

MAINE STATE LEGISLATURE

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



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

Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, February 21, 1929.

Senate called to order by the President.

Prayer by the Rev. R. F. Lowe of Augusta.

Journal of previous session read and approved.

From the House: An act relating to the expenses of justices of the Supreme Judicial Court. (S. D. 144).

(In Senate, February 12, passed to be engrossed and sent down for concurrence.)

In the House, that branch having reconsidered its action whereby the bill was passed to be engrossed in concurrence, recommitted the bill to the Committee on Judiciary.

In the Senate, on motion by Mr. Oakes of Cumberland, that body receded from its former action whereby this bill was passed to be engrossed and the bill was re-committed to the Committee on Judiciary in concurrence.

From the House, the following order:

Ordered, the House concurring, that bill "An act relating to the Portland Water District" (S. D. 116) be recalled from the Committee on Public Utilities; and that bill "An act relating to a filtering plant or system for the Portland Water District" (S. D. 102) be recalled from the Committee on Public Health; and that bill "An act to amend the charter of the Portland Water District" (S. D. 105) be recalled from the Committee on Taxation; and be it further

Ordered, the House concurring, that these three bills be referred to the Committee on Legal Affairs, to be heard in Portland Friday, February 22.

(In Senate, February 19, read and passed).

In the House, indefinitely postponed in non-concurrence.

In the Senate:

Mr. SLOCUM of Cumberland: Mr. President, I appreciate the action of the Senate in assisting in the passage of this order but in as much as the time now is too late I move that the Senate concur

with the House in the indefinite postponement of the order.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, moves that the Senate recede and concur with the House in the indefinite postponement of the order. Is this the pleasure of the Senate?

The motion prevailed.

From the House: An act for the regulation and control of outdoor advertising (H. D. 403).

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Weatherbee of Penobscot, tabled pending reference.

Papers from the House disposed of in concurrence.

House Bills in First Reading

An act relating to inventory of exempt live stock and fowl (H. D. 33).

Resolve in favor of John S. Nelson, Representative of the Penobscot Tribe of Indians (H. D. 385).

An act relating to the manner of signing certificates of shares (H. D. 172)

An act to incorporate the Eastport Water District (H. D. 365).

An act authorizing the city of Portland to provide by ordinance for the retirement, pension and annuity to dependents, of members of the Police and Fire Departments (H. D. 360).

An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto (H. D. 35)

Resolve in favor of Abbie A. Norton for State pension (H. D. 386).

Resolve providing for an increase in State pension for Frank A. Choate of Montville (H. D. 379)

Resolve providing for an increase in State pension for Mrs. Alfred Polk of Lewiston (H. D. 374).

Resolve providing for a State pension for Angie N. Willard of West Gardiner (H. D. 375).

Resolve to repeal a resolve providing for a state pension for

Ivanilla Nute, of Lewiston (H. D. 378)

An act to amend the charter of Farmington Falls Electric Company (H. D. 380).

An act to extend the charter granted to the Sandy River and Rangeley Lakes Railway Company (H. D. 381). •

An act to extend the charter of the Patten Water and Power Company (H. D. 376)

An act relating to taking of Smelts in Saco river. (H. D. 377)

(Came from the House recommit- ted to the committee on Sea and Shore Fisheries.)

In the Senate, on motion by Mr. Slocum of Cumberland, recommit- ted to the committee on Sea and Shore Fisheries in concurrence.

An act to authorize the Forest Commissioner to sell a part of the public lot in Lakeville Plantation in Penobscot county. (H. D. 382)

Resolve authorizing the Forest Commissioner to convey to the Gould Electric Company a certain piece of land on the public lot in Township 10, Range 4, west of the east line of the State, Aroostook county. H. D. 383)

Resolve to modify the conditions of the gift from E. C. Jordan to the State of Maine for the purpose of encouraging cultivation of forests. (H. D. 384)

The following bills, resolves, peti- tions, etc., were received and on recommendation by the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Spear of Cumberland: Re- solve to appropriate moneys for the payment of certain claims for which no legislative appropriation has been made and to provide for carrying on the activities of departments and institutions for the remaining months of the fiscal year ending June 30th, 1929, and for other purposes. (S. P. 526)

Sent down for concurrence.

