

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, April 9, 1929.

Senate called to order by the President.

Prayer by the Rev. P. H. Hershey of Togus.

Journal of previous session read and approved.

From the House: Bill, an act to create the Department of Finance (H. P. 1666) (H. D. 735.)

(In the Senate April 5th, that body voted to insist on former action whereby the bill was passed to be engrossed, and asked for a Committee of Conference.)

Comes from the House, that branch voting to adhere to its former action whereby the bill was indefinitely postponed.

In the Senate, on motion by Mr. Dwinal of Knox, that body voted to adhere.

From the House: Bill, an act to regulate the occupation of hairdressers and cosmetologists, to register and license persons engaged in such occupations and to create a board of Hairdressers and Cosmetologists (H. P. 1679) (H. D. 740) which was passed to be engrossed as amended by Senate Amendment B, in the Senate April 5th.

Comes from the House, that branch having voted to adhere to its former action whereby the bill was indefinitely postponed.

In the Senate, on motion by Mr. Oakes of Cumberland, that body voted to insist and ask for a Committee of Conference, and the President appointed as members of such committee on the part of the Senate,

Senators: OAKES of Cumberland
MARTIN of Kennebec
PINKHAM of Aroostook

From the House: Resolve in favor of screening Whetstone Pond, or Sylvan Lake (H. P. 1690) (H. D. 750) which was passed to be engrossed in the Senate April 1st.

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

In the Senate, House Amendment A was read.

Thereupon, the Senate voted to recede and concur with the House in the adoption of House Amendment A, and the resolve as so

amended was passed to be engrossed in concurrence.

From the House: Bill, an act relating to deposits in the names of two or more persons, in a bank, institution for savings, trust companies, or shares in loan and building associations (S. P. 719) (S. D. 377) which was passed to be engrossed in the Senate March 27th.

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

In the Senate, House Amendment A was read.

Thereupon, the Senate voted to recede and concur with the House in the adoption of House Amendment A, and the bill as so amended was passed to be engrossed in concurrence.

From the House: Resolve in favor of Charles F. Boober of Norway, to compensate him for damages sustained in the construction of a certain State Aid Highway (S. P. 741) (S. D. 395) which was passed to be engrossed in the Senate April 2nd

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

In the Senate, on motion by Mr. Wheeler of Oxford, that body voted to adhere.

From the House: Report of the Committee on Appropriations and Financial Affairs, on "Resolve in favor of an appropriation for the promotion of the welfare and hygiene of maternity and childhood" (H. P. 1147) (H. D. 366) reporting that the same ought not to pass, as same is covered by departmental legislation.

Comes from the House, resolve substituted for the report and passed to be engrossed.

In the Senate:

Mr. SPEAR of Cumberland: Mr. President, I move the report of the committee "ought not to pass" be accepted in non-concurrence.

Mrs. PINKHAM of Aroostook: Mr. President, I hope that the motion of the Senator from Cumberland, Senator Spear, will not prevail. I want to make a perfectly fair statement of the action of the Appropriations Committee on this resolve. I understand that they have set up in their department budget the sum of \$15,000 to be used for this purpose. I understand

also that they have allowed a slight increase to the Department of Public Health—the exact amount I do not know. However, I want to explain to the Senate what would happen if the amount of \$15,000 only is allowed for the appropriation. As the Senate knows, this is my pet bill, but I will try to be as brief as possible.

In 1923 the Legislature had an opportunity to accept the Federal act for the promotion of infancy and maternity work. The Legislature that year accepted the Federal act, the Sheppard-Towner bill. However, the bill was vetoed and the Legislature was not able to get the two-thirds vote necessary in order to pass it over the Governor's veto. The result was that we lost in Federal money the sum of \$15,000 a year for the next four years, or a total of \$60,000. Two years ago we did finally accept the Federal act and we have had the Federal money for two years. We have had \$30,000 from them. Since we have lost \$60,000—although not through any misuse of Federal funds—it seems to me that it is our duty now to continue the work to make up for that loss until the work is well established. The work is just reaching a point where it is going ahead at full speed. It seems to me it would be a shameful loss if now we had to cut down the work. If we lost \$10,000 from that work it would mean that the nurses who are now employed would have to be discharged.

To show the point which this work has reached, in the year 1927 to 1928 there were 8,200 children, or patients, reached through the work of the health nurses. In the next half year there were nearly 7,000 reached. So you see, the work is just beginning to go ahead and we are just beginning to get the full value of this Federal money. As you know, the Federal funds expire with July and there will no longer be any fund. I remember that two years ago what opposition there was to the acceptance of the Sheppard-Towner bill stated that they would be perfectly willing to appropriate State money but they did not want to use Federal money. Well, now is our chance to appropriate State money to carry on this work at the same ratio that it has been carried on.

Now, I want to tell you just a few

things about the reduction in the death rate in the State of Maine. When the State Department of Health first began its work along this line in 1920, our state infant death rate was 102.80. In 1928 it was 74.7, or a saving of approximately 448 babies a year. Now, it seems to me that is about the most practical way we could find to increase our population—by keeping alive the children who are born and by making them healthier and happier children. Reduction in the maternity mortality rate has just begun. There is a slight reduction in the national maternity mortality rate. That is another reason I would like to see the work go on.

The United States infant mortality rate at present is 65. In the State of Maine, in 1920 the highest death rate in the State was 161 in Aroostook County and the lowest was 61 in Hancock County. In 1927, the last year for which I have the figures, the highest rate was 114 in Aroostook County and the lowest was 24 in Lincoln County. That shows what can be done by intelligent public health work. Now, when we are making appropriations for all sorts of things, such as for improving agriculture, particularly this year the resolve in favor of poultry husbandry, and when we are passing all sorts of bounty bills and appropriating approximately \$40,000 for a bounty on porcupines, it seems to me that this resolve, in which all the women of the State have a very great interest—and rightly so—is a very poor place to begin to cut. I hope that the motion of the Senator from Cumberland (Senator Spear) will not prevail.

Mr. SPEAR: Mr. President, I agree with much that the Senator from Aroostook (Senator Pinkham) has said. I would like to have those members who have their budget reports on their desks refer to them for a few moments. There is no one bill that is all-important. I am in favor of maternity and child welfare work as much as anybody else but there are a few facts that I think the members of the Senate should understand. On page 30 of the State Department of Health report you will find the Salary and Clerk Hire item, \$38,000 for the last two fiscal years. You will find that the budget recommended \$40,000. in our set-

up which we have passed for appropriations you will find \$39,000 set up, a decrease of \$1,000 in the budget and an increase over former years of \$1,000 each year.

Under general office expenses they ask for a \$22,000 budget and they got \$20,000 a year ago. District Health got \$38,000 for each of the last two years and have asked the same in the budget and we granted the same. Under Venereal Diseases they asked for \$14,000 and we granted \$14,000. Under Maternity and Child Welfare they got \$10,000. The United States Government gave them \$15,000 and that has been withdrawn so we increased that \$5,000 making it \$15,000. The Aroostook Test Laboratory of Caribou has received \$2500, the same as they got two years ago. Under Aid of Typhoid Carriers they got \$3,000 two years ago and now receive \$5,000. Two years ago for each of those two fiscal periods the State granted \$125,500. The budget recommends for this next two fiscal periods \$131,500 each year—a substantial increase. In addition to that the Appropriations Committee had increased it to \$138,500, or an increase of \$13,000 over two years ago. These headings are all interchangeable. If the director of the departments finds that he lacks in one place he can add on in another and if this Maternity and Child Welfare Work appropriation is increased to \$25,000 it would mean the decreasing of the appropriation for some other department.

I hope my motion will prevail.

Mr. GREENLEAF of Androscoggin: Mr. President, some of the members may recall that I spoke at some length on this matter two years ago, but as the Senator from Aroostook, Senator Pinkham, has said, my objection at that time was aimed at the Sheppard-Towner bill, at Federal control and at the set-up of those in control of the Child Welfare Department of the Federal Department of Labor. I stated at that time that I was willing to work for any amount that the departments thought was necessary to carry on this work in the State of Maine and I wish to say at this time that I hope the motion of the Senator from Cumberland, Senator Spear, will not prevail.

Mrs. CARTER of Androscoggin: Mr. President, I understand that

the House has voted 104 to 2 on this measure and only two of the Appropriations Committee have voted against the bill. I hope that the motion of the Senator from Cumberland, Senator Spear, will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, that the report of the committee "ought not to pass" be accepted in non-concurrence.

Mr. SPEAR: Mr. President, I move that a division be taken.

A division of the Senate was had.

Three having voted in the affirmative and twenty-seven in the negative, the motion to accept the "ought not to pass" report of the committee was lost.

Thereupon, on motion by Mrs. Pinkham of Aroostook, the resolve was substituted for the report and the resolve received its first reading.

On further motion by the same Senator the rules were suspended and the resolve received its second reading and was passed to be engrossed in concurrence.

House Bills in First Reading

An act relating to taxes upon mortgaged real estate (H. P. 1744) (H. D. 816)

(The rules were suspended and the bill was given its second reading and passed to be engrossed)

From the House: Report of the Committee on Legal Affairs, on bill, an act relating to finger prints and photographs of criminals (H. P. 1471) (H. D. 513) reporting the same in a new draft, under the same title (H. P. 1743) (H. D. 815) and that it ought to pass.

(On motion by Mr. Crosby of Penobscot, tabled pending acceptance of the report).

The following resolves were received and on recommendation by the committee on reference of bills were referred to the following committee:

Appropriations and Financial Affairs

By Mr. Spear of Cumberland: Resolve in favor of George H. Chick for services as clerk, stenographer, and messenger for the Committee on Maine Publicity. (S. P. 796)

By Mr. Weatherbee of Penobscot: Resolve in favor of Clarence W. Peabody. (S. P. 797)

By the same Senator: Resolve in favor of the Assistant Clerk to the Committee on Revision of Statutes. (S. P. 798)

Sent down for concurrence.

