

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 11, 1931.

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

Prayer by the Rev. Mr. Clifford of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the Committee on Library on resolve for the purchase of "Maine Legislature 1820-1931" (S. P. 211 reporting same in a new draft (S. P. 530) (L. D. 811) under same title and that it ought to pass.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Carleton of Portland, tabled pending acceptance of the report in concurrence.

From the Senate: Report of the Committee on Library, reporting ought to pass on resolve for the purchase of the History of York, Maine. (S. P. 212)

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Carleton of Portland, tabled pending acceptance of the report in concurrence.

From the Senate: Report of the Committee on Library, reporting ought to pass on resolve for the purchase of one hundred copies of the History of the town of Cushing. (S. P. 325)

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Carleton of Portland, tabled pending acceptance of the report in concurrence.

From the Senate: Report of the Committee on Library, reporting ought to pass on resolve for the purchase of one hundred copies of "Pioneers" of Maine Rivers.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Carleton of Portland, tabled pending acceptance of the report in concurrence.

Senate Bills in First Reading

S. P. 531, L. D. 812: An act relating to the manufacture of beverages.

S. P. 361, L. D. 383: An act relating to reservation of motor vehicle plates and numbers.

S. P. 33, L. D. 9: An act to give municipal courts jurisdiction of certain offenses.

S. P. 487, L. D. 648: An act to repeal Section 32 of Chapter 28 of the Revised Statutes of 1930 relating to special provisions for towns peculiarly located.

From the Senate: Bill an act to provide a town council and manager form of government for the town of Presque Isle, in the county of Aroostook. (H. P. 750) L. D. 272) which was passed to be engrossed in the House February 26th.

Comes from the Senate recommended to the Committee on Legal Affairs in non-concurrence

In the House, on motion by Mr. Bennett of Presque Isle that body voted to recede and concur.

The following petition was received and upon recommendation of the committee on reference of bills was referred to the committee on Pensions.

By Mr. Stern of Biddeford: Petition of Jas. Carroll and 52 others in favor of an old age pension. (H. P. 1283)

Reports of Committees

Mr. Jackson from the Committee on Banks and Banking reported ought not to pass on bill an act relating to requirements of dealers in securities. (H. P. 15) (L. D. 29)

(Tabled by Mr. Bowers of Portland pending acceptance of report)

Mr. Sturtevant from the Committee on Banks and Banking reported ought not to pass on bill an act relating to interest charged by

small loan agencies. (H. P. 1081) (L. D. 657)

Mr. Tompkins from the same Committee reported same on bill an act to place holding companies of banks and trust companies and investment affiliates under the supervision of the Bank Commissioner. (H. P. 1007) (L. D. 544)

Mr. Soper from same Committee reported same on bill an act relating to loans on trust and banking companies' capital stock. (H. P. 1082) (L. D. 658)

Mr. Littlefield from the Committee on Claims reported same on resolve in favor of Stanley Brown, damage to bees done by bears. (H. P. 496)

Reports read and accepted and sent up for concurrence.

Mr. Ford from the Committee on Sea and Shore Fisheries reported same on bill an act relating to smelt fishing. (H. P. 993) (L. D. 436)

(Tabled by Mr. Patterson of Freeport pending acceptance of report)

Mr. Graves from the Committee on Sea and Shore Fisheries reported ought not to pass on bill an act relating to close time on clams. (H. P. 667)

Report read and accepted and sent up for concurrence.

Mr. McLoon from the Committee on Sea and Shore Fisheries on bill an act relating to close time on Damariscotta River (H. P. 765) reported same in a new draft (H. P. 1286) under same title and that it ought to pass.

Mr. Varney from the Committee on Judiciary on bill an act to authorize the Ogunquit Village Corporation to issue bonds (H. P. 578) (L. D. 200) reported same in a new draft (H. P. 1285) under same title and that it ought to pass.

Mr. Tompkins from same Committee on bill an act to amend an act to incorporate the Guilford Water District (H. P. 593) (L. D. 222) reported same in a new draft (H. P. 1284) under title of an act to amend an act to incorporate the Guilford and Sangerville Water District, and that it ought to pass.

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

First Reading of Printed Bills and Resolves

(H. P. 585) (L. D. 825) An act relating to the disposal of fines and costs collected by the State Police.

(H. P. 586) (L. D. 826) An act to amend the charter of the Eastport Municipal Court.

(H. P. 818) (L. D. 827) An act relating to Western Hancock Municipal Court.

(H. P. 1275) (L. D. 828) An act to amend the charter of the Ogunquit Beach District.