By Mr. Murchie of Washington: Resolve in favor of the Augusta State Hospital. (S. P. 527)

(On motion by Mr. Murchie of Washington, tabled pending refer- ence and printing).

Education

By Mr. Nickerson of Waldo: Peti-

tion of Grace A. Lord of Belfast and 71 others (S. P. 528); petition of Roland B. Andrews and 22 others (S. P. 529) in favor of increase of teachers' pensions.

By Mrs. Carter of Androscoggin: An act to amend Sections 98, 99, 100, 101, 102, 103 and 104 of the Revised Statutes relating to State aid for academies. (S. P. 530)

(500 copies ordered printed)

By Mrs. Pinkham of Aroostook: An act to amend Section 98 of Chap- ter 16 of the Revised Statutes of the State of Maine on State aid to acad- emies. (S. P. 531)

(500 copies ordered printed)

Sent down for concurrence.

Inland Fisheries and Game

By Mr. Douglas of Hancock: An act to revise and simplify the Inland Fish and Game Laws of the State. (S. P. 545)

(2500 copies ordered printed)

Sent down for concurrence.

Inland Fisheries and Game and Agriculture

By Mr. Weatherbee of Penobscot: Petition of Ard Edwards and 34 others for a bounty on bears. (S. P. 532)

Sent down for concurrence.

Legal Affairs

By Mr. Crosby of Penobscot: An act relating to the qualification of public officers. (S. P. 533)

By the same Senator: An act re- lating to bonds of licensed detectives. (S. P. 534)

(500 copies of each ordered printed)

Sent down for concurrence.

Revision of the Statutes

By Mr. Oakes of Cumberland: An act to amend Chapter 147 of the Re- vised Statutes relating to the De- partment of Public Welfare. (S. P. 535)

By Mr. Weatherbee of Penobscot: An act to amend Section 34 of Chap- ter 49 of the Revised Statutes re- lative to the weekly payment of wages. (S. P. 536)

(500 copies of each ordered printed)

Sent down for concurrence.

Salaries and Fees

By Mr. Weeks of Somerset: An act to amend Section 31 of Chapter 117 of the Revised Statutes, relating to salaries of public officers, and the compensation of members of the Government. (S. P. 537)

(500 copies ordered printed)

Sent down for concurrence.

Taxation

By Mr. Minott of Cumberland: Remonstrance of J. H. Streeter and 15 others of Portland against the levying of any additional gasoline tax. (S. P. 538)

Sent down for concurrence.

Ways and Bridges

By Mr. Bond of Lincoln: An act granting authority to the State Highway Commission in the reconstruction of intrastate bridges. (S. P. 539)

(500 copies ordered printed)

By Mrs. Allen of Penobscot: Petition of Walter Danforth of Bangor and others in favor of Jackman-Greenville highway. (S. P. 540)

By Mr. Nickerson of Waldo: An act to provide for building a bridge across the Penobscot river at or near Bucksport. (S. P. 541)

By the same Senator: Resolve proposing an amendment to Article IX of the Constitution authorizing the issuing of bonds to be used for the purpose of building a bridge across the Penobscot river. (S. P. 542)

Sent down for concurrence.

Reports of Committees

Mrs. Allen, from the Committee on Education, on bill "An act relating to the disability of school children." (S. D. 43.) reported that the same ought not to pass, as legislation is inexpedient.

Mr. Martin, from the Committee on Judiciary, on bill "An Act to regulate the admission of mental patients to state hospitals and commitment of the same." (S. D. 90.) reported that the same ought not to pass.

Mr. Dwinal, from the Committee on State Prison, on bill "An Act to provide for the employment of certain inmates of penal institutions." (S. D. 19.) reported that the same ought not to pass.

Mr. Littlefield, from the same Committee, on bill "An Act permitting the Warden of the State Prison to credit up a percentage of the earnings of each inmate under certain circumstances." (S. D. 71.) reported that the same ought not to pass.

The reports were severally read and accepted.

Sent down for concurrence.

Mr. Crockett, from the Commit-

tee on Education, on bill "An Act relating to the appointment of trustees of normal schools. (S. D. 26.) reported that the same ought to pass.