Orders

On motion by Mr. Martin of Kennebec, it was

Ordered, that the sum of one hundred dollars be paid to Ethel W. Lee, stenographer to the Secretary of the Senate, for completing the Journal of the Senate, and for checking and copying the index thereto, such work to be done after the close of the present session of the Legislature.

Bills in First Reading

Resolve in favor of the State Park Commission. (S. P. 320) (S. D. 425)

An act to amend section 107 of chapter 51 of the Revised Statutes relative to resident attorneys for foreign corporations. (S. P. 794) (S. D. 426)

Resolve pertaining to the construction or purchase of a new motor boat for the Sea and Shore Fisheries Commission. (S. P. 795) (S. D. 427)

Report of Committee

Mr. Spear, from the Committee on Maine Publicity, submitted its final report.

The report was read and accepted.

Sent down for concurrence.

The Joint Committee, appointed and acting under the legislative order printed as House Document numbered 657, (appointed to consider and report to the Legislature the advisability of a proceeding by address to the Governor and Council, or otherwise, for the removal of Clyde H. Smith, Charles H. Murray and Edwin T. Clifford, members of the State Highway Commission reported as follows:

"The Committee, consisting of three members on the part of the Senate, appointed by the President, and seven members on the part of the House, appointed by the Speaker, organized on March 15, 1929, with Senator Spear of Cum-

berland County as Chairman and Representative Holbrook of Vanceboro as Clerk. Ralph M. Ingalls, Esquire, of Portland was employed in association with the Attorney General as counsel for the Committee, and Fred L. Wilson was secured as shorthand reporter.

"The Committee has held sessions daily since its organization. It has conducted an exhaustive inquiry into charges of official malfeasance, misfeasance and unfitness for office of the present members of the State Highway Commission, namely Clyde H. Smith, Charles Murray and Edwin T. Clifford. Nearly four hundred (400) pages of testimony have been taken, and this, together with the exhibits, documents and data submitted to the Committee, and its records, will be available for filing in due course.

"The Committee has inquired with particular care into the so-called cement shortage, and submits its conclusions based on the facts presented to the Committee.

"This cement shortage having been specially referred to in the original letter from the United States Department of Agriculture to the Governor, which he reported to the Legislature, and later forming the basis of a second similar letter of the Department making claim on the State for a large sum of money, is evidently the precipitating cause of this investigation.

"Immediately on the receipt of the second letter from the Department the Attorney General conferred at Washington with the Chief of the Bureau of Public Roads, the Secretary of Agriculture and the Department of Justice. They courteously outlined to him the information in their possession and subsequently forwarded a complete abstract which has been of great assistance to the Committee. This consisted of the report of an investigator of the United States Department of Justice, summarizing statements made to him by various persons, and was confined almost wholly to the cement matter.

"The cement shortage occurred, if at all, in the construction of Federal Aid Road Projects 102A,—102B,—and 103A.

"It appears to the Committee that there is no evidence tending

to prove any criminal intent to defraud the State of Maine or the Federal Government either on the part of any of the members of the State Highway Commission or on the part of anyone else connected at any time with the contract for the constructing of these roads.

"Moreover, the Committee is unanimous in reporting that no misfeasance or malfeasance in office in any respect can be laid against any member of the Commission in connection with these three road projects.

"The contract carries two specifications.—one for cement proportion in the concrete mixture, the other for cement content in the finished road. It is conceded even by the contractor that less cement was in fact used than is required by the contract specification for concrete content in finished road surface. The committee believes that the legal effect of this fact is peculiarly a matter for the legal departments of the State and Federal Governments to adjust between these two governments and with the contractor. The contractor maintains that the alternative specification of cement to use in the concrete mixture was in good faith strictly adhered to and that the specification is inconsistent with the other specification, so that he is legitimately entitled to such profit as may have resulted to him from using in his mixture a less quantity of cement than conforms to the test of the finished road. He relies also on the quality of the finished product produced by following as he says the specification which he says ruled the actual mixing.

"Whether there is such an inconsistency seems to be a matter upon which experts do not agree,—but in any event, whether or not there was a breach of contract by the contractor, forming a basis for civil as distinguished from criminal proceedings, it is clear to the Committee that no intentional or improper deflection of funds can be traced to any member of the State Highway Commission.

"Commissioner Clyde H. Smith became a member of the Commission approximately at the time of the completion of the construction of these three road projects, and his subsequent diligence in investi-

gating a suggestion of cement shortage that was brought to his attention, and in withholding for the protection of the State and Federal Governments the balance due the contractor on other contracts, served a sound purpose. Only the most favorable comment can be made on his official conduct in respect to the whole cement matter.

"The solution of the cement question depends upon another tribunal than this. Whether any shortage exists and in such case whether there is any liability on the State of Maine to refund to the Federal Government, and on the contractor to refund to the State or to reimburse it in civil process or otherwise, this Committee does not attempt to say. Duly constituted officials of the State and Federal Governments can well determine this.

"In the time at its disposal, the Committee has also examined, as far as practicable, into other details of administration by the State Highway Commission. The Committee finds no sustainable charges against any member of the Commission.

"The Committee is satisfied, however, that the present system, comprising a part time Highway Commission of three members, is imperfect and altogether inadequate for the important future needs of Maine. There has been under it an evident lack of harmonious cooperation on the part of the members of the Commission. There has been throughout the whole Highway Department a disorganization, friction and turmoil, there has been undue domination by one member of the Commission, and an incompatibility among the members of the Commission inevitably leading to an ineffective administration of the whole department.

"It appears to the Committee that further to permit the same system to obtain, is to invite conditions which tend to minimize the benefits reasonably to be expected from such a department properly constituted and managed.

"To summarize—it is the opinion of the Committee that the present form of Commission has outlived its usefulness and that a new system should be inaugurated which can better cope with modern conditions

and methods and adequately supervise the expenditures of many millions of dollars annually, and provide a greater benefit to the entire State than is reasonable to expect under the present system. The Committee, therefore, definitely recommends a reconstitution of this system by legislation.

"The Committee recommends that no process for removal by address to the Governor and Council be instituted against either of the present Commission, Clyde H. Smith, Charles Murray and Edwin T. Clifford.

"Itemized bills covering the expenditures of the Committee in connection with the investigation will be filed.

"April 8, 1929.

Respectfully submitted,

Z. M. DWINAL
FREDERICK W. MITCHELL
GEORGE S. FOSTER
RICHMOND L. MELCHER
ARTHUR G. SPEAR

Chairman

CURRIER C. HOLMAN
H. W. BISHOP
A. M. SMALL
HENRY C. WRIGHT
E. H. HOLBROOK, Clerk."

On motion by Mr. Weeks of Somerset, the report of the Committee was accepted.

Mr. WEEKS of Somerset: Mr. President, no one realizes more than I do the laborious task which this Committee has performed, and performed faithfully and well. I will now move that the committee be discharged with thanks.

The motion prevailed.

Thereupon, on motion by the same Senator the report was placed on file and 1500 copies ordered printed.

Passed to Be Engrossed

Resolve appropriating money to screen the outlet of Syladobsis Lake, commonly called Lower Dobsis Lake in Township five, North Division, in the county of Washington. (S. P. 782) (S. D. 420)

An act to permit cities and towns to lay out bridle paths and bridle trails. (S. P. 783) (S. D. 421)

An act to amend Section 9 of Chapter 51 of the Revised Statutes as amended, and Section 115 of said Chapter 51 as amended by Chapter

144 of the Public Laws of 1917 as amended relative to certificates of incorporation. (S. P. 785) (S. D. 423)

Passed to Be Enacted

An act relating to exemptions from taxation. (S. P. 745) (S. D. 398)

An act relating to application for soldiers' bonus. (S. P. 763) (S. D. 409)

An act to reimburse the Judge of the Caribou Municipal Court for clerk hire. (H. P. 770) (H. D. 237)

An act relative to guardians and conservators. (H. P. 1285) (H. D. 442)

An act to amend Chapter 162 of the Public Laws of 1927 as applied to War Bond Sinking Fund. (H. P. 1523) (H. D. 546)

An act relative to directional signs located in the highway. (H. P. 1546) (H. D. 608)

An act relating to an amber light on motor vehicles which are seven feet in width or over. (H. P. 1671) (H. D. 725)

An act to simplify civil procedure. (H. P. 1673) (H. D. 727)

An act to regulate the manufacture of bedding. (H. P. 1689) (H. D. 759)

An act relating to the establishment of residence for certain purposes. (H. P. 1706) (H. D. 763)

An act requiring teachers and janitors to file a health certificate. (H. P. 1709) (H. D. 771)

An act amending the Military Law. (H. P. 1719) (H. D. 772)

An act to grant a new charter to the City of Portland. (H. P. 1723) (H. D. 785)

An act relating to sealers of weights and measures. (H. P. 1726) (H. D. 786)

An act relating to prohibiting business and recreation on Sunday. (H. P. 1735) (H. D. 809)

An act to require the investment in permanent securities of school funds and other trust funds held by city, town, quasi-municipal corporations and state officers. (H. P. 1740) (H. D. 811)

An act relating to the Department of Public Welfare. (S. P. 535) (S. D. 212)

An act relative to jurisdiction of Prison Commissioners in matter of paroles. (S. P. 700) (H. D. 708)

An act relating to Optometry. (S. P. 720) (S. D. 371)

An act for the better protection of lobsters and crabs in the Georges River. (H. P. 1670) (H. D. 736)

An act relative to lien on vehicles. (H. P. 1741) (H. D. 814)