(H. P. 1276) (L. D. 829) An act to authorize the town of St. Francis to compensate Adrienne Michaud for services performed by her in the public schools of St. Francis.

(H. P. 1277) (L. D. 830) An act to increase the salary of the Judge of the Municipal Court of the city of Biddeford.

(Tabled by Mr. Authier of Sanford pending second reading)

(H. P. 1278) (L. D. 831) An act relative to the salary of the State Librarian.

(H. P. 1279) (L. D. 832) An act relative to the salary of the Commissioner of Inland Fisheries and Game.

(H. P. 1077) (L. D. 833) Resolve in favor of the town of Fort Kent.

Passed to be Engrossed

(S. P. 96) (L. D. 116) An act to prevent the polluting of the waters of the West Basin of China Lake.

(H. P. 106) (L. D. 75) An act relative to the trapping of fur-bearing animals.

(H. P. 132) (L. D. 815) An act to prohibit the catching of smelts in the Cathance River except by hook and line.

(H. P. 534) (L. D. 167) An act relating to length and daily limit of fish in Stanley Ponds, in Hiram and Porter, county of Oxford.

(H. P. 536) (L. D. 169) An act authorizing Commissioner of Inland Fisheries and Game to take necessary steps to exterminate vermin.

(H. P. 539) (L. D. 172) An act to regulate fishing in Wilson Lake in the town of Wilton in the county of Franklin.

(H. P. 540) (L. D. 173) An act to regulate fishing in Hill's Pond in Perkins Plantation in the county of Franklin.

(H. P. 545) (L. D. 179) An act regulating fishing in Cupsuptic Lake tributaries.

(H. P. 557) (L. D. 191) An act relating to personal recognizances in fish and game violations.

(H. P. 597) (L. D. 220) An act to grant a new charter to the city of Brewer.

(H. P. 665) (L. D. 316) An act relating to taking of smelts in Gouldsboro.

(H. P. 666) (L. D. 317) An act to regulate the taking of clams in the town of Sullivan.

(H. P. 697) (L. D. 226) An act relating to fee for game and fur farming licenses.

(H. P. 734) (L. D. 256) An act opening Upper and Lower Cold Stream Ponds to ice fishing.

(H. P. 831) (L. D. 314) An act relating to the charter of Old Town.

(H. P. 880) (L. D. 318) An act relating to the construction of a road in the city of Augusta.

(H. P. 884) (L. D. 319) An act relating to the construction of a road in the town of Oakland.

(H. P. 885) (L. D. 320) An act relating to the construction of roads in the town of Sidney.

(H. P. 891) (L. D. 321) An act relating to road construction in the town of Athens.

(H. P. 958) (L. D. 449) An act relative to corporations without capital stock.

(H. P. 1273) (L. D. 822) An act relating to a road in the town of Ludlow.

(H. P. 519) (L. D. 823) Resolve in favor of Christine Libby to compensate for damage done by dogs.

(H. P. 1272) (L. D. 824) Resolve in favor of E. M. Wylie of Pittston.

Passed to be Enacted

(S. P. 66.) (L. D. 46) An act relative to tuition in secondary schools.

(S. P. 78) (L. D. 90) An act relating to hunting with jack-lights.

(S. P. 87) (L. D. 99) An act to amend an act to incorporate the Pistol Stream Dam Company.

(S. P. 152) (L. D. 774) An act to authorize the construction of a weir in the tide-waters of Chandler Bay in the town of Jonesport.

(S. P. 153) (L. D. 775) An act to authorize the construction of a weir in the tide-waters of Chandler Bay in the town of Jonesport.

(S. P. 268) (L. D. 240) An act relating to examination of insane convicts.

(S. P. 317) (L. D. 293) An act to incorporate Turner Boom Company.

(S. P. 322) (L. D. 298) An act relating to the payment for support of inmates of the Pownal State School.

(S. P. 341) (L. D. 759) An act relating to a State Aid road in the town of Sangerville.

(S. P. 353) (L. D. 376) An act relating to regulation of loans by Trust Companies.

(Tabled by Mr. Briggs of Caribou pending passage to be enacted.)

(S. P. 362) (L. D. 384) An act relating to Secretary of State authorized to destroy records more than two years old.

(S. P. 368) (L. D. 389) An act relating to whistles on railroad locomotives.

(S. P. 370) (L. D. 760) An act relating to salary of Superintendent of State School for Boys.

(S. P. 401) (L. D. 475) An act relating to tax on gasoline.

