

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, March 19, 1929

Senate called to order by the President.

Prayer by the Rev. G. F. Magraw of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading

Resolve in favor of John M. Eastman. (H. P. 736) (H. D. 212)

An act relating to deductions from State school fund. (H. P. 1181) (H. D. 387)

An act to place the administration of the affairs of the Indian tribes under the Department of Forestry. (H. P. 1275) (H. D. 432)

An act relating to fishing in Kewayden Lake in the town of Stoneham. (H. P. 1534) (H. D. 555)

An act relative to the hours of employment of women. (H. P. 1658) (H. D. 603)

An act relative to the extermination of mosquitoes. (H. P. 1638) (H. D. 662)

An act relating to taking of land of railroad corporations for streets or ways. (H. P. 1574) (H. D. 580)

An act relating to vacancies in town offices. (H. P. 1255) (H. D. 427)

An act relative to Probate Courts. (H. P. 1281) (H. D. 438)

An act to amend section 66 of chapter 8 of the Revised Statutes, relating to the funds of the Maine Forestry District. (H. P. 1404) (H. D. 466)

An act relating to the collection of a fee from persons visiting the State prison. (H. P. 1166) (H. D. 373)

Resolve in favor of the Maine State Prison for maintenance and current expenses. (H. P. 1584) (H. D. 587)

An act relative to snow removal from State and State aid highways in unincorporated townships and plantations, and declaring chapter 227 of the Public Laws of 1927 to be a part of chapter 25 of the Revised Statutes entitled State highways. (H. P. 1443) (H. D. 498)

An act to revise, arrange and simplify the mill tax highway fund law. (H. P. 1445) (H. D. 500)

From the House: An act relating to the removal of snow from highways and town ways. (H. P. 1634) (H. D. 660)

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

In the Senate, the report was accepted, the bill received its first reading, House Amendment "A" was adopted in concurrence, and the bill assigned for tomorrow for second reading.

Orders

On motion by Mr. Bragdon of Aroostook, it was

Ordered, that the State Librarian be ordered to forward to each member and officer of the Senate of the eighty-fourth Legislature one copy of the Revised Statutes of nineteen hundred and twenty-nine, when printed.

Bills in First Reading

Resolve in favor of the towns of Sangerville and Guilford, (S. P. 256) (S. D. 355.)

Resolve in favor of the Passamaquoddy Tribe of Indians for the general care, maintenance and education thereof. (S. P. 686) (S. D. 357.)

Resolve in favor of the Northern Maine Sanatorium for the construction and equipment of a nurses' home. (S. P. 687) (S. D. 358.)

Resolve in favor of the Central Maine Sanatorium for construction and equipment of an additional building for patients. (S. P. 688) (S. D. 359.)

Resolve in favor of the Western Maine Sanatorium for the construction of a superintendent's home. (S. P. 689) (S. D. 360.)

Report of Committee

Mr. Bragdon, from the Committee on Agriculture, on bill an act relating to the sale of milk, cream, jars and bottles (S. P. 19) (S. D. 11) reported that the same ought not to pass.

Mr. SLOCUM of Cumberland: Mr. President, this bill was to prevent the sale of milk in ten ounce bottles and I am not in favor of the acceptance of the "ought not to pass" report. There was another bill introduced in the House and that bill, if it does not pass, will allow one man, who took advantage

of a loop hole in the law two years ago, to continue to sell milk in ten ounce bottles. This bill would prevent the sale by anyone of milk in ten ounce bottles and I am not in favor of the report of the committee.

The PRESIDENT: The question before the Senate is on the acceptance of the committee report "ought not to pass." Is there further debate?