Mr. Douglas, from the Committee on Interior Waters, on bill "An Act to change the name of Ward Pond in the town of Sidney, Maine to Ward Lake." (S. D. 122.) reported that the same ought to pass.

The reports were severally read and accepted, the bills read once and tomorrow assigned for second reading.

Mr. Greenleaf, from the same Committee, on bill "An Act to incorporate the Big Black River Dam Company." (S. P. 368.) reported that the same ought to pass.

Mrs. Pinkham, from the same Committee, on bill "An Act to change the name of Birch Island in Sebago Lake to Grey Boulder Island." (S. P. 210) reported that the same ought to pass.

Mr. Martin, from the Committee on Judiciary, on bill "An Act relating to appropriations for public and private hospitals." (S. D. 6.) reported the same in a new draft, under the same title. (S. P. 543) and that it ought to pass.

The reports were read and accepted and the bill laid upon the table for printing under the joint rules.

Mr. Weeks, from the same Committee, on bill "An Act relating to Board of Registration in Optometry." (S. D. 65.) reported that the same ought to pass.

The report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Crosby, from the Committee on Military Affairs, on "Resolve providing for a state pension for Otis O. Roberts of Dexter, last surviving holder in Maine of the Congressional Medal of Honor, for services rendered in the Civil War." (S. P. 153.) reported the same in a new draft, under the title of "Resolve for an honorarium for Otis O. Roberts of Dexter, one of two surviving holders in Maine of the Congressional Medal of Honor, for services rendered in the Civil War." (S. P. 544.) and that it ought to pass.

The report was read and accept-

ed and the resolve laid upon the table for printing under the joint rules.

Mr. Littlefield, from the Committee on State Prison, on bill "An act relating to the employment of convicts in the State Prison. (S. D. 72.) reported that the same ought to pass.

The report was read and accepted, the bill read once and tomorrow assigned for second reading.

Passed to Be Engrossed

An Act relating to taking clams in Trenton. (H. D. 8.)

(On motion by Mr. Murchie of Washington, tabled pending passage to be engrossed.)

An Act relating to the expenses of the State Historian. (H. D. 355.)

Resolve for the purchase of "A History of Pemaquid." (H. D. 362.)

Resolve for the purchase of one hundred copies of the History of the town of Lincoln. (H. D. 363.)

Resolve providing for a state pension for Eliza F. Withee of Vassalboro. (H. D. 128.)

An Act relating to increases in capital stock of railroad corporations. (H. D. 139.)

An Act to extend the charter granted to the Union Terminal Company. (H. D. 183.)

An Act relating to the Presque Isle Sewer District. (H. D. 356.)

An Act relating to the Presque Isle Sewer District. (H. D. 357.)

An Act to empower and direct the Governor and Council to convey certain property in Bath to the City of Bath. (H. D. 359.)

An Act to amend the charter of the Mutual Fire Insurance Company of Saco, Maine. (H. D. 361.)

An Act relating to the Portland Terminal Company. (S. D. 182.)

An Act to dissolve the Somerset Railway Company and the Washington County Railway Company. (S. D. 183.)

Passed To Be Enacted

An Act to increase the salary of the Register of Deeds in the County of Androscoggin. (S. D. 153.)

An Act to create York Water District. (S. D. 25.)

An Act to amend section 39 of chapter 67 of the Revised Statutes relating to the fees to be paid by

executor or administrator. (S. D. 33.)

An Act to amend section 2 of chapter 208 of the Public Laws of 1925, permitting sterilizing operations. (S. D. 51.)

An Act to continue the Game Sanctuary in Knox County known as the Knox County Game Preserve. (H. D. 13.)

An act to amend the charter of the Bar Harbor Village Improvement Association. (H. D. 29.)

An Act to change the name of Division of Maine, Sons of Union Veterans of the Civil War, to Department of Maine, Sons of Union Veterans of the Civil War. (H. D. 304.)

An Act to establish the Winthrop and Wayne Game Sanctuary in the towns of Winthrop and Wayne. (H. D. 61.)