Finally Passed

Resolve in favor of establishing a feeding station or rearing pools for fish at, or near, Houlton, in the county of Aroostook. (S. P. 137) (S. D. 400)

Resolve to aid in rebuilding the road in Township number ten, Hancock County. (S. P. 133) (S. D. 385)

Resolve appropriating money to aid in the screening of the outlet of Lake Webb, in Franklin County. (S. P. 271) (S. D. 401)

Resolve providing for a state pension for Eva P. Randlette of Augusta. (S. P. 318) (S. D. 393)

Resolve in favor of James H. Kerr of Rumford. (S. P. 749) (S. D. 404)

Resolve in favor of Memorial at Thomaston, Maine, for Major General Henry Knox. (S. P. 752) (S. D. 408)

Resolve appropriating money to pay claims allowed by the Committee on Claims. (S. P. 766) (S. D. 411)

Resolve in favor of establishing a feeding station or rearing station for fish at, or near, Machias, in the county of Washington. (H. P. 133) (H. D. 58)

Resolve appropriating money to aid in the screening of the outlet of Lake Messalonskee, in the town of Oakland, in the County of Kennebec. (H. P. 148) (H. D. 788)

Resolve in favor of establishing a feeding station or rearing pools for fish at, or near, Presque Isle, in the county of Aroostook. (H. P. 397) (H. D. 789)

Resolve appropriating money to aid in the screening of the outlet of Lower Wilson Pond, in the town of Greenville, in the county of Piscataquis. (H. P. 515) (H. D. 790)

Resolve appropriating money to aid in the screening of the outlet of Worthley Pond, in Peru, in Oxford County. (H. P. 665) (H. D. 791)

Resolve in favor of establishing a feeding station for fish in Piscataquis County. (H. P. 824) (H. D. 792)

Resolve appropriating money to

aid in screening of the outlet of Wytopotlock Lake in Glenwood, and in Township Two, Range Four, in the county of Aroostook. (H. P. 825) (H. D. 793)

Resolve appropriating money to aid in the screening of the outlet of Long Pond, in West College Grant, in Piscataquis County, north of Elliottsville Plantation. (H. P. 1467) (H. D. 794)

Resolve appropriating money to aid in the screening of the outlet of Lovejoy Pond, in the town of Albion, in the county of Kennebec. (H. P. 1537) (H. D. 795)

Resolve appropriating money to aid in the screening of the outlet of Pierce's Pond, in the town of Penobscot, in the county of Hancock. (H. P. 1539) (H. D. 796)

Resolve in relation to the completion of the seventh revision of the General and Public Laws, and appointing a Commissioner therefor and a Commission. (H. P. 1697) (H. D. 757)

Resolve in favor of H. H. Havey and estate of Bradbury Smith for reimbursement for loss on State Highway contract. (H. P. 1702) (H. D. 769)

Resolve in favor of a teacher's pension for E. E. Colbath of Exeter. (H. P. 1708) (H. D. 774)

Resolve appropriating money to be used in repair and betterment of Bangor State Arsenal property in Bangor, which is a State Park. (H. P. 1710) (H. D. 775)

Resolve in favor of Nordica Memorial Association. (H. P. 1712) (H. D. 777)

Resolve in favor of the Bath Military and Naval Orphan Asylum. (H. P. 1713) (H. D. 773)

Resolve providing for the expenses of the contest over the election as Representative to the Legislature from the towns of Dixfield, Hebron, Hartford, Sumner, Buckfield and Canton. (H. P. 1715) (H. D. 780)

Resolve in favor of the Maine School for the Deaf. (H. P. 1716) (H. D. 781)

Resolve in favor of an Armory for the city of Bangor. (H. P. 1717) (H. D. 782)

Resolve in favor of charitable and benevolent institutions, for the care and support of certain persons. (H. P. 1718) (H. D. 773)

Resolve in favor of building and equipping rearing pools in the

county of York. (H. P. 1724) (H. D. 798)

Resolve in favor of maintaining a feeding station, or rearing pools for fish at Liberty, in the county of Waldo. (H. P. 1725) (H. D. 799)

Resolve to provide for the printing of the report of the Adjutant General, including the records of Maine men in the World War. (H. P. 1730) (H. D. 800)

Resolve providing for erection of a statue at Gettysburg in memory of Major General Oliver Otis Howard. (H. P. 1731) (H. D. 803)

Mr. SLOCUM of Cumberland: Mr. President, I move that when the Secretary presents to the Governor the resolve in favor of a memorial to General Howard at Gettysburg, that he be accompanied by our worthy door-keeper, Mr. Charles Tibbetts, in recognition of the hard work that he put in to secure the enactment of this legislation.

The PRESIDENT: The Senate has heard the motion of the Senator from Cumberland, Senator Slocum. Is it the pleasure of the Senate that the motion prevail?

The motion prevailed.

(Emergency Measure)

An act to provide for an issue of State Highway and Bridge Bonds and for authorizing transfer of a portion of the tax on internal combustion engine fuel (S. P. 754) (S. D. 407)

This bill, carrying the emergency clause requiring the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Thirty senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

(Emergency Measure)

Resolve in favor of the State Board of Mothers' Aid. (H. P. 1714) (H. D. 779)

This resolve, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its final passage.

Thirty Senators having voted in the affirmative and none opposed, the resolve was finally passed.

(Constitutional Amendment)

Resolve proposing an amendment to the Constitution to provide for

filling Councillor vacancies. (S. P. 738) (S. D. 391)

This resolve being a Constitutional Amendment, required the affirmative vote of two-thirds of the membership of the Senate on its final passage.

Twenty-nine Senators having voted in the affirmative and none opposed, the resolve was finally passed.

Orders of the Day

Under Orders of the Day, tabled and assigned for today, the President laid before the Senate, an act to revise the Inland Fish and Game Laws, (S. D. 412), tabled on April 4th by Mr. Douglas of Hancock, pending first reading.

Mr. DOUGLAS of Hancock: Mr. President, and members of the Senate. I feel as though the name that was borne by that vessel which was sunk off New Orleans recently might fit me this morning, but whether I am alone or not, I have never yet laid down on anything when I thought it was my duty to go ahead, and more especially when I felt that that duty was to my state, and along that line I might start by telling briefly the history of this bill and what led up to it and why we considered it a true bill.

There has been, for a great many years, a great deal of agitation in regard to the so-called "joke book." We who have come in contact with the non-residents have been unmercifully crucified by them in the naming of the different laws and special laws that are in that book. Over a year ago I was elected President of the Maine Sportsmen's Fish and Game Association, with the avowed purpose of bringing about the re-codification of those laws. The first six months of that year, owing to illness, I was not able to do much active work but we did get a committee organized and we started in on that work, and during that time we worked on it and before the convening of the Legislature we had the support of fourteen thousand men in this State who belonged to the different fish and game associations. When I came to the Legislature, I was made Chairman of the Inland Fish and Game Committee and immediately we started with legal help to bring about the re-codifying of those laws to make them so that they could be read and understood. Whether we have failed or not is in

your hands. We feel that we have started along a line that can result only in benefit to the State. We have worked along the lines of the whole State, along the lines of a general law that could be made applicable to every part of the State. That committee of ten men appointed by the Senate and House are not infallible. We do not claim that they are infallible. We do not claim we have an infallible bill there, but we claim that we have a bill that is in principle absolutely right for the protection, the preservation and propagation of the fish and game of Maine, its greatest natural resource which has been going down hill for a number of years as everyone of you know, regardless of how you may vote on it. You know it has been going down hill, you know we have not had money to do the things we should do. This committee this winter has granted along that line, all of the things in regard to rearing pools and game preserves, feeling that we were justified in doing that. You heard a number of them read today and that cannot be done without money and the Commissioner has never had money to go ahead and keep up the rearing of the fish to the number that has been caught. Neither can we ever do it, nor can we carry out rearing pools and screening unless that Commissioner has the money to do with.

We feel that in one part of the bill the license is a very necessary thing. We feel that in the game end of the bill there has been hardly any criticism whatever.

We have been unmercifully criticised because we agreed that a general law on ice fishing should be carried out. We understand today that some private and special interests are bound to beat the bill. It has been suggested that it might be referred to the next Legislature. Gentlemen, I am telling you in all faith, that would be a terrible move. The bill can do no harm as it is but the committee is willing to accept amendments that this Senate or the House see fit to put onto it that are along the line of the principle of the bill. As I said before, we are not infallible. If you feel that some sections should be amended, the bill is in such shape that even after it is amended, you can take that book and you can turn to a section and that section gives you all the information

in regard to the name or definition of the line of thought you are looking after. If you are looking for ice fishing, it is under a special section and the amendments are under the same section.

So I am asking you not to entirely kill the bill. I am all alone in this—I haven't a nenthusiastic supporter. It seems strange that after all these years, poor old Sherm should stand up here, the last time he will probably be in the Legislature, and be the only one who believes that the State of Maine resources in fish and game should be protected and our fish should be conserved, but I stand alone, and I will stand as long as I can stand, for this bill and the principle of this bill; and along that line Mr. President, I have to offer an amendment which should have been included. I don't think it necessary to have it read. It simply leaves fly fishing as it was, which the Committee have no idea of changing, but inadvertently left out.

I hope, gentlemen, if you have to put on some amendments to this bill that you will carefully consider the interests of the State of Maine and its resources, and these interests alone.

The PRESIDENT: Will the Senator from Hancock, Senator Douglas be willing to have the bill receive its two several readings before offering the amendment?

Mr. DOUGLAS: Certainly, Mr. President.

Thereupon the bill received its two several readings.

Mr. DOUGLAS: Mr. President, I now offer Senate Amendment A and move its adoption. I do not think it would be necessary to read this amendment. Everyone here who knows the old book knows this doesn't change any fly fishing laws. It is a long amendment and it would take a long time to read it. It is exactly the same as the old law. I move that reading of the amendment be dispensed with.