Mr. BRAGDON of Aroostook: Mr. President, as the Chairman of the committee which made this report I feel that it devolves upon me to state the reasons which caused the committee to make the report. Two years ago a bill was introduced into the Legislature, and came before our Committee of Agriculture, which fixed a standard for milk bottles. As I understand it, this applied wholly to the city of Portland as that city had a local ordinance requiring that all milk sold in restaurants, I think,—and I don't know how many other places—that all milk sold should be sold in sealed bottles. This law, passed two years ago, fixed the sizes of those bottles as eight ounce, sixteen ounce and thirty-two ounce. It seemed that at that time there was a ten ounce bottle being sold in the city to restaurants and those of you who have gone down into the basement of this building and bought one of these eight ounce bottles of milk can realize that, for restaurant use at least, there might be a reason for selling a ten ounce size as an eight ounce bottle of milk does not make a full drink for a grown person. Milk dealers in Portland appeared before that committee and while they did not seriously object as a whole to standardizing the size of bottles, they did feel that it would be a hardship to them to legislate this ten ounce bottle out of existence which had been in use in practically all of the restaurants in Portland, I understand, and so as a compromise an amendment was agreed upon—I can't give the exact words of the amendment—but it provided that all owners of ten ounce bottles who acquired them legally before the operation of that act should be entitled to use them until they were gone, and with that amendment the bill was passed. It

is true, as developed at the hearing on this bill under consideration today, that a short time before the law became operative a certain milk dealer in Portland took advantage of the act which, so far as the amendment was concerned was perhaps somewhat loosely drawn, and bought up a stock of ten ounce bottles. These bottles are marked plainly "for restaurant use only" and the weight is marked plainly on them. When the hearing was had on this bill I asked this gentleman how many bottles he had on hand. He told me and in answer to another question he stated that the amount that he had on hand would probably last him two years longer. At the end of that time if there was no change in the law he would have to stop using the bottles.

Now, at our hearing down here this last week the matter came up in another form and it was brought out that the wholesalers of milk in the city of Portland were selling the eight ounce bottles such as you buy down in the restaurant in the basement of this building, for four cents. Well, you can see that a cent is not a reasonable amount of profit for a restaurant keeper in retailing a bottle of milk, and in the restaurant business everything goes by nickels and if five cents isn't enough for an article the price that they charge is ten cents so that in general these eight ounce bottles of milk are sold to the consumer in restaurants for ten cents. It is true that in some instances where a meal is bought at the same time that the bottle of milk is, that the price is five cents.

Now the ten ounce bottle, which makes a good drink of milk for a man, is sold to these same restaurant keepers for four and a half cents. Well, five and a half cents is a sufficient amount of profit for a restaurant keeper in selling a bottle of milk and so these ten ounce bottles are sold to the consumer for the same price that the eight ounce bottle is sold for. They furnish just so much larger drink for the customer and he doesn't lose by it. The producer of the milk gets a chance to find a market for two ounces more of milk. But the thing that appeals to me the most strongly is the fact that our committee—and I will state that the

Senator from Cumberland, Senator Slocum, appeared before that committee and agreed with the milk dealers at the time that the amendment was made, and I went into that agreement in good faith. It may be that we might have been careless in making this amendment a little more comprehensive than we intended but I believe that our committee, of the Maine Legislature, after it has made a trade in good faith with the people should stand by it unless there is a good reason for not doing so. I hope that the report of the committee will be accepted.

Mr. SLOCUM: Mr. President, I am very glad that the Senator from Aroostook, Senator Bragdon, has so completely explained this. At the hearing two years ago the same facts were brought out. The ten ounce bottle was included in the original bill which I introduced and the committee, in its wisdom, removed the ten ounce bottle and legalized the quart, pint and half pint bottles. As the Senator from Aroostook (Senator Bragdon) has said, for an eight ounce bottle the wholesaler gets four cents and the retailer sells it for ten cents. The ten ounce bottle is sold to the retailer for four and a half cents, for which he gets ten cents, or a profit of five and one-half cents. For the sixteen ounce bottle which the retailer also sells for ten cents he pays six and a half cents, thereby making three and one-half cents profit. Three and a half cents is a fairly good profit on an investment of six and a half cents.