An Act to amend section 1 of chapter 7 of the Private and Special laws of 1921 entitled, "An Act creating the West Paris Village Corporation," increasing the territory embraced within said corporation. (H. D. 68.)

An Act confirming and making valid certain licenses or permits given by the Selectmen of Hancock, Maine, and vesting in the Consolidated Lobster Company, Inc., certain rights and property in lobster pounds, wharf and dams in the waters of Skillings River on the West side of Hancock Point in Hancock, Maine. (H. D. 305.)

An Act relating to clerk hire in the office of Registry of Deeds for Lincoln County. (H. D. 317.)

An act to protect muskrats in the town of Orrington, in the County of Penobscot. (H. D. 76)

An act to incorporate the Great Pond Railway Company. (H. D. 306)

An act relating to the Home for Aged Men in Bangor. (H. D. 319)

An act to extend the charter of the Blue Hill Water Company. (H. D. 307)

Finally Passed

Resolve, providing for a State pension for Fred F. Harris of Lewiston. (S. D. 22)

Resolve in favor of the Waldo and Penobscot Agricultural Society for the state stipend for nineteen hundred and twenty eight. (H. D. 71)

Resolve providing for a state pension for Kate D. Talbot of Machias. (S. D. 150)

Resolve providing for a state pension for Alberta Wadsworth of Belfast. (S. D. 151)

Resolve providing for an increase in state pension for Sarah Perkins of Harmony. (H. D. 41)

Resolve providing for a state pension for Harrison M. Crocker of Whitefield. (H. D. 320)

Resolve in favor of the Aroostook Test Laboratory. (H. D. 318)

Orders of the Day

The President laid before the Senate, Joint Order, relative to the export of hydro-electric power (S. D. 155) tabled by Mr. Murchie of Washington on February 20th pending passage, and today assigned; and that senator offered Senate Amendment "A" and moved its adoption:

Senate Amendment "A" to Senate Document 155.

Amend Senate Document 155 by striking out paragraphs numbered three and four on the second page, paragraphs numbered twelve and thirteen on the third page, and paragraph numbered fourteen on the third and fourth pages of the printed document; by striking out the words "hydro installation" in the paragraph numbered seven on said third page and inserting in place thereof the words "average daily demand;" by striking out the word "costs" in the paragraphs numbered nine and ten on said third page and inserting in place thereof the word "rate;" by striking out the words "said states" in the second line and "of manufacture" in the fourth line of the paragraph numbered eleven on said page and inserting in place of the words "said states" the word "Maine;" and by renumbering paragraphs 5, 6, 7, 8, 9, 10, 11 and 15 respectively, 3, 4, 5, 6, 7, 8, 9, and 10.

The PRESIDENT: Is it the pleasure of the Senate that Amendment "A" be adopted?

Thereupon Senate Amendment "A" to Senate Document 155 was adopted.

Mr. MURCHIE of Washington: Mr. President, I now move the passage of the Joint Order, Senate Document 155, as amended and I want to explain the reasons for the amendment.

Paragraphs three, four and thirteen all have to do with the cost of construction and operation of a transmission line from Maine to Massachusetts, and to be of any value the information to be given under those questions would necessarily disclose the location of the Maine terminus and the location of the Massachusetts terminus, of such lines. It was suggested to me by parties interested in the export of electricity that it would not be fair to the corporations to enforce them to disclose the termini because if they should do so the whole world would have an opportunity to buy up land and raise the price of the transmission lines. I thought that objection was a reasonable one and for that reason I crossed out paragraph three and in crossing out paragraph three, automatically paragraphs four and thirteen had to come out.

I had yesterday a long conference with Mr. Wyman, the President of the Central Maine Power Company, Mr. Williams, the Vice-President, and two of the attorneys representing that company, Mr. Merrill and Mr. Perkins, and I became convinced from what was stated to me by those gentlemen that it would be impossible, within the time available between now and the report of the triple-headed committee, to obtain any information that would be worth while with reference to questions twelve and fourteen, the relative worth of the powers in Maine used for manufacturing purposes and used to generate power for sale being question twelve, and the class or kind of power in New Hampshire and Massachusetts which the Maine power would replace, being the question proposed in paragraph fourteen.