(S. P. 496) (L. D. 717) An act extending charter of the Madawaska Water Company.

(S. P. 521) (L. D. 765) An act to extend the rights, powers and privileges of the Sabattus Water and Sewer Districts.

(S. P. 522) (L. D. 785) An act to extend charter of Hinckley Development Company authorizing construction of a scenic highway in Piscataquis County.

(H. P. 133) (L. D. 767) An act relating to catching smelts in Salt Pond in the towns of Bluehill, Sedgwick and Brooklin.

(H. P. 138) (L. D. 754) An act relating to the towns of Lincoln and Enfield.

(H. P. No. 187) (L. D. No. 137) An act relating to fishing in Spear Stream in Peru.

(H. P. No. 208) (L. D. No. 152) An act to incorporate the Blueberry Farm Water Company of Camden.

(H. P. No. 227) (L. D. No. 718) An act to increase the amount to be paid for clerk hire in the office of Register of Deeds, in the county of Cumberland.

(H. P. No. 434) (L. D. No. 719) An act relating to the town of Standish.

(H. P. No. 574) (L. D. No. 196) An act to amend an act to supply the town of Bucksport with water.

(H. P. No. 613) (L. D. No. 213) An act to amend an act entitled

an act to incorporate the City of Brewer High school District.

(H. P. No. 617) (L. D. No. 703)

An act relating to liability for support of a pauper in the town of Gouldsboro.

(H. P. No. 625) (L. D. No. 737)

An act to incorporate the City of Belfast School District.

(H. P. No. 663) (L. D. No. 768)

An act relating to lobster fishing in waters adjacent to Criehaven.

(H. P. No. 317) (L. D. No. 769)

An act relating to Hancock County Publishing Company.

(H. P. No. 827) (L. D. No. 770)

An act relating to Mount Hope Cemetery Corporation.

(H. P. No. 835) (L. D. No. 317)

An act relating to the counting and sealing of ballots.

(H. P. No. 908) (L. D. No. 362)

An act relating to appointment of receivers; attachments dissolved.

(H. P. No. 956) (L. D. No. 447)

An act relative to vacating location of streets.

(H. P. No. 959) (L. D. No. 450)

An act relating to prosecutions and violations of the liquor law.

(H. P. No. 974) (L. D. No. 495)

An act relating to removal of patients from State hospitals when requested; towns may become liable for support on failure to remove.

(H. P. No. 997) (L. D. No. 439)

An act relating to the exemptions of estates from taxation.

(H. P. No. 1131) (L. D. No. 706)

An act to designate certain waters of the Kennebec River as Wyman Lake.

(H. P. No. 1145) (L. D. No. 722)

An act increasing the amount to be paid for clerk hire in the office of the Recorder of the Municipal Court of the city of Portland.

(H. P. No. 1179) (L. D. No. 748)

An act to increase the salary of the Judge of the Farmington Municipal Court.

(H. P. No. 1180) (L. D. No. 756)

An act relating to the care of children of women committed to the Reformatory for Women.

(H. P. No. 1186) (L. D. No. 771)

An act in regard to qualifications of teachers.

(H. P. No. 1188) (L. D. No. 773)

An act providing appeals in certain tax cases.

(H. P. No. 1190) (L. D. No. 779)

An act relating to the Highway Commission of Lewiston.

(H. P. No. 1191) (L. D. No. 780)
An act relating to Building and Loan Associations.

(H. P. No. 1194) (L. D. No. 781)

An act to provide a penalty for circulating false reports concerning banks and loan and building associations.

Finally Passed

(S. P. No. 453) (L. D. No. 714)

Resolve providing for a State pension for Harold E. Trueworthy of Athens.

The SPEAKER: In conformity to the House action whereby it was voted that a committee of three should be appointed by the Chair to serve on a joint committee according to Senate Order relative to examination into natural beauty and historical spots of the State, with a view to purchasing same and creating a system of state parks, the Chair will announce the House members of that committee. The gentleman from Auburn, Mr. Additon, the lady from Gorham, Mrs. Day, and the gentleman from Caribou, Mr. Briggs

The following communication was read by the Clerk:

"Perry, Maine.

March 10th, 1931

To Whom it May Concern:

This is to certify that the bearer, Peter Moore, was duly and legally elected as representative to the present Legislature for the Passamaquoddy Tribe of Indians.

(Signed) Justin E. Gove, Agent.

At this point Mr. Moore was escorted to his seat amid the applause of the House, the members rising.