I would also like to introduce before the Legislature the fact that there are a number of milk dealers in Portland who come under this same unfortunate situation of having to sell their milk in the original container and every single one, if I am correctly informed, is opposed to the ten ounce bottle. I will, with your permission, read a list of those: the Oakhurst Dairy, R. O. Stockman, J. S. Gordon, Turner Center Creamery, H. F. Cotton, Deering Dairy, Maine Dairy, Inc., H. F. Harrison (Thornton Heights Dairy), Old Tavern Farm, Inc., L. W. Welt, Forest City Dairy, C. R. Dean, Great Meadows Farms, A. W. Shaw, Elm Row Milk Co., W. O. Putnam, Portland Dairy, G. W. Tassmore, Hiram Fields (Poplar

Ridge Farm), Erlon Mosher, Hans Peterson, C. H. Carter, Milton S. Bailey, Linwood Sawyer, F. A. Walker, W. A. Anderson, Thomas Hennigar, Stonybrook Farm, J. E. Knowles, G. A. Dibblee, W. N. Frellick, Peaks Island Dairy, River-ton Dairy, W. R. Leighton, C. F. Rines, Home Dairy, Hyman Meyer, Sagadahoc Farm, C. J. M. West, J. M. Densmore, J. G. Johnson, Home Dairy, Walter Bagster, John Swanson, F. L. Maccabe, Peter Smith, L. H. Milliken, T. E. Stevens, Wiley Farm, Mrs. E. Connolly, Spring Pond Dairy, H. Maxfield and Thornhurst Farm. Those are a list of the milk dealers in and around Portland and one of them only wants the ten ounce bottle. The others if I am correctly informed, do not want the ten ounce bottle. The Committee on Agriculture two years ago and the milk dealers, including the Old Tavern Farm, made a gentlemen's agreement—I was present when the agreement was made—to legalize those ten ounce bottles that they held, that they possessed, at the time the law went into effect. The actual wording of that so-called loop-hole in the law said that all bottles bought prior to July 3rd should be legal, and one man broke that gentlemen's agreement and bought 140 gross of those bottles in order to subvert the will of the people of the State of Maine as expressed by their Legislature.

If this report of the committee is accepted and the bill that is before the House to legalize the ten ounce bottle is killed you will continue this present situation of allowing a man who broke faith with the agricultural committee two years ago and the other milk dealers to continue to do so. I hope that the report will not be accepted.

Mr. BRAGDON: Mr. President, I am somewhat interested in this "Gentlemen's Agreement" that we have heard about. I will say that I wasn't one of the gentlemen who who was a party to it so perhaps the Senator from Cumberland, Senator Slocum, knows more about that than I do. But this matter of a pint bottle being sold for ten cents is also something new to me. That wasn't brought out at the committee hearing. It would seem strange to me that under the circumstances a resident of Portland would be anxious to go into a res-

restaurant and buy a half a pint of milk for ten cents when he could get a pint for the same price and drink what he wanted out of it and throw the rest away. It would hardly seem that there would be much demand for either the eight ounce or the ten ounce bottle in those restaurants. We were told that in the restaurant that sold the ten ounce size they had no demand for the smaller one; they couldn't use that anyway. But I want to call your attention to this fact, that if you abrogate the gentlemen's agreement that the Senator from Cumberland (Senator Slocum) has told us about you will cause one owner of milk bottles in Portland—you will put him in a position so that he will have to throw away between \$600 and \$700 worth of bottles that he bought legally. And we have seen enough of claims coming into this Legislature for allowances on the part of public officials who have put in claims for reimbursement on account of the increases in salaries that they failed to get in the past, to convince us that if we pass this law this gentleman who entered into the gentlemen's agreement with the Senator from Cumberland (Senator Slocum), perhaps, might put in a claim for his \$700 worth of bottles and, going by past experience, it might be possible that the Legislature would allow it, in which case there would be of course no objection to this bill going through. But I still consider that when this Legislature, or a committee of the Legislature, enters into an agreement in good faith they should stand by it.

Mr. NOYES of Kennebec: Mr. President, I am not at all interested in the question from the standpoint of a quarrel between the different parties but it would seem to me, from hearing the evidence given before the committee, that there had grown up a demand for milk in the ten ounce bottle. Now, all my life I have engaged in the preparation and packing of food and different sized packages are continually coming on the market and when I see a little bit of a can coming and coming and coming and still coming it makes me see red because it is almost impossible for a man with a small output, a small number of factories, to get all that size of machinery to take

care of those cans. But it would seem to me from what I have learned about this that there is a demand from the consumer, a real demand, for that ten ounce bottle, and the people who patronize the restaurants and drink milk—and those are the people I have in mind, not the dealers at all—for those people I believe it would be a fair proposition to legalize the ten ounce bottle.