A reading of the order will demonstrate to the Senate that this order was not introduced for purposes of delay. The order calls for such an investigation as the committee and its members may see fit to make into the proposed questions and for a report on them at the time that the committee makes its report on any one of the bills now before it. I do not think it is possible to involve much expense or any delay in an order so drawn and I am speaking now to explain the withdrawal of the questions, first on the ground of not requiring a corporation to disclose matters that it should not be expected to

disclose and second not including in the order any information that cannot be readily obtained. I believe I quote accurately the view of the gentlemen with whom I talked when I say that the order as amended calls for no information that cannot readily be obtained. Three other changes in the order substituted the words "Average daily demand" for "Hydro installation", the word "Rates" for "Cost", which go merely to qualify the intentions and limits the report on proportion of power and freight costs to Maine industries which can be supplied and in New Hampshire and Massachusetts where there may be some difficulty in getting them.

I started in on the water power question this winter doubtful of my own previous opinion, and my position on the water power question now is the same as it was the first time I mentioned the matter in the Senate. If the people who desire to export power from Maine can demonstrate to us that it is good business for the State of Maine to permit the export of power, I believe it should be exported. I believe, however, the burden is on them and I introduce this order so that the report of the committee may not merely "ought to pass" or "ought not to pass" but may be "ought to pass" or "ought not to pass for the following business economic reasons." I believe the gentlemen who are interested in power export—and I know that they know infinitely more than I about the subject matter—can furnish the committee with information on questions of even greater importance than I have proposed. I should like to see a report come into the Legislature that, first, the Legislature could understand on business grounds and that, second, the people of the State of Maine before voting on the question could understand on business grounds.

I move, as I have stated, that the order as amended have a passage.

THE PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Murchie, that the order as amended by Senate Amendment "A" receive a passage. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on motion by Mr. Weeks of Somerset five hundred copies of the order as amended were ordered printed.

Sent down for concurrence.

On motion by Mr. Crosby of Penobscot the Senate voted to take from the table, Senate Report from Committee on Legal Affairs Majority Report "Ought not to pass", Minority Report "Ought to pass," on S. D. 34, An act providing for the appointment of Clerks of Courts, tabled February 20th by that Senator pending consideration of either report.

MR. CROSBY: Mr. President, I now make the motion that the minority report "ought to pass" be accepted and I now address myself to that motion. There are doubtless very few, if any, members of the Eighty-fourth Legislature in either House or Senate who today would seriously maintain that the Bench of Maine should become elective. May that day never come. The high standards of character, integrity, deep learning and mental acumen which have for many years characterized the Bench of the State of Maine should never be jeopardized by the vicissitudes, the hurley-burley of politics, and in making that statement I yield to no man my firm belief in the democratic principle that the ultimate power rests in the hands of the people whose voice is sometimes called "the Voice of God" and to which our ears are usually delicately attuned.

Closely allied with the Bench and the administration of justice is the office of the Clerk of Courts. The Clerk of Courts does not perform judicial functions but he is a very important cog in the wheel of the administration of justice. His duties are manifold. There are hundreds and hundreds of details which he must have at all times at the ends of his fingers. There are details requiring an intimate knowledge of court procedure, the background of judicial process and which cannot be learned from any book, but only in the school of experience.

That office, I submit to the members of the honorable Senate should be non-political. Now, in the State of Maine, in our sixteen counties, we have a good many veteran clerks of courts who have

held office for a great many years, giving eminent satisfaction, efficient, friends, close associates, members of the Bar throughout the State.

Over in Penobscot County for many years was a very fine and estimable gentleman, clerk of courts, the late Charles F. Sweet, on whom be prayer and peace, who during the many years that he served there, loved by every member of the Bar, had seen generations of lawyers come into the Bar and go out into the Great Beyond.