The Senate voted to dispense with the reading of Senate Amendment A.

"Senate Amendment A to Senate Document 412, Senate Paper 767, "An act to revise and simplify the inland fish and game laws of the State.

"Amend Senate Document 412, Senate Paper 767, by striking out the whole of Section 21, Page 22,

and in its place inserting the following:

Section 21, Special County Privileges.

AROOSTOOK COUNTY

Fly Fishing Only

"Fly fishing only is permitted in the tributaries to the St. John River above St. Francis and the Alleghash River.

CUMBERLAND COUNTY

Special Provisions

"Still fishing prohibited in Sabbath Day Lake and Special limit of two trout or salmon imposed.

The minimum limit on square-tailed trout shall be ten inches, and landlocked salmon fourteen inches in Cumberland County.

FRANKLIN COUNTY

Fly Fishing Only

"Fly fishing only in all waters of following towns with bag limit of six fish except as hereafter noted in Franklin and Oxford counties; Massachusetts Gore; Seven Ponds Town; Stetson Town; Davis Town; Lower Cupsuptic Town; Sandy River Plantation; Magalloway Plantation; G. Town; Tim Pond Town; Parker Town; Upper Cupsuptic Town; Adamstown; Richardson Town; Rangeley Town; Rangeley Plantation; Dallas Plantation; Lincoln Plantation; Lang Town; and in Four Ponds in D. & E. Towns.

"The following are exceptions to the foregoing paragraph; (a) A bag limit of one fish on Kennebago River, Rangeley Stream, outlet of Mooselucmeguntic Lake and five pounds or one fish in Rapid River and Pond in the River. (b) A bag limit of ten pounds on Rangeley Lake, Mooselucmeguntic Lake, Upper and Lower Richardson Lakes. (c) Trolling also permitted in Rangeley Lake, Mooselucmeguntic Lake, Upper and Lower Richardson Lake, (d) Plug fishing from shores and wharves also permitted in Mooselucmeguntic lake and Upper and Lower Richardson Lakes and Rangeley Lakes from June 15th to September 1st. Fly fishing only is permitted in Alder Stream and in tributaries thereof and in the tributaries to Carrabasset River except West Branch and Lemon Stream.

KENNEBEC COUNTY

Special Provisions

"Lake Cobbosseecontee, Great Pond, Long Pond, East Pond, North Pond, Ellis Pond, McGraw Pond and Snow Pond shall have a special limit on trout of ten inches and on aforementioned ponds a bag limit of six bass; and on East Pond and North Pond a bag limit of 40 white perch to a boat.

Plug fishing in Snow Pond for trout and salmon is prohibited.

Fly fishing only is permitted in Ward Pond.

HANCOCK COUNTY

Closed Waters

"The following tributaries are closed waters; to Bubble Pond; Turtle Lake; Eagle Lake; Mill Stream (tributary to Narraguagus Lake).

"The following brooks are closed waters; Upper Patten Pond Brook in Orland; McCaslin Brook; Turtle Pond Brook; Leighton Brook; Mill Stream (tributary to Narraguagus Lake).

"It is unlawful to take any smelts from Sucker Brook in Orland; to fish at any time within one hundred feet of the dam at the outlet of Nicatous Lake or to plug fish, except through the ice in Nicatous Lake or West Lake.

OXFORD COUNTY

FLY FISHING

"Fly fishing only is permitted in the following waters; Magalloway River from Aziscohos Dam to N. H. line, all lakes and ponds in Oxbow, Bowman, Parmachenee, Lynch, Parker and Lincoln towns, Magalloway River between Aziscohos Lake, and Willow Springs, Little Magalloway River between Parmachenee Crossing and Long Pond, Dead Cambridge River from Umbagog Lake to C. Pond, Upper Richardson Lake between Metalluo Brook and the Island, the pool at Upper Dam between Mooselucmeguntic Lake and Upper Richardson Lake, Rapid River between Lower Richardson Lake and Umbagog Lake, Pond in the river and Rapid River, Two East Richardson Ponds, Two West Richardson Ponds, Quick Water at the mouth of Mosquito Brook, Quick Water at the mouth of Beaver Brook, Quick Water at the mouth of Mill Brook, B. Pond in Upton, Beaver Pond, Allen Pond (Stone-

ham), the quick water in Upper Richardson Lake at the mouth of its tributaries, Cupsuptic Stream or River from the pier at its mouth to the Big Falls, except that part of said river from the foot of Little Falls up to the dam at the head of Little Falls.

"The following waters are closed except Monday, Wednesday and Friday: Swift Cambridge River, Sunday River (Bethel, Newry and Riley Plantation) and its tributaries.

"The following water are closed except Tuesday, Thursday and Saturday: Great Brook above Milton MacAllister Falls, Beaver Brook above bridge on road to 1000 Acre Tract, Cold Brook and its tributaries above Chute's Mill Dam, all the tributaries to Lake Kezar in Lovell, Stony Brook in Newry and Hanover, Hobbs or Goodwin Brook and Hannah Brook, Bear River in Newry and Grafton and its tributaries.

"The following special bag limits are imposed: Little Concord Pond, two trout or salmon; Overset Pond, five trout or salmon; Lake Kezar and Little Kezar Pond, six bass; C Pond in C Surplus, ten fish."

"Plug fishing is prohibited after July first in Howard Pond.

Special Laws

"Swift Cambridge River closed except Mondays, Wednesdays and Fridays; Howard Pond Brook in Hanover and Newry, closed except above the bridge at Indian Rock; Tributaries to Lake Kezar named below are closed except on Tuesdays, Thursdays and Saturdays; Great Brook above Milton MacAllister Falls, Beaver Brook above the bridge on road to 1000 acre Tract, Cold Brook and its tributaries above Chute's Mill Dam and all the tributaries to Lake Kezar in the town of Lovell; Donahan Brook (sucker taking not allowed with aid of a torch), Stony Brook in Newry and Hanover open Tuesdays, Thursdays and Saturdays; Hobbs or Goodwin Brook and Hannah Brook open Tuesdays, Thursdays and Saturdays, Sunday River in Bethel, Newry and Riley Pk. and its tributaries except it shall be lawful to fish below The Forks in Riley on Mondays, Wednesdays and Fridays, Abbott Pond (limit trout and salmon in all;)

Bear River in Newry and Grafton and its tributaries closed, except Tuesdays, Thursdays and Saturdays; Bear River open below the dam in Walker's Field; Wight Brook open below the first falls; Branch Brook open below the forks in the meadow; Little Concord Pond (two trout limit and salmon); C. Pond in C. Surplus (limit ten fish; Howard Pond (no plug fishing after July 1st); Lake Kezar and Little Kezar Pond (limit six bass); Overset Pond (limit 5 trout or salmon.

PISCATAQUIS COUNTY

Fly Fishing Only

"Fly fishing only is permitted in the following waters: Frost Pond; Windy Pitch Pond, Daicey Pond, Lily Pad Pond, Alton Pond, Little and Big Beaver Ponds, Polly Pond, Big Lyford Pond, Blood Pond, West Branch Ponds T. A. R. 12, Mirror Pond, Spencer Pond, Big and Little Rocky Pond, Kidney Pond, Lost Pond, Grassy and Elbow Ponds, Foss or Knowlton Pond, Slaughter Pond, Jackson Pond, Duck Pond, Horseshoe Pond and Rum Pond.

"In the following waters a special bag limit of six fish to be taken by fly fishing on a hook not larger than No. 8 is imposed; Sourdna-hunk Lake, Little Sourdna-hunk Lake, Sourdna-hunk Stream between Sourdna-hunk Lake and West Branch of Penobscot.

"Fly fishing is permitted from August 15th to September 30th in the following waters: The South and West Branch of Penobscot and tributaries above Norcross, and in the East Branch and its tributaries above Grindstone, and in the Allegash and St. Johns River and tributaries above St. Francis.

"Still fishing is prohibited in all waters in Township A and B Range 11.

"Fishing is permitted in Garland Pond from June 15th to September 15th only.

"Fishing from a stationary boat in Earley's Pool from the Island to the Falls is prohibited.

PENOBSCOT COUNTY

Special Provision

"Fishing in Stetson Pond is permitted for pickerel, black bass and white perch only.

SOMERSET COUNTY**Fly Fishing**

"Fly fishing only is permitted in following waters: Lost Pond (T. 5 R. 16) Horseshoe Pond (Purce Pond Township); Young Pond (Pleasant Ridge); Little Enchanted Pond; all waters in Johnson Mt. Township, except Lake Parlin and Parlin stream; all waters in Upper Cold Stream Tract; Ellis Pond; Long Pond; Flatiron Pond (10,000 Acre Tract); Little Fish Pond (Alder Brook Township) Kennebec River from Bingham Dam to Moosehead Lake including East and West outlets from Sept. 15th to Oct. 1st.

"Fly fishing only is permitted in following waters where special limit of five pounds is imposed, all streams and ponds in T. 4, R. 6; Round Pond; Mud Pond (in 10,000 Acre Tract); Fish Pond (Holeb) Wednesdays only; Fish Pond (Black Brook Township); Helen Pond (Black Brook and Pierce Pond Township); High Pond (Pierce Pond Township) September only, Iron Pond (T. 4, R. 6) Rock Pond (T. 5, R. 6) Baker Pond (T. 5, R. 6) Baker Stream (T. 4, R. 6, T. 5, R. 6, T. 4, R. 5, T. 6, R. 7); Big Spencer Stream.