Mr. LELAND of Piscataquis: Mr. President, as a member of the Committee on Agriculture I want to say that I am in accord with the sentiment expressed by other members of the committee and I hope the committee's report will be accepted.

The PRESIDENT: The question before the Senate is upon the acceptance of the committee report "ought not to pass."

A viva voce vote being had The report of the committee "ought not to pass" was accepted.

Passed to be Engrossed

An act relating to the establishment of the Lewiston Municipal Court. (H. P. 842) (H. D. 268)

An act relating to procedure before Public Utilities Commission. (H. P. 1214) (H. D. 405)

An act providing for Committee of Visitors to Pownal State School. (H. P. 1406) (H. D. 468)

An act relating to certain reports to the Commissioner of Labor and Industry. (H. P. 1407) (H. D. 469)

An act regarding disposition of motor vehicle fees. (H. P. 1595) (H. D. 593)

An act relating to the relicensing and registration of undertakers. (H. P. 1629) (H. D. 648)

An act to set off certain land from the town of Hudson to be annexed to the city of Old Town. (H. P. 1635) (H. D. 659)

An act to prohibit lobster fishing in certain waters of Winter Harbor and Gouldsboro. (H. P. 1636) (H. D. 658)

An act to authorize the Treasurer and County Commissioners of York County to procure a loan and issue bonds. (S. P. 152) (S. D. 68)

An act to remove the limit of expenditure of third class highway funds upon a section of road where buildings are nearer than two hundred feet apart. (S. P. 254) (S. D. 106)

Resolve in favor of the town of Lyman (S. P. 644) (S. D. 352)

An act to prohibit the erection of any dam on the public waters in the State unless and until all bushes, trees and stumps within the area to be flowed shall have been removed. (S. P. 683) (S. D. 351)

Mr. Page of Somerset offered the following amendment and moved its adoption: "Senate Amendment 'A' to Senate Document 351. Amend said bill by inserting in line seventeen after the word 'removed' the following: 'And shall cut and remove'."

The amendment was adopted and the bill as so amended was passed to be engrossed.

An act to amend and extend the charter of Kennebec Reservoir Company, said charter being chapter 113 of the Private and Special Acts of 1927 (S. P. 684) (S. D. 353)

Orders of the Day

The PRESIDENT: Under Orders of the Day, and assigned for to-day, the Chair lays before the Senate, Report from the Committee on Legal Affairs, Majority report "Ought to Pass," minority report "Ought not to pass" on An act relating to pilots for Port of Portland, (H. D. 285), tabled on March 15th by Senator Slocum of Cumberland, pending acceptance of either report, and recognizes that Senator.

Mr. SLOCUM of Cumberland: Mr. President, I move we accept the minority report "Ought not to pass" in concurrence with the House.

Mr. MURCHIE of Washington: Mr. President, as one of the committee who signed the majority report, I hoped that I had seen the last of this bill in committee, because it didn't seem to me that it was a vitally important matter. It was discussed at very considerable length in there and the report that was finally made "ought to pass" was made, I believe, because of the judgment of a majority of the committee that the legislation enacted two years ago, the so-called "compulsory fee feature," was really public legislation for private benefit, and when that report was made it was my personal intention, disregarding any action that might be taken in either body of the

Legislature, to have nothing to say. I found on my desk, however, following the action of the House, —I suppose distributed in both branches—a sheet labeled "Facts relating to Pilotage Bill," and the last sentence in that sheet reads as follows: "It looks like public legislation for private interests." It thereby carries the inference that the bill presented to the Legislature in 1929 is a bill seeking public legislation for private ends, and I cannot permit that particular allegation to pass unchallenged.