It was unthinkable to the members of the Penobscot County Bar that the office of Clerk of Courts then held by Brother Sweet could be upset by any political turmoll, but some years ago opposition suddenly developed in the Primaries and Mr. Sweet, who had held office for some twenty-odd years was turned out, and the Bar and the community stood aghast at the situation. At the expiration of his successor's term he was returned to office where he served until he died sitting in his chair in his office, going down like a ship under full sail. On his death a very unfortunate condition arose again in Penobscot County. Where the present incumbent dies in office, the statute provides that the court shall appoint a successor to fill out the unexpired term. This was done. The Court appointed a layman, a fine fellow, a man of unquestioned ability, but the transition from the background of a layman to the intricacies of legal procedure wrought havoc to the administration of justice in Penobscot County. It was a long time before he was in a position to have matters at the end of his finger tips.

As he was well on the road to attaining that situation, the Primary came along and another candidate came into the field, and made an aggressive campaign and the appointee was defeated and at the September election, the new man was elected and once again procedure was wholly disrupted and the Court had to start in again to break in a new man, and so again for a period of months it was impossible to get efficient service. the Court was not only acting as judge, but also as clerk of courts, —a most unfortunate situation.

Judges, the courts, should not be subjected to that possibility.

Of course when you and I are placed under severe strain, perhaps from receiving a great many communications about the mosquito bill or the wild flower bill, we get annoyed by it and concerned about it. Perhaps some of us are like the character in Dickens—the famous case of Bardell versus Pickwick—the man who when bothered and annoyed always wrote down something with a pen without any ink in it.

But seriously, the court should not be subjected to the possibility of having the entire machinery the administration of justice disrupted. This bill, Senate Document 34 is a very fair one. It is not a halfway measure but it removes this office absolutely beyond the pale of partisan politics, vesting the power in the Chief Justice of the State, to recommend to the Governor and Council the appointment of a man who is to be chosen.

The president of the Maine Bar Association, the Honorable E. C. Ryder, also president of the Penobscot Bar Association, heartily endorses this bill. He told me so in so many words just a few days ago. I submit to you that in an office of this character, with the holders of it busily engaged in the manifold duties of the office, they have neither time nor inclination to go out into the welter of political contest. They should not be subjected to the possibility of being turned out after years of exceptionally fine record.

I submit this bill to you on its merits and although I am neither a prophet nor am I the son of a prophet, I submit to you the hope that it will receive passage.

Mr. PAGE of Somerset.: Mr. President as a layman, I would like to second the motion made by the Senator from Penobscot that the minority report be accepted.

The PRESIDENT: Is there any further debate?

Mr. MURCHIE of Washington: Mr. President, having signed the majority report, "ought not to pass," I suppose it is incumbent upon me to give some reason for my position. While I do not want to take much time of the Senate, I think that sufficient time should

be taken merely that the other side of the picture may be exhibited to some extent.

With almost all that the Senator from Penobscot (Senator Crosby) has said, I am in hearty accord and there can be on the part of the members of the bar certainly—and I think generally of people all over the State—no possible desire that the courts should be dragged into politics.

We have been dragging along for a matter of one hundred odd years with judges appointed and we have done pretty well, and during that same full term of one hundred odd years, we have been running along with our clerks of courts elected, and we have done pretty well.

I do not want to pick a few clerks out and place them ahead of other clerks but it is a fact, as the Senator from Penobscot, (Senator Crosby) has said, that we have in a good many counties in the State, clerks who have been elected, re-elected and re-elected and served in office not all like Brother Sweet until they died in their chairs, but until they died a natural death—some at home.

I am opposed to any legislation dealing with clerks of courts or any other officers or class of people, which is presented for the purpose of perpetuating themselves in office or providing by legislation for their own personal welfare. I know a few clerks of courts in our State. I would not replace any one that I know of for any other man. But I think that it is only fair and right that the people of the county who pay the bills should have the right in the case of clerks of courts that they have in the case of the judge of probate, an office of even greater importance than the office of clerk of courts; in the office of county attorney, an office likewise of greater importance and an office where much more harm could be done by selecting the wrong man, and so on through the county officers, to have a voice in their selection.

I assume the Senator from Penobscot (Senator Crosby) has scanned the field thoroughly and that in the term of upwards of one hundred years he is able to cite one instance where the election of the clerk of courts by the people has

gone astray, and in the same statement he tells of an appointment made of a man who had a great deal of difficulty—and so on. It is true that the clerk of courts has to have a great deal of detail at his finger tips. It is true of the judge of probate, the register of probate and the county attorney. It is true, I think, that every public official has to have a considerable amount of detail at hand. It might be true that we would have better officers in the counties if they were all appointed. It might be true that we would have better legislators if they were appointed.