"After June 1st fly fishing only is permitted in the following waters in; Coburn; Daymond; Cold Stream; Long; Gander Brook; Ronco; Smith; Burntland; Campbell; Cape Horn; Moose River above Brassua Lake; Wood Pond; Little Wood Pond; Mud Pond; Little Big Wood Pond; Long Pond; Attean Lake; Holeb Pond.

"The waters located in the following townships have a special bag limit of five pounds; Forsythe Township; Lower Enchanted Township; Upper Enchanted Township; Township No. 5, R. 7; Johnson Mountain Township; Upper Cold Stream Tract; that part of Parlin Stream in Township 4, R. 7; Long Pond Plantation; Parlin Pond Township; Holeb Township; and also Heald Pond; Calf Pasture Pond, Crocker Pond; Cheney Pond; Fish Pond (Moxie Gore); Penobscot Lake; King or Kilgore Pond (Pierce Pond Township); McKenney Pond; Pleasant Pond.

WALDO COUNTY**Fly Fishing**

"Fly fishing only is permitted in Bowler Pond with a limit of six fish.

WASHINGTON COUNTY**Fly Fishing**

"Fly fishing only is permitted in the following waters: Grand Lake Stream; that part of Grand Lake between the dam at the outlet and the line drawn from Gin Point to a stake on the East Shore, marked F. and G. painted red.

"On page 51, line 15, strike out the word "sixteen" and insert the word "eighteen"; on page 51, line 17, strike out the word "twenty-five" and insert the word "ten"; on page 31, paragraph 2, line 1, insert after the word "resident" the words "of the State"; on page 30, Sec. 34, line 6, strike out word "twenty-two" and in place insert word "twenty-one."

Mr. LELAND of Piscataquis: Mr. President, no one appreciates more than I do the work that the Committee on Inland Fisheries and Game has put into this bill. Since its printing I have received a large number of letters from my constituents in Piscataquis County who have been deeply interested in the conservation of our resources, voicing objection to the proposed bill on the grounds that it does not sufficiently protect and conserve the fish and game resources of Piscataquis County. If this bill is to become a law, I certainly desire to have more time in which to prepare an amendment because in its present form it is entirely unacceptable to the people of Piscataquis County. I would therefore move the matter lie on the table.

Mr. DOUGLAS: Mr. President, I know this is not debatable but I would like to ask through the Chair if the Senator from Piscataquis, Senator Leland, has read any part of the fly fishing amendment that has to do with Piscataquis County.

Mr. LELAND: I will say, Mr. President, that I have not.

Mr. DOUGLAS: I hope it will not be tabled. The bill is late and I am sure we want it to go along and I am sure his contention is taken care of under Piscataquis County in that amendment.

The PRESIDENT: The question

is on the motion of the Senator from Piscataquis, Senator Leland that the bill be laid upon the table pending adoption of Senate Amendment A.

Mr. SLOCUM of Cumberland: I ask for a division, Mr. President.

A division of the Senate was had. Thirteen having voted in the affirmative and eleven in the negative, the motion to table pending adoption of Senate Amendment A, prevailed.

The President laid before the Senate, an act relating to the registration of non-resident trucks, (S. D. 111), tabled on April 4th by Mr. Oakes of Cumberland, pending passage to be enacted, and today assigned; and on motion by that Senator, the bill was retabled.

The President laid before the Senate, Senate report from the Committee on Judiciary, "Ought not to Pass," on an act to provide for aid to the dependents of soldiers, sailors and marines killed or disabled in the World War, (S. D. 292), tabled on April 4th by Mr. Oakes of Cumberland, pending acceptance of report, and today assigned; and on motion by that Senator, the bill and accompanying report were retabled.

The President laid before the Senate, an act to provide relief for needy dependents of World War veterans, (S. D. 389), tabled on April 4th by Mr. Spear of Cumberland, pending passage to be engrossed, and today assigned.

Mr. SPEAR of Cumberland: Mr. President, I yield to the Senator from Somerset, Senator Weeks.

Mr. WEEKS of Somerset: Mr. President, as I understood from talking with the Senator from Cumberland this morning, he wished to prepare an amendment, and if he still wishes to do so I would ask the matter be retabled so that he can prepare an amendment. I so move.

The motion to retable prevailed.

The President laid before the Senate, an act relative to soliciting rides in motor vehicles, (S. D. 390), tabled on April 4th by Mr. Bragdon of Aroostook, pending passage to be engrossed, and today assigned; and on motion by that Senator, the bill was retabled.

The President laid before the Senate, an act relating to the operation

of motor vehicles on the highways, (S. D. 399), tabled on April 5th by Mr. Littlefield of York, pending second reading as amended by Senate Amendment A, and today assigned; and on motion by that Senator the bill received its second reading.

Mr. LITTLEFIELD of York: Mr. President, I now yield to the Senator from Cumberland, Senator Oakes.

Mr. OAKES of Cumberland: Mr. President, do I understand that Senate Amendment A is adopted?

The PRESIDENT: Senate Amendment A has been adopted—after the first reading and before the second reading.

Mr. OAKES: The amendment which I introduced, eliminating Section Nine, regarding the fifteen year limit, has that been adopted, Mr. President?

The PRESIDENT: There has been one amendment adopted. Senate Amendment A was adopted on April 4th. The Secretary will read the amendment.

The Secretary read Senate Amendment A.

Thereupon, Mr. Oakes of Cumberland offered Senate Amendment B and moved its adoption:

"Senate Amendment B to S. D. 399.

"Strike out all after the enacting clause and insert in place thereof the following:

"Section 1. (a) The chief of the state highway police shall prepare and may supply to police and sheriffs' offices and other suitable agencies forms of accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved.

"(b) The chief of the state highway police shall receive accident reports required to be made by law and shall tabulate and analyze such reports and may publish annually or at more frequent intervals statistical information based thereon as to the number, cause and location of highway accidents.

"(c) The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of fifty dollars or more shall, immediately, forward a report of such accident to the chief of the state highway police or forthwith deliver the same to some state highway police officer, who shall so forward the same to said chief. The chief may re-

quire drivers, involved in accidents, to file supplemental reports of accidents upon forms furnished by him whenever the original report is insufficient in the opinion of the chief. Such reports shall be without prejudice, and the fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accident.

"Sect. 2. Any person who shall individually, or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle shall be guilty of a misdemeanor.

"Sect. 3. Whoever is found guilty of a misdemeanor as defined in section two of this act, shall be punished by a fine of not more than two hundred dollars, or by imprisonment for a term not exceeding three months, or by both fine and imprisonment; and whoever is convicted the second time for a violation of said sections shall be punished by a fine of not less than two hundred dollars and not more than five hundred dollars, or by imprisonment for not more than eleven months, or both.

"Sect. 4 The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station, to some one of the state highway police, or to some sheriff or his deputy, immediately after such motor vehicle is received, giving the serial and engine number, registration number and the name and address of the owner or operator of such vehicle.

"Sect. 5. Section seven of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby repealed.

"Sect. 6. Section twenty-seven of chapter two hundred and eleven of the public laws of nineteen hun-

dred and twenty-one is hereby amended to read as follows:

"Sect. 27. The secretary may appoint and deputize agents, examiners and inspectors, stationed at convenient places in the state, to receive applications for registration and licenses, and to conduct examinations when ordered by the secretary."

"Sect. 7. Section thirty-one of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby amended by striking out in said section the following: "The word 'chauffeur' as herein used shall mean any person employed for the purpose of operating a motor vehicle, and whose principal duty it is to operate such vehicle," and substituting therefor the following: "The word "chauffeur" as herein used shall mean any person who operates a motor vehicle other than his own, and who, directly or indirectly, receives compensation for any work or services in connection therewith," so that said section as amended shall read as follows:

"Sect. 31. Special licenses to operate motor vehicles shall be issued to chauffeurs subject to the same general requirements governing the issuance of an operator's license as is provided in the preceding section; but no such license shall be issued to any person less than eighteen years of age. An operator's license shall not entitle a person to drive a motor vehicle as a chauffeur as defined in this section.

"The secretary shall furnish every licensed chauffeur with a suitable metal badge with distinguishing number or mark assigned to him thereon without extra charge therefor. Said badge shall thereafter be worn by such chauffeur affixed to his clothing at all times, while he is operating or driving a motor vehicle, and shall be valid only during the term of the license of the chauffeur to whom it is issued.

"Every application for a chauffeur's license shall be accompanied by a fee of five dollars; provided, however, that if such applicant already holds an operator's license the accompanying fee shall be three dollars.

"Failure of an operator or chauffeur to exhibit his license to any

magistrate, motor vehicle inspector, police officer, sheriff or other authorized official, on demand, shall be prima facie evidence that such person is not duly licensed.

"A chauffeur who is registered under the provisions of law of the state or country of his residence, shall be exempt from license under this section, provided he shall wear a badge or carry a license certificate assigned to him by the jurisdiction of his residence.

"The word "chauffeur" as herein used shall mean any person who operates a motor vehicle other than his own, and who, directly or indirectly, receives compensation for any work or services in connection therewith, but as used elsewhere generally in this act with respect to the use and operation of motor vehicles, the word "operator" and "driver" shall include the word "chauffeur."

"Temporary licenses without fees may be issued to chauffeurs in the employ of the state, or any municipal corporation, to terminate when their employment ends."

"Sect. 8. Section thirty-four of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one as amended by chapter one hundred and sixty-one and chapter two hundred of the public laws of nineteen hundred and twenty-seven, is hereby amended to read as follows:

"Sect. 34. The provisions of this act relative to the registration of motor vehicles, tractors and trailers, and the granting of operators' licenses shall not apply to a motor vehicle, tractor or trailer owned by a non-resident, other than a foreign corporation doing business in this state, or to a non-resident operator other than the operator of any such vehicle belonging to a foreign corporation doing business in this state, provided that the owner of such vehicle and its operator have complied with the provisions of law of the state or country of his residence relative to the registration of such vehicles, and the granting of operators' licenses. But this exemption regarding operators' licenses shall not apply to any operator resident in any other state or country whose laws do not require such operators' licenses. Nothing in this act shall be construed to permit a non-resident vehicle having a

weight in excess of or equipped contrary to that allowed a similar resident vehicle, to be operated on the ways of this state.