I understand that the Port of Portland has had registered or licensed pilots since 1901, the early registration being made by the Board of Trade of Portland, but in 1917 the Maine Legislature passed An act, Chapter 192 of the Private and Special Laws of that year, creating a Board of Harbor Commissioners and defining its powers, and Section 10 provided for the appointment of pilots. Section 10 has a rather peculiar provision. I don't believe that the person who introduced the bill intended to insert any joker in it. I do not know that the person who drafted the bill intended to insert any joker in it, but it has a provision that was carried into the 1927 act, and that is the very basis of the objection of the Committee on Legal Affairs, which I want to read: "Persons desiring a branch shall make written application to said board, stating their qualifications therefor; and said board shall make careful examination and investigation of the qualifications of the applicant, and if satisfied that he has the requisite qualifications, may give the applicant a branch."

I suppose it was stated before the Legislature of 1917 because of the requirements of the commissioners to give anybody who sought the position an examination, that this provided for every man who was qualified to serve as a pilot of the Port of Portland who was willing to take the examination and could qualify. But the word "may", as the law has been demonstrated, actually operates to give the Commissioners of the Port of Portland the opportunity to create a monopoly, which they have created.

It has been urged against this legislation—several points have been urged—but one point urged is that

the act is improperly drawn, that the act ought to give specific information, whereas it says, "Section 10 is hereby amended by striking out all of said section and inserting in place thereof the following:". Now that may be a good objection, but Chapter 24 of the Private and Special Laws of 1927, the act which provided for the compulsory pilot fee, reads: "Section 10 of Chapter 192 of the Private and Special Laws of 1917 is hereby amended by striking out all of said section ten and inserting in place thereof the following". I do not know that the proponents of compulsory pilotage fees ought to object because the opponents of compulsory pilotage fees use their own language in submitting a bill.

Another objection that is urged is that we need pilots in the Port of Portland. I do not think—I know that no member of the Committee on Legal Affairs, and I do not think any member of this Legislature, would advocate repealing the legislation that provides for pilots in the Port of Portland. But they were adequately provided for under the law of 1917, which contained no compulsory fee provision. It is stated that the legislation as it now stands on the books, which includes the compulsory pilotage fee feature, is identical with the legislation generally throughout the United States and Canada. I want to say here that anybody who has examined the pilotage law in every state in the United States which has a port, and every province in Canada that has a port, has read a good deal of law. I have not done that, but I have read four of them. I have read the law in Massachusetts, in New Hampshire, in Maryland and in Virginia. I do not want to burden you with quotations but I will say that the Maine act is not like any one of those acts, and to establish the point merely that it is not identical, I want to read from one law, the law of Maryland. Article 74 of the Annotated Code of Maryland, Volume 2, Section 4: "The board of examiners shall examine each applicant producing such certificate"—a certificate of honesty and good behavior only,—and if, upon public examination, the person shall ap-

pear to the board of sufficient ability, skill and experience, they shall grant him one of three kinds of warrants of appointment and license, under seal, according to the qualification of such person." In other words, in Maryland anybody who is qualified to become a pilot and who can get a certificate of honesty and good behavior automatically becomes a pilot upon satisfactorily passing an examination.

Section 29; another feature of the bill: "The pilots shall be required, under the direction of the board, to keep as many as three pilot boats at sea,"—one of said boats to be stationed at one place, one at another, and one another.

The Maine pilot bill provides no compulsion on any pilot. The Maine bill provides, according to Chapter 24 of the Private and Special Laws of 1927—and that is a good place for the legislation, not in the Public Laws—"Every inward bound vessel, drawing nine feet of water and upwards, except coasting and fishing vessels, shall be held to pay such pilots the regular fees for pilotage, whether their services are accepted or not, provided a pilot boat is on her station and prepared to furnish a pilot to such vessel." And then follows the illuminating section of the act; "A pilot boat shall not be obliged to remain on her station at all times." There is not a thing in the act that provides compulsory pilotage, but the act is drawn specially to provide for compulsory payment of fees.

It was fully provided in 1917 but these particular pilots were not assured of a sufficient income and therefore they secured public legislation for their private benefit in 1927, and a majority of the committee recommends the passage of the act in order to get rid of public legislation for private benefit.