Now, I am a member of the committee which reported this bill, advertised the hearing, and at the hearing two men appeared before the committee—two clerks of courts—and I understand the bill has been before several other Legislatures and I think probably it is a fact that every time the bill has been heard before a committee the people who appeared to favor it were clerks of courts—and I should think they would.

I do not want to take any unfair advantage of the fact that this bill as printed is not the bill that the Senator from Penobscot (Senator Crosby) and those who signed the minority report with him are intending to urge. I believe I state a fact when I say they intend to amend this bill if the bill is substituted for the report, and I think you can get a good deal of light on the underlying purposes of the bill if you read it.

“Section 1: Upon recommendation of the chief justice of the Supreme Judicial Court, the governor shall appoint and the governor's council shall confirm the clerks of courts of our several counties.”

There are three steps for the latter and after the chief justice makes his recommendation, neither our chief executive whom we have elected for the purpose of appointing appointive officers, nor the council which is created for the purpose of confirming or rejecting, is to have any voice in the matter. I do not know what the situation would be if the governor declined to appoint and the council declined to confirm.

“Section 2: The clerks of courts

thus appointed shall hold office at the will and pleasure of the aforesaid chief justice, who may cause any clerk of courts of our said counties to be removed from the office by the governor and council, if, after hearing by the justices of said court sitting as a court of law on charges preferred for inefficiency in the performance of his duties, misconduct in office, embezzlement of funds intrusted to his care or other charge warranting dismissal from office, the clerk so charged is found guilty." The governor and council take the orders of the chief justice in making the appointment and take the orders of the Supreme Court in making the removal.

There is no appointment for a definite term. I understand that the members who signed the majority report are willing to make it a definite term, a term of four years.

But I call the attention to the bill to show that the people who prepared it not the Senator from Knox (Senator Dwinal) who introduced it, but the clerks of the organization which prepared it, have tried to set up the officer of the clerk of courts as more important even than the Court itself, appointed for life or during good behavior.

It may be advisable to amend our general law so that judges of probate, registers of probate, registers of deeds, clerks of courts and county attorneys and possibly the other county officers should be appointed by the Governor.

I do not believe it is advisable to pick out one office because the men in office have the organization and make that office appointive, leaving more important ones open for election.

I hope that the motion will not prevail.

Mr. DWINAL of Knox: Mr. President, as has been intimated by the Senator from Washington, Senator Murchie, if the Minority Report "Ought to pass" is accepted, after the second reading an amendment will be offered which will correct the phraseology to which the Senator refers to the extent of not obliging the Governor to make the appointment based upon the recommendation of the Chief Justice. The amendment will also

provide for a definite term of four years in order to make changes in the office, when desirable, easier.

The amendment would also provide that officers now serving an elective term should complete that term of service. That amendment will be offered later if the Minority Report is accepted.

The PRESIDENT: Is there further debate? The Chair will state that this is a divided report from the Committee on Legal Affairs; Majority Report "Ought not to pass," Minority Report "Ought to pass." The question before the Senate is on the motion of the Senator from Penobscot, Senator Crosby, that the Minority Report "Ought to pass" be accepted.

A division of the Senate was had. Twenty having voted in the affirmative and ten in the negative, the motion to accept the Minority Report prevailed.

Thereupon the bill received its first reading and tomorrow assigned for second reading.

On motion by Mr. Murchie of Washington, the Senate voted to take from the table, An act to increase the salary of County Treasurer of Franklin County (H. D. 329) tabled by that senator on February 20th, pending passage to be engrossed.

Thereupon the same senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to House Document 329. Amend House Document No. 329 by striking out the word 'increased' in the last line of said document so that said last line as amended shall read as follows: 'Franklin, five hundred dollars'."

Thereupon Senate Amendment "A" to House Document 329 was adopted; and on further motion by the same senator the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Is there anything further that can be taken from the table under orders of the day?

On motion by Mrs. Carter of Androscoggin,

Adjourned until tomorrow morning at ten o'clock.