"(b) No vehicle owned or operated a non-resident shall be operated on the public ways of this state as a vehicle engaged in the business of livery or for hire, or as a jitney, within this state, and no motor truck or trailer owned or operated by a non-resident, shall be operated on the highways of this state, except and until it has been registered under the laws of this state and made to comply with the by-laws and ordinances of municipalities wherein it is operated, in the same manner as may be required of like vehicles owned, operated and registered in this state. Provided, however, that any truck or trailer having a rated carrying capacity of one and one-half tons or less, which is duly registered according to the laws of another state or country which grants like privileges to such truck and trailer registered in this state, and to the operators thereof, shall not be required to be registered in this state.

"(c) The secretary may issue public utilities operating in this state for a nominal fee, a special permit for vehicles engaged in emergency repair work in this state provided such vehicles are registered in some other state and have attached thereto registration plates and are driven by persons licensed to operate in this state or some other state."

"Sect. 9. The secretary shall not grant the application of any minor under the age of eighteen years for an operator's license unless such application is signed by the father of the applicant, if the father is living, and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen years has no father, mother or guardian, then an operator's license shall not be granted to the minor unless his application therefor is signed by his employer.

"Sect. 10. Every owner of a motor vehicle causing or knowingly permitting a minor under the age of eighteen years to drive such vehicle upon a highway, and any person who gives or furnishes a motor vehicle to such minor, shall be jointly and sev-

erally liable with such minor for any damages caused by the negligence of such minor in driving such vehicles.

"Sect. 11. In the event that an operator's or chauffeur's license or a chauffeur's badge issued under the provisions of this act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the secretary that such license or badge has been lost or destroyed and upon payment of the fees required by law.

"Sect. 12. Whoever upon any way, or in any place to which the public has a right of access, operates any vehicle recklessly or in a manner so as to endanger any person or property shall be guilty of reckless driving and upon conviction shall be punished as provided in section three of this act.

"Sect. 13. Section forty-three of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby amended so that said section shall read as follows:

"Sect. 43. No motor vehicle or trailer shall be operated or remain upon, any way unless the same is registered and equipped in accordance with the provisions of this act. Application for such registration may be made by mail or otherwise to the secretary upon blanks prepared under his authority. The application shall be made under oath and shall contain such particulars as may be required by the secretary, including the name, residence and address of the applicant, with a brief description of the vehicle, the name of its maker, the motor and serial numbers, the character of the motive power and the amount of such power, stated in figures of horse power, and the actual weight of the vehicle, and its load capacity, if intended for commercial use. The applicant shall state in his application the kind of lens used in the headlights upon his motor vehicle, and shall specify whether he has complied with the rules and regulations of the commission, framed, published and in effect. In case said applicant has not given satisfactory answers, the secretary shall refuse to register such vehicle, or to issue a license for its operation."

"Sect. 14. Section fifty-seven of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby amended by striking out the words "name of

make, if possible" in the fourth line thereof and substituting the words 'motor and serial number,' and by striking out the words "horse power" in the fourth line, so that said section shall read as follows:

"Sect. 57. Whenever a manufacturer or dealer sells or exchanges a motor vehicle or trailer, he shall immediately notify the secretary that the vehicle has been sold or exchanged, giving a description of the vehicle, name of maker, motor and serial number, the name and address of the sender."

"Sect. 15. Section fifty-nine of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby amended by adding to said section the following words: 'including its motor and serial number,' so that said section, as amended, shall read as follows:

"Sect. 59. Upon the transfer of ownership of any motor vehicle or trailer, its registration shall expire and the person in whose name such vehicle or trailer is registered shall forthwith return the certificate of registration to the secretary with a written notice containing the date of the transfer of ownership and the name, place of residence and address of the vendee, and a description of the vehicle, including its motor and serial number."

"Sec. 16. Section sixty-two of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby amended to read as follows:

"(a) Any person driving a vehicle on a way shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a way at such a speed as to endanger the life, limb or property of any person.

"(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful.

"Fifteen miles an hour when passing a school during school recess or while children are going to

or leaving school during opening or closing hours:

"Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of ways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of two hundred feet from such intersection;

"Twenty-five miles an hour on any way in a business district or built-up portion, as defined herein, when traffic on such way is controlled at intersections by traffic officers or stop-and-go signals;

"Twenty miles an hour on all other ways in a business district or built-up portion, as defined herein;

"Twenty-five miles an hour in a residence district or built-up portion, as defined herein, and in public parks unless a different speed is fixed by the municipal officers and approved by the State highway commission and duly posted;

"Thirty-five miles an hour under all other conditions.

"It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations, except as provided in subdivision (c) of this section. In every charge of violation of this section the complaint shall specify the speed at which the defendant is alleged to have driven, also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

"(c) Municipal officers in their respective jurisdictions are hereby authorized in their discretion, but subject to the approval of the State highway commission, to increase the speed which shall be prima facie lawful upon through ways at the entrances of which vehicles are required to stop before entering or crossing such through ways. Municipal officers shall place and maintain upon all through ways upon which the permissible speed is increased adequate signs giving notice of such special regulations. There shall also be placed and maintained upon each and every way intersecting any said through way, appropriate stop signs as required by chapter one hundred and

thirty-eight of the public laws of nineteen hundred and twenty-seven, as amended.

"(d) The compact or built-up portions of any city, town or village, shall be the territory of any city, town or village contiguous to any way which is built up with structures devoted to business or where the dwelling houses are situated less than one hundred fifty feet apart for a distance of at least one quarter of a mile. Municipal officers, may designate such compact or built-up portions by appropriate signs."

"Sect. 17. Section sixty-four of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one, as amended by chapter one hundred twenty-five of the public laws of nineteen hundred and twenty-seven, is hereby repealed.

"Sections seventy-two and seventy-three of chapter two hundred eleven of the public laws of nineteen hundred twenty-one, as amended, are hereby further amended by striking out the whole of said sections and inserting in place thereof the following:

"Sect. 72. Whoever operates a motor vehicle upon any way recklessly, so that lives or safety of the public are in danger, or whoever goes away without stopping and making himself known after causing injury to any person or property, or uses a motor vehicle without authority from its owner, shall be punished by a fine of not more than two hundred dollars, or by imprisonment for a term of not exceeding three months, or by both fine and imprisonment; and if any person be convicted the second time for a violation of this section, he shall be punished by a fine of not less than two hundred dollars and not more than five hundred dollars, or by imprisonment for not more than eleven months, or both.

"If any person so drives a motor vehicle in a reckless manner or goes away without stopping and making himself known after causing injury to any other person or property or operates a motor vehicle while apparently under the influence of intoxicating liquor or drugs, it shall be the duty of every officer who is charged with the enforcement of law and of every citizen, to forthwith report the same to the secre-

tary, giving the register number of the vehicle, the state registering the same, and the name and residence of the operator, occupants or owner if known. Upon receipt of such complaint the secretary shall forthwith investigate the case and may suspend or revoke the license of such operator, or, if a non-resident, his right to operate in this state, and annul the registration of any vehicle so operated, for such time as he shall deem advisable.'

"Sect. 2. Section seventy-four of said chapter, as amended, is hereby further amended by striking out the whole of said section, re-numbering it section seventy-three and inserting in place thereof the following:

"Sect. 73. Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not less than thirty days nor more than eleven months, or by both fine and imprisonment. Any person convicted of a second or subsequent offense shall be punished by imprisonment for not less than three nor more than eleven months, and in addition thereto, the court may impose a fine as above provided.

"Whoever shall operate or attempt to operate a motor vehicle upon any way, or in any other place when intoxicated or at all under the influence of intoxicating liquor or drugs, when such offense is of a high and aggravated nature shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment of not less than sixty days nor more than two years or by both fine and imprisonment. Any person convicted of a second or subsequent offense of the same gravity shall be punished by imprisonment for not less than three months nor more than three years, and in addition the court may impose a fine as above provided. The license of any person convicted of violating the provisions of this section shall be

revoked immediately by the secretary upon receipt of an attested copy of the court records, without further hearing.

"If any person convicted of any violation of the provisions of this section of the act shall appeal from the judgment and sentence of the trial court, his license and right to operate a motor vehicle in this State shall be suspended during the time his appeal is pending in the appellate court, unless the trial court shall otherwise order, or unless the secretary, after a hearing, shall restore the license or permit pending decision on the appeal. The license of any person against whom probable cause is found and who is held under bail pending the action of the grand jury for the violation of the foregoing provision shall be suspended until the final disposition of the charge.

"No person whose license or permit to operate a motor vehicle has been revoked upon conviction of violating the provisions of this section shall be licensed again or permitted to operate a motor vehicle for three years, except that, after the expiration of one year from the date of such revocation, he may petition the secretary for a license or permit, who, after hearing and after his determination that public safety will not be endangered by issuing a new license may issue such license or permit with or without conditions thereto attached; upon a second conviction of a violation of the provisions of this section, such person, whose license or permit to operate a motor vehicle has been revoked again by reason of such conviction, shall not be licensed again or permitted to operate a motor vehicle in this state for five years from the date of conviction, provided however, that after two years from the date of such last revocation, he may petition the secretary for a license or permit and the secretary, after like hearing and determination, again may issue a license or permit to the petitioner, with or without conditions; upon any subsequent conviction for a similar offense, the license or permit shall terminate and no subsequent license or permit shall be granted to such person; for the purpose of this section, in case a person has been con-

victed one or more times prior to the date this act takes effect, of a violation of the provisions of this section, such previous conviction or convictions shall be construed as one conviction. A copy of sections seventy-two and seventy-three shall be printed on every operators' license.'