I hope that the motion of the Senator from Cumberland (Senator Slocum), will not prevail and that the majority report "ought to pass" will be ultimately accepted.

Mr. CARLTON of Sagadahoc: Mr. President and members of the Senate, so far as the technical parts of the law are concerned I think they ought to be straightened out in the committee. From a practical standpoint I think we

should look at this matter. Of course everyone knows I hate to become involved in these controversies, but a lady coaxed me into this and she happens to be present, and she knows what she is talking about. She is Captain Butler's wife and happens to be a cousin of my father. I explain that so there will be no misunderstanding. She can navigate a ship and I think she doesn't have to take her hat off to her husband.

Now the dangers of this bill—I am no speechmaker and I shall have to use arguments and some illustrations. I carried a pilot's license for fifteen or twenty years in a lighter that we built to ply specially along the Maine coast, and I would like to ask the Senator from Washington (Senator Murchie) through the Chair if he was ever caught off the Maine coast in a snow storm and didn't know where to go.

The PRESIDENT: The Senator may answer if he desires.

Mr. MURCHIE: I am pleased to report, Mr. President, through the Chair, to the Senator from Sagadahoc (Senator Carlton) that it has never been my misfortune to be so caught.

Mr. CARLTON: Thank you. I have the advantage to start with.

Now, we had this lighter that we used to use along the coast and I was a good enough pilot so that the government saw fit to give me a certificate, and for fifteen or twenty years I navigated around the rocks in the waters of the mouth of the Kennebec. One afternoon toward night I went into the mouth of the Kennebec with a hundred tons of stone. The weather didn't look good to me, but I admit that my courage was better than my judgment, as it sometimes is. I hadn't got out more than a mile before a thick snow storm shut down and the wind began to blow. I had a man working with me who was a lobster fisherman, and they are about the best pilots that ever stepped aboard a boat. They have a sense of almost feeling their way along. They can tell by the outline of the shore, or the breakers about where they were going. I had had this man to help me load and he had left for home but I made that whistle talk some for

him to come back because I didn't know where to go although by daylight or when I could see I could go almost anywhere, and I don't think I was ever more pleased to see anybody come aboard than I was to see that man; and from there on we went out through what is called "Salter's Island Gut" and finally we got over into Sheepscot Bay, and as they say, troubles never come singly, it never rains but it pours, and we had two blowouts in our upright boiler and had quite a job to keep our fire. But this pilot got us through and along about midnight we got into Five Islands Harbor, and I never was any gladder to get anywhere.

Now, those are the practical things that appeal to me. The hazard of this is too great and the amount of money involved is too small altogether to be considered. This trip is just one of several others that I might mention but that will do to illustrate. Out there in that tide and wind and snow storm you couldn't see the length of that boat and the tide was running and the wind was blowing and you can imagine that it isn't quite so safe as Portland Harbor; it isn't so good a harbor as Portland Harbor. Now you take strangers. You can imagine what a fix a stranger is in when he comes to this coast in the night in a snow storm. That is the worst thing they have to contend with, I think. Even a bell buoy doesn't sound half so loud in a snow storm. The snow sticks on the outside of it—you know how it is—and deadens the sound.

Now I understand these men in running these foreign steamers in here have made a lump sum on a very small, low priced charter. They can charter for a song and sing it themselves so there is no very great hazard so far as that is concerned.

Now as I understand it there are only about \$7,200 paid these pilots. I understand they get about \$2300 a year out of this business and there were only four of them along the whole coast. Now you take a northeaster that lasts three or four days and some of those pilots have to go home and rest. They can't stay out there all the time. I understood my colleague to advance the idea that they weren't obliged

to go out in bad weather. Well, the profitable part of their business is to be out there in bad weather. That is the time their business is good. People want to get in and they want the money for bringing them in so that is an incentive which they would naturally have. There are some other expenses. I understand they have to maintain a boat, some kind of a power boat that someone has to bear the expense of, but there are some other expenses, of course, attached to it. Now I understand that the port from which these vessels come may have compulsory pilotage, if I am not misinformed. Therefore I see no reason why the vessels themselves should complain. As I understand it oftentimes it is one of the specifications in the charter as to whether the charter shall assume the pilotage or the vessel. Therefore the expense could be put on to the vessel. You can better afford, the State can better afford, to furnish the difference if those people are carrying an extra burden. I yield to no man as to my interest in our industries. I yield to no man on that but if those men, or those owners, who carry an extra burden on this small amount of money want it I would favor any bill that would help to lighten the burden. Now, there are only four of those men and if you cut the crew down there wouldn't be enough to stand two watches, and take the money away from them and they would have to do something else to get a living, and therefore I think the amount of money involved is altogether too small to be considered at the risk of human life. I thank you.

