for second reading; and on further motion by the same Senator, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table House Report "Ought to Pass in New Draft" (L. D. 1005) from the Committee on Inland Fisheries and Game on bill, An Act Relative to Use of Live Decoys and Blinds (H. P. 878) (L. D. 498) tabled by that Senator on March 27 pending adoption of the report in concurrence; and on further motion by the same Senator, the "Ought to Pass in New Draft" report of the committee was adopted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table (H. P. 1279) (L. D. 922) House Report "Ought to Pass in New Draft Under Same Title" (H. P. 1402) (L. D. 1073) from Committee on Salaries and Fees on bill, An Act to Increase the Salary of the County Treasurer of Cumberland County, tabled by that Senator on April 3 pending adoption of the report in concurrence; and on further motion by the same Senator, the "Ought to Pass in New Draft Under the Same Title" report was adopted in concurrence and the bill was given its first reading.

Thereupon, Mr. Cleaves of Cumberland presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 1402, L. D. 1073, bill, An Act to Increase the Salary of the County Treasurer of Cumberland County. Amend said bill by deleting in the last line thereof, the underlined figures '\$2500' and inserting in place thereof, the underlined figures '\$2200'."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Governing the Production of Milk and Cream (S. P. 383) (L. D. 1016) tabled by that Senator on March 27 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table bill, An Act Relating to Requirement for Restaurant Licenses (H. P. 1265) (L. D. 888) tabled by that Senator on April 2 pending passage to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed in concurrence and that Senator offered Senate Amendment A and moved its adoption:

"Senate Amendment A to bill, An Act Relating to Requirement for Restaurant Licenses, H. P. 1265, L. D. 888. Amend said bill by inserting in the 7th line thereof, after the underlined word 'any' the underlined words 'honorably discharged'."

Which amendment was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table Senate Report "Legislation Inexpedient at the Present Time" from the Committee on Motor Vehicles on bill, "An Act Exempting Farmers from Regulations in re Motor Vehicles Used in Intra-state Traffic (S. P. 257) (L. D. 627) tabled by that Senator on March 23 pending adoption of the report; and on further motion by the same Senator, the report of the committee was adopted.

Sent down for concurrence.

On motion by Mr. Welch of Aroostook, the Senate voted to reconsider its action taken earlier in today's session whereby H. P. 1258, L. D. 882, bill, An Act Relating to Registration of Voters was passed to be engrossed in concurrence; and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed in concurrence.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table bill, An Act Relating to Licensing Steam Engineers and Firemen (H. P. 830) (L. D. 435) tabled by that Senator on February 28 pending passage to be engrossed in concurrence.

Mr. BROWN of Aroostook: Mr. President, I tabled this bill because there was another firemen and engineer bill coming along and I didn't know but what that might cover it. I therefore have no objection to this bill.

Mr. HOPKINS of Kennebec: Mr. President, this bill carries the same title as the bill on which the Senate expressed itself yesterday. I would like to present an amendment in order to have the bill in keeping with the action taken by the Senate yesterday. I therefore present Senate Amendment A and move its adoption.

The Secretary read the amendment:

"Senate Amendment A to bill, An Act Relating to Licensing Steam Engineers and Fireman (H. P. 830) (L. D. 435). Amend said bill by adding in the 6th line, following the enacting clause, after the word 'required', the following words: 'and where the source of energy is by direct radiation from the sun'."

Thereupon, on motion by Mr. Owen of Kennebec, the bill and accompanying papers were laid upon the table pending motion by the Senator from Kennebec, Senator Hopkins that the Senate adopt Senate Amendment A.

On motion by Mr. Smith of Knox, the Senate voted to take from the table bill An Act Relating to Clerk Hire in the County Offices in Knox County, (S. P. 418) (L. D. 1101) tabled by that Senator on April 3 pending assignment for second reading, and that Senator presented Senate Amendment A and moved its adoption.

"Senate Amendment A to bill An Act Relating to Clerk Hire in the County Offices in Knox County, S. P. 418, L. D. 1101. Amend said bill by striking out all of the last line and by adding the following: 'This act shall remain in force until ninety days after the end of the first regular session of the legislature which shall convene after the termination of the war. It is the intent of the legislature to change the present statute for such a

period, after which period the present statute shall remain in full force and effect.'"

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Denny of Lincoln, the Senate voted to take from the table bill, An Act Relating to Prevention of Bang's Disease by the Department of Agriculture (S. P. 125) (L. D. 330) tabled by that Senator on March 29 pending passage to be enacted; and on further motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and that Senator presented Senate Amendment A to bill An Act Relating to Prevention of Bang's Disease by the Department of Agriculture, S. P. 125, L. D. 330. Amend said bill by restoring the crossed out word 'may' in the last line of Section 2 thereof and by striking out the underlined word 'must' in said last line of Section 2."

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

Sent down for concurrence.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Good of Aroostook, the Senate voted to take from the table Resolve to Reimburse the Town of Amherst for Suppression of a Forest Fire (H. P. 1381) (L. D. 1051) tabled by that Senator on April 3 pending passage to be engrossed in concurrence; and on further motion by the same Senator the resolve was passed to be engrossed in concurrence.

On motion by Mr. Good of Aroostook, the Senate voted to take from the table Resolve to Reimburse the Town of Salem for Forest Fire (H. P. 501) (L. D. 999) tabled by that Senator on April 2 pending final passage, and on further motion by the same Senator the resolve was finally passed.

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at ten o'clock.