"Sect. 18. Section seventy-five of chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one is hereby repealed.

"Sect. 19. (a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

"The driver of an overtaking motor vehicle not within a business or residence district as herein defined shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

"The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, upon the crest of a grade, or upon a curve in the way, where the driver's view along the way is obstructed within a distance of three hundred feet.

"(b) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing nor at any intersection of ways unless permitted so to do by a traffic or police officer.

"Sect. 21. (a) The driver of a vehicle upon a way about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

"(b) The driver of any motor truck when traveling upon a way outside of a business or residence district shall not follow another motor truck within one hundred and fifty feet, but this shall not be construed to prevent one motor

truck overtaking and passing another.

"Sect. 22. (a) Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand side of the way, and in turning shall keep as closely as practicable to the right-hand curb and when intending to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the way, and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.

"For the purpose of this section the center of the intersection shall mean the meeting point of the medial lines of the ways intersecting one another.

"(b) Municipal officers in their respective jurisdictions may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers or other direction signs within an intersection the course to be followed by vehicles turning thereat; and it shall be unlawful for any driver to fail to turn other than in a manner as directed when such signs are so installed.

"Sect. 23. (a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main travelled portion of any way, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such way; provided in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any way unless a clear and unobstructed width of not less than ten feet upon the main traveled portion of said way opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of three hundred feet in each direction upon such way.

"Sect. 24. (a) The driver of a motor vehicle when traveling upon a down grade upon any way shall

not coast with the gears of such vehicle in neutral.

"(b) The driver of a vehicle entering a public way from a private road shall yield the right of way to all vehicles approaching on such public way.

"Sect. 25. Municipalities shall have no power to alter any speed limitations or to enact or enforce any regulations contrary to the provisions of this act; except that they may by ordinances or by-laws regulate traffic by means of signal devices or other appropriate methods on a portion of the way where traffic is heavy or continuous, and prohibit other than one-way traffic upon certain ways. The speed of vehicles in public parks may be regulated in like manner provided there shall be erected at all entrances to such parks adequate signs giving notice of any such special speed regulations.

"Sect. 26. (a) The owner of a motor vehicle engaged in the business of renting motor vehicles without drivers, who rents any such vehicle without a driver to another, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, permitting the renter to operate the vehicle upon the public ways shall be jointly and severally liable with the renter for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the person so renting the vehicle from the owner, except that the foregoing provisions shall not confer any right of action upon any passenger in any such rented vehicle as against the owner, but nothing herein contained shall be construed to prevent the introduction as a defense of contributory negligence to the extent to which such defense is allowed in other cases.

"Sect. 27. Every person engaged in the business of renting motor vehicles without drivers who shall rent any such vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of his license, and the exact time the vehicle is the subject to such

rental or in possession of the person renting and having the use of the vehicle, and every such record shall be a public record and open to inspection by any officer, and it shall be a misdemeanor for any such owner to fail to make or have in possession or to refuse an inspection of the record required in this section. If the secretary of state prescribes a form for the keeping of the record provided for in this section, the owner shall use said form."

Thereupon, on motion by Mr. Oakes of Cumberland, the bill and Senate Amendment B were laid upon the table pending adoption of the amendment and the amendment was ordered printed.

The President laid before the Senate, Senate Report from the Committee on Taxation, "Ought to Pass in a New Draft," (S. P. 786) resolve, to provide a committee to investigate and recommend regarding sales tax, (S. D. 293), tabled on April 5th by Mr. Dunbar of Hancock, pending acceptance of report, and today assigned; and on motion by that Senator the report of the committee, "Ought to Pass in a New Draft" was accepted.

The President laid before the Senate, Report from the State Highway Commission on Projects known as 102A, 102B and 103A, tabled on April 8th by Mr. Carlton of Sagadahoc, pending consideration.

Mr. CARLTON of Sagadahoc: Mr. President, I move that this document be placed on file and be sent down for concurrence.

Mr. SPEAR of Cumberland: Mr. President, as I understand it, this is being placed on file without acceptance?

The PRESIDENT: The Chair will state that there has been no action in regard to accepting the report.

The motion to place the report on file and send down for concurrence, prevailed.

The President laid before the Senate, Resolve in favor of the State School for Girls, (S. D. 166), tabled on April 8th by Mr. Littlefield of York, pending adoption of House Amendment A in concurrence.

Mr. LITTLEFIELD of York: Mr.

President, I didn't know just what was going to happen to this bill and just before the Senate was called to order I came to an agreement in the matter and shall offer an amendment to the bill if I may be permitted to have it lie on the able until tomorrow morning. I so move.

The motion to retable and assign prevailed.

The President laid before the Senate, An act naming the Bridge at Bath, (H. D. 807), tabled on April 8th by Mr. Spear of Cumberland, pending adoption of House Amendment A; and that Senator offered Senate Amendment A and moved its adoption:

"Senate Amendment A to House Paper 1559, entitled: 'An act naming the Bridge at Bath'. Amend by adding at the end thereof the following: 'This act shall be submitted for approval or rejection to the duly qualified voters of the State of Maine at an election to be held on the second Monday in September in the year A. D. nineteen hundred twenty-nine. The aldermen of cities, the selectmen of towns and the assessors of the several plantations in this State, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives to give their votes upon this act and the question shall be: 'Shall the act naming the bridge at Bath as the Carlton Bridge be accepted?' And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the same expressing it by making a cross within the square opposite the word 'yes' upon their ballots and those opposed to the question by making a cross within the square opposite the word 'no' upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and returns made to the office of the Secretary of State in the same manner as votes for Governor and members of the Legislature, and the Governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the Governor shall make known

the fact by his proclamation, and thereupon this act shall become law. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing, accompanied by a copy thereof.'"

Mr. WEATHERBEE of Penobscot: Mr. President, the people of the State of Maine unofficially, with one acclaim, have already named that bridge the Carlton Bridge after the man who is more responsible than any man in the State of Maine for the building of the bridge. It seems to me that a legislature is capable of giving a name to a bridge which the people have already named without all this machinery of the law. I hope the motion will not prevail.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Spear, that Senate Amendment A be adopted. A viva voce vote being had

The motion to adopt the amendment was lost.

Thereupon the bill was passed to be engrossed in concurrence

The President laid before the Senate, an act relating to the board of State Assessors (H. D. 805), tabled April 8th by Mr. Bragdon of Aroostook, pending passage to be engrossed in concurrence.

Mr. BRAGDON of Aroostook: Mr. President, I move the indefinite postponement of the bill and I will not take up any amount of your time in stating my reasons for feeling that this should be indefinitely postponed, but in brief they are these: We had here in the State of Maine something like 20 good candidates for the position who were willing and even anxious to receive it at the salary already established and it seems to me that in any event a candidate for a public position should be willing to accept it for the period the length of one Legislature on the salary that was already in existence at the time that he asked for the appointment, and after demonstrating his efficiency to the State it might be advisable to increase the salary later. It seems to me that it would be a reflection upon the other acceptable candidates who applied for this position to have it handed out to someone else with a thousand dollar bonus attached, and I hope that the bill will be indefinitely postponed.

Mr. PAGE of Somerset: Mr. President, I hope the motion of the Sen-

ator from Aroostook (Senator Bragdon) will not prevail. The Chairman of the State Board of Assessors is the operating head. Mr. Sterling has been in the office for, I think, about seventeen years and has been very efficient. Mr. Sterling is a man 69 years of age and on a salary of \$2500. He cannot live the way he should, and in the past years he has been earning a little something outside but now he has to devote more time to the office. Mr. Sterling, I think we all know, and those who have come in contact with him especially, that he has been the man who has decided about all matters that have come before the State Board of Assessors in years past, as Clerk.

Mr. CROSBY of Penobscot: Mr. President, as a member of the committee which heard this bill, I hope the motion of the Senator from Aroostook (Senator Bragdon) will not prevail. The office of State Assessors involves a good deal of technical knowledge and a man of standing and ability. They should be paid a commensurate salary.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Bragdon, that the bill be indefinitely postponed.

A viva voce vote being had

The motion to indefinitely postpone was lost.

Thereupon the bill was passed to be engrossed, in concurrence.

The President laid before the Senate, an act to exempt certain non-resident motor vehicles from registration while in this State for display, etc. (H. D. 808), tabled on April 8th by Mr. Littlefield of York, pending second reading.

Mr. LITTLEFIELD: Mr. President, it is wholly my fault that this matter was not brought up this morning. It entirely slipped my mind until I took my calendar up and it was too late then to get my amendment ready, and I move that this lie on the table until tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, Report from the Committee on Legal Affairs "ought to pass in new draft" on an act providing for the initiative and referendum (S. D. 262) tabled on April 8th by Mr.

Dwinal of Knox, pending acceptance of the report.

Mr. DWINAL of Knox: Mr. President, I move that the bill and report be indefinitely postponed.

Mr. MURCHIE of Washington: Mr. President, I cannot see the child killed as summarily as that without at least saying something. This bill was presented by me following the presentation in the House and Senate of two bills to amend the law dealing with primary campaign expenditures. It was presented by me contrary to what I find is generally believed, not with any idea of the coming referendum campaign on the export of hydro-electric power but in order that we might have before us another method of regulating campaign expenditures. I thought at that time that I could foresee that this Legislature would not take any action to remedy the existing evil with reference to primary campaign expense and it seemed to me the best check that could be devised for election expense of any kind would be a check that would require the promoters of the campaign, whether with reference to nomination or referendum, to give the fullest publicity to the expenditure of money in connection with the campaign. I have never believed that it was proper to limit the amount of money that might be expended in proper publicity. I realized, however, that it would not be possible to revise the primary election law; hence, this bill.