Mr. DWINAL of Knox: Mr. President, my situation is somewhat different from that of the Senator from Washington, (Senator Murchie), who was a member of the same committee, in that I was a member of the Legal Affairs Committee of the 1927 Legislature which passed the act to which he objects, and in signing the minority report that this repealing act should not pass, I am following a line of procedure which we adopted in 1927. As the Senator says, the act providing for the Port Commissioners, harbor commissioners in the Port of Portland was passed in 1917 and that

act authorized them to examine applicants for licenses as pilots and to employ as many as they saw fit, having in mind the safety and convenience of commerce in the Port of Portland. That feature of the bill I want to call to the Senator's attention, will still remain, even if this repealing act is passed because that is a part of the original act.

In 1927, Section ten of that Act of 1917 was amended to provide that all ships drawing more than nine feet of water, and all except fishing vessels and coasting vessels should be obliged to pay pilotage fees, providing a boat was on her station ready to serve them, and the purpose of that was to insure sufficient income for a limited number of pilots so that sufficient pilotage might always be available in that Port. There was considerable evidence presented and it appeared that most of the foreign vessels especially coming across from Europe, insisted upon pilots and always used them. Most other vessels coming from ports at a distance employed pilots generally and there was no one who would say that there were not times that they would take a pilot if they could get one, although some local captains claim to know the port as well as the pilots and that they would never need a pilot. But this bill passed in 1927 exempts coasting and fishing vessels. This seemed to cut out by the provisions of the bill, the captains of vessels who were very familiar with the port, as pilots themselves, and the idea under which the Legal Affairs Committee in 1927 reported out the bill for compulsory pilotage fees, was that it was necessary to do that in view of the reduced amount of shipping in order to insure a competent amount of pilotage in the Port.

There was opposition on the part of the port directors at that time because it was their desire to advertise it as a free port, but in spite of that objection it seemed to us that it was more important that competent pilotage be maintained than that it should be advertised as a free port and take the chance of losing pilotage for those vessels that did require it.

This year, after a hearing on the matter, it appeared that the act which we passed in 1927 had not effected any great income on the

part of the four pilots, that they were running from two thousand to twenty-four hundred dollars a year, and to me it seemed that if this income was materially reduced that there was danger, at least, that the port would lose the services of those competent pilots. That is denied on the part of some who say there will be pilots there anyway. But it must be true that if all vessels other than fishing and coasting vessels are not obliged to pay the pilotage fees, that income would be considerably reduced. Without this compulsory pilotage fee, only those vessels that need a pilot are obliged to take them on. Other vessels coming in, if they feel they can navigate the ship without their aid, go by the pilot boat and get in without the pilotage charge. But there come times when most vessels need a pilot and then we said it was important that the port should have them available, just as we support our fire departments and police departments at all times in order to have them when needed. That was the reason why I signed the minority report that this repealing act should not pass and I think that we should not take a chance on taking away from the port these competent pilots, merely to favor a special class of commerce that objects to paying those fees and I want to again call attention to the fact that the chief objections raised by the Senator from Washington (Senator Murchie) are the objections to naming a limited number of pilots, and that would still be the law if this repealing law should pass.

Mr. CARLTON: Mr. President and members of the Senate, my colleague, Senator Page, sent me a question which I will, in my humble way, attempt to answer. It is this: "What is the difference between forcing a boat to take a pilot and a non-resident hunter having to hire a guide?"

Well, I would say one difference is that the pilot is more apt to save life and the guide to save property. The Senator from Somerset (Senator Page) should know as well as I that if hunters are allowed to roam promiscuously around our forests lighting forest fires they are liable to cause millions of dollars' worth of damage. That ought to be plain. On

the other hand, I think the pilot is more of a life saver. Any man who was ever caught out there in a snow storm and was unable to get in would never vote to repeal this law.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Slocum, that the minority report "ought not to pass" be accepted.

A division of the Senate was had.

Twelve having voted in the affirmative and eighteen in the negative, the motion to accept the minority report failed of passage.

Thereupon, on motion by Mr. Murchie of Washington, the majority report "ought to pass" was accepted in non-concurrence, the bill received its first reading and tomorrow assigned for second reading.

The PRESIDENT: Is there anything else that can be taken from the table?

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, Senate report from the Committee on Legal Affairs, "Ought not to pass" on An Act providing for the protection of owners of electric storage batteries, (S. D. 288), tabled by that Senator on March 15th pending acceptance of report.

Mr. SLOCUM of Cumberland: Mr. President, since that bill was heard I have received a letter and I would like to read the letter and then I will yield to the Senator from Washington, Senator Murchie. "Senator Paul Slocum, State House, Augusta, Maine. I am enclosing a clipping which appeared in a Bangor paper, regarding our hearing in Augusta on the 13th. You will note it is their version of the matter that the Legal Affairs Committee informed us we were already protected. I wish you would make it a point to ascertain from this committee wherein this protection lies, and should you be in conversation with the Attorney General, we would like to get his advice on the matter." The clipping is very short. It reads, "Already Protected. Augusta, Maine, March 13—Owners of battery service stations, arguing for a bill to prosecute persons who

left batteries to be recharged and failed to return rental batteries were told by the Legislative Legal Affairs committee today that they were already protected by law, as were other business men." Mr. President, I yield to the Senator from Washington, Senator Murchie.

Mr. MURCHIE of Washington: Mr. President, this yielding comes as a great surprise. I move the acceptance of the committee report "ought not to pass", and answering the question which I suppose the Senator from Cumberland (Senator Slocum) asks, I may say this, that owners of storage batteries like owners of any other kind of property have the same protection. If anyone borrows or rents or steals them, provided they can convince the court that a crime has been committed, they may see to it that the gentleman is punished properly.

Mr. SLOCUM: If I am in order to speak again, I would like to state that the states of Indiana, Rhode Island, Ohio and California, having appreciated that it is impractical to take a man to court where the costs would be \$25.00 or more to collect a \$2.50 bill, have passed similar bills to this one.

The PRESIDENT: The Senator from Washington, Senator Murchie, moves that the report of the committee, "Ought not to pass," be accepted. Is it the pleasure of the Senate that this motion prevail?

The motion to accept the report of the committee "ought not to pass" prevailed.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, an act to create the Portland High School Athletic Field Commission. (H. D. 281), tabled on March 14th by that Senator, pending passage to be engrossed; and on further motion by the

same Senator, the bill was passed to be engrossed, in concurrence.

On motion by Mr. Harriman of Kennebec, the Senate voted to take from the table, resolve in favor of the State Reformatory for Men, (S. D. 119), tabled on March 13th by that Senator, pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

On motion by Mr. Nickerson of Waldo, the Senate voted to take from the table, Senate report from the Committee on Ways and Bridges, "Ought to pass" on An act relating to a bridge near Bucksport (S. D. 220), tabled by that Senator on March 15th pending acceptance of report; and on further motion by the same Senator, the report of the committee, "ought to pass" was accepted, the bill was given its first reading and tomorrow assigned.

On motion by Mr. Page of Somerset, the Senate voted to take from the table, an act to regulate water flowage in North East Pond, (H. D. 645), tabled by that Senator on March 15th pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed, in concurrence.

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary, "Legislation thereon inexpedient" on an act relative to Absent Voting. (H. D. 440), tabled by that Senator on March 18th, pending consideration; and on further motion by the same Senator, the bill was referred to the Committee on Revision of the Statutes, in non-concurrence.

On motion by Mr. Campbell of Washington

Adjourned until tomorrow morning at ten o'clock.