I don't know how many have read the bill but I will say briefly that it means this, and this only, that anybody who spends money to secure Yes votes or No votes in referendum matters shall report the same to the Secretary of State and the Secretary of State, three times prior to the election, shall publish in the press of the state the amount of money expended for and against the issue. I believe that if we could get such a law with reference to referendum and if we should get such a law with reference to primary expenses that we would not need any limitation of the amount to be expended. If two candidates were running for office one would hesitate to spend \$40,000 if the other were only spending \$1500. Today, as I understand it, there is no limit to the amount of money that a man

may spend provided he does not spend it educating the voters.

I hope the motion will not prevail.

Mr. DWINAL: Mr. President, this matter has a reference to campaigns on matters which are initiated and which are referred to the people. We have had many important matters submitted to the people for their determination and I have never yet heard of any serious criticism of the way in which the campaigns have been conducted. Until the time comes when criticism is found on the manner in which these campaigns are conducted I see no reason for cluttering up the procedure with unnecessary detail and of obliging the persons who interest themselves actively in the discussion of these matters to file a report every seven days with the state and of putting the state to the expense of publishing those reports. Until such time comes such a bill as this does not seem to be needed and I am opposed to it.

Mr. CROSBY of Penobscot: Mr. President, I am unable to arrive at any other conclusion, in spite of the denial to me last night of the Senator from Washington (Senator Murchie) than that this bill constitutes arrow number four in that quiver of Jovian thunder-bolts which that resourceful gentleman launched against the export of power. Nevertheless, I still have a warm affection for the Senator from Washington (Senator Murchie); but the status of this bill this morning reminds me of the song, "The Song is Ended but the Melody Lingers On."

Seriously, I think that this bill is founded on a false premise which is that the voters of this state cannot distinguish between propaganda and the essential merit and demerits of a proposition. I am further of the opinion that any changes in this particular field should start with the primary law. You will recall that the committee, which had two measures before it, reported, for reasons best known to itself, "ought not to pass," but that field should receive the attention of the Legislature before it jumps over the fence to go into new pastures.

I trust that the motion of the Senator from Knox (Senator

Dwinal) for the indefinite postponement of this bill will prevail.

Mr. SLOCUM of Cumberland: Mr. President, the argument of the Senator from Knox, Senator Dwinal, is interesting to me. He stated, if I understood him correctly, that there has not been at any time any abuse of the present system but that if there were any abuse then we should pass such a bill. Is that not merely in the line of locking the door after the horse is stolen?

Mr. MURCHIE: Mr. President, I might explain to the Senator from Cumberland, Senator Slocum, the difference between the position of the Senator from Knox, Senator Dwinal, and myself. The Senator from Knox (Senator Dwinal) has a number of horses and he is going to buy a lock after the first horse has been stolen. I would like to keep all my horses.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Dwinal, that the bill and the report "ought to pass in a new draft" be indefinitely postponed.

A viva voce vote being had

The motion to indefinitely postpone prevailed.

The PRESIDENT: If there is no objection at this time the Senate will take up out of order a communication from the Executive Department.

Communication from the Executive Department

STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta

April 9, 1929

To the Honorable President of the Senate and Speaker of the House:

I transmit herewith for your information letters of resignation from the Highway Commission of Edwin T. Clifford and Clyde H. Smith.

Respectfully submitted,
(Signed)
WM. TUDOR GARDINER.

STATE HIGHWAY COMMISSION
STATE OF MAINE
Augusta

April 9, 1929.

Hon. William Tudor Gardiner,
Governor of Maine,
Executive Offices,
State House, Augusta, Maine
Dear Sir:—

In view of the report of the spec-

ial committee appointed by the Legislature to investigate the charges made by the Department of Agriculture against the conduct of the affairs of the Maine Highway Department, I herewith tender to you my resignation as a member of the State Highway Commission, the same to become effective at your pleasure.

My only desire in this matter, now that my conduct in office has been vindicated, is to forward the best interest of the State of Maine. If in your opinion the acceptance of my resignation will aid in a solution of the present unfortunate situation I am only too glad to have the same accepted.

Respectfully yours,
(Signed) CLYDE H. SMITH.

STATE HIGHWAY COMMISSION
STATE OF MAINE
Augusta

April 9, 1929.

Honorable Wm. Tudor Gardiner,
Governor of Maine,
Augusta, Maine.

My dear Governor:

In view of the complete vindication of my honor and integrity by the Legislative Committee appointed to investigate the activities of the State Highway Commission, I hereby tender my resignation. My only desire has been to be exonerated from any and all charges made or implied in Ex-Secretary Jardine's letter to you, and having been so exonerated and desiring only the best interests of the State of Maine, I am taking this action, to be effective at your discretion.

Respectfully yours,

(Signed) EDWIN T. CLIFFORD,
Member, State Highway Commission

The communication was read and placed on file.

Sent down for concurrence.

The PRESIDENT: Under Orders of the Day the Chair lays before the Senate the sixth matter tabled and unassigned, Resolve in favor of poultry husbandry (H. D. 342), tabled on April 8th by Mr. Harriman of Kennebec, pending adoption of Senate Amendment A, in non-concurrence.

Mr. HARRIMAN of Kennebec: Mr. President, as I understand it, this matter has been taken care of to the satisfaction of all concerned, and I move the adoption of Senate Amendment A.

Senate Amendment A was adopted, and the resolve as so amended was passed to be engrossed in non-concurrence.

The President laid before the Senate An Act to create a Commissioner of Highways, (S. D. 363), tabled on April 8th by Mr. Minott of Cumberland, pending consideration; and on motion by that Senator the bill was retabled.

The President laid before the Senate, resolve relating to the removal of Highway Commissioners, (S. D. 333), tabled on April 8th by Mr. Spear of Cumberland, pending consideration, and on motion by that Senator, the resolve was retabled.

The President laid before the Senate, Senate Report from the Committee on Ways and Bridges, Majority Report, "Ought to Pass in a New Draft;" Minority Report, "Ought not to Pass," on Resolve providing for an additional issue of highway and bridge bonds, (S. D. 76), tabled on April 8th by Mr. Dwinal of Knox, pending acceptance of majority report; and on motion by that Senator, the Resolve and accompanying reports were retabled.

The President laid before the Senate, Resolve in favor of Emmerson J. Hills and Alice S. Hills (S. D. 361), tabled on April 8th by Mr. Spear of Cumberland, pending final passage.

Mr. SPEAR of Cumberland: Mr. President, I yield to the Senator from Waldo, Senator Nickerson.

Mr. NICKERSON of Waldo: Mr. President, I move that this resolve be finally passed.

The motion prevailed.

The President laid before the Senate, Resolve in favor of D. B. Cornish, (S. D. 141), tabled on April 8th by Mr. Spear of Cumberland, pending final passage.

Mr. SPEAR of Cumberland: Mr. President, I yield to the Senator from Penobscot, Senator Weatherbee.

On motion by Mr. Weatherbee of Penobscot, the rules were suspended and the Senate reconsidered its action whereby this resolve was passed to be engrossed.

Thereupon that Senator offered

Senate Amendment A and moved its adoption:

"Senate Amendment A to Senate Document 141. Senate Document 141 is hereby amended by striking out therefrom the words 'twenty three hundred dollars' and substituting in lieu thereof the words 'eighteen hundred dollars,' the same to be taken from the State Highway fund."

Senate Amendment A was adopted and the resolve as so amended was passed to be engrossed.

The President laid before the Senate, House Report from the Committee on Legal Affairs, "Ought Not to Pass" on An Act relating to the registration of motor vehicles, (H. D. 280), tabled on April 8th by Mr. Dwinal of Knox, pending acceptance of report; and on motion by that Senator the bill and report were retabled.

The President laid before the Senate, An Act to provide for building a bridge at or near Bucksport, (S. D. 364), tabled on April 8th by Mr. Crosby of Penobscot, pending printing of House Amendment A.

Mr. CROSBY of Penobscot: Mr. President, I yield to the Senator from Waldo, Senator Nickerson.

Mr. NICKERSON of Waldo: Mr. President, I would inquire if House Amendment A has been adopted?

The PRESIDENT: The Chair will state that House Amendment A has been adopted.

Thereupon, on motion by Mr. Nickerson of Waldo, the bill was retabled and assigned for tomorrow morning.

The PRESIDENT: If there is no objection, the Senate will take up at this time additional papers out of order.

House Bills in First Reading (Out of Order)

An act to grant a new city charter to the city of Belfast (H. P. 1745) (H. D. 817)

An Act relating to eminent domain for ferries (H. P. 1749) (H. D. 821)

Resolve in favor of the townships of T. 1, R. 9, T. 2, R. 9, and T. 3, R. 9 (H. P. 1747) (H. D. 819)

Resolve to provide for the completion of the raised road between Deer Isle and Little Deer Isle (H. P. 1746) (H. D. 818)

(Under suspension of the rules the foregoing bills and resolves were given their second reading and passed to be engrossed)

(Emergency Measure)

Resolve for pay and expenses of Wardens of Sea and Shore Fisheries and the purchase of seed lobsters (H. P. 1711) (H. D. 776)

This resolve, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its final passage.

Twenty-nine Senators having voted in the affirmative and none opposed, the resolve was finally passed.

The PRESIDENT: Awaiting additional papers from the House the Chair will declare a short recess.

After Recess

The Senate was called to order by the President.

The PRESIDENT: There appears to be nothing more to come from the House and there is no further business for today before the Senate.

On motion by Mrs. Allen of Penobscot

Adjourned until tomorrow morning at ten o'clock.