Orders of the Day

The SPEAKER: The Chair lays before the House, as tabled and today assigned, House Amendment A to Legislative Document 799 to bill an act to re-establish the town line between the towns of Hancock and Lamoine, H. P. 65, L. D. 42, tabled on March 4th by Mr. Thomas of Harpswell, pending adoption, and the Chair recognizes the gentleman from Harpswell, Mr. Thomas.

Mr. THOMAS: Mr. Speaker, in tabling this bill, I did so simply

because I thought the bill had gone far enough. I have no particular interest in the bill, only I want the chance to explain my position in signing the majority report on this bill before the House of Representatives. I now yield the floor to the gentleman from Bar Harbor, Mr. Shaw.

The SPEAKER: The gentleman, Mr. Thomas, yields the floor to the gentleman from Bar Harbor, Mr. Shaw.

Mr. SHAW: Mr. Speaker and members of the Legislature: Hancock comes in my class towns, so it is not only my duty to protect the town of Hancock in this amendment, but I also believe it is not technically drawn nor fair in principle.

In the first place, the bill to which this amendment has reference is a bill to set off that part of Hancock known as Marlboro and give it to the town of Lamoine. The committee reported on that bill eight to two, a majority report, and for some reason or other this amendment is offered.

The town of Hancock is one of five towns in which were formed a bridge district, Hancock, Sullivan, Sorrento, Winter Harbor, and Gouldsboro. They built a bridge across there and borrowed some money, and they have this bridge bond indebtedness before them now. The town of Hancock is assessed by the State assessors annually as provided for in the Bridge Act. I am just giving a little explanation on this matter before I take up the amendment.

Now in regard to Section 7, if I understand that section right, it is just to set off that part of the town of Hancock for valuation and give it to the town of Lamoine, the valuation as assessed by the Assessors of the town of Hancock. "Section 8. The said town of Lamoine shall be holden to pay to the town of Hancock in twelve equal annual installments, or in such less number of installments and at such earlier date or dates as said town of Lamoine may vote, such proportion of the debts owing on March 1, 1931, by said town of Hancock, including the debt with reference to the Hancock-Sullivan Bridge after deducting therefrom all debts then due said town, as the last annual

valuation of the property situated in the portion of Hancock hereby set off to Lamoine shall bear to the last annual valuation of all of the taxable property in said town of Hancock."

Now in that section there is no provision for the assessment of taxes or collection of taxes, nor any date mentioned on which this tax is to be paid over. In other words, it may be ten years or twenty-five years, so far as I can see, from this amendment. There is no date there; it simply says "such earlier date," no date to which they can revert. I may be wrong in this matter; I will leave it to the members of the Legislature. I say further, in this Bridge Act they assess each poll tax payer three dollars, to be apportioned as part of the Bridge Act. In other words, each poll tax payer pays six dollars, and three dollars of that goes towards the payment of Bridge Bonds. Now there are some poll tax payers in this little community of Marlboro, I don't know how many,—there are a few down there—and there is no provision in this amendment for that money.

This Bridge Bond, as I understand, has about twelve years to run. Figure it out for yourself. Maybe there are twenty down there. There is sixty dollars a year. Multiply that by twelve, and it is around a thousand dollars. I would say that I believe that neither town down there is much in debt, so that this section would simply refer to the Bridge Bond indebtedness. There is no debt in either town; both of them have a substantial amount in the bank. Furthermore, the State Assessors value this proportional part of the town of Hancock known as Marlboro at about twenty-five thousand dollars more than the town assessed it for their local purposes. I submit that if this amendment is allowed the town of Hancock has still got to pay that part of the town of Marlboro's indebtedness on bridge tax, or that proportional amount over the local taxes for what the State Assessors are going to assess that town. I submit that is not fair.

Now the valuation of this little community of Marlboro is increasing. I don't know what it will be ten years from now. I do not believe anybody does, but it is an ac-

knowledge fact that there was a man came down there last year and it is reported that he paid more for one little piece of Marlboro, so-called, than the whole village or this proportionate part of Marlboro is taxed on the town books down there. The reported amount paid is \$35,000, but even if it was \$20,000 or \$25,000, it is indicative to me that this little community on the coast is becoming more valuable all the time. Why shouldn't the town of Lamoine want it? Why shouldn't they be willing to take over the Bridge Bond? I say to you that it is an acknowledged fact that they are coming down into this community more and more all the time. The man I am speaking of has constructed a yacht down there. His personal property tax is going to be more. He is going to endeavor to get his friends down there, and even if he doesn't, they are coming in there more and more.

Incidentally, I want to say this, that there are a number of people in the town of Lamoine whom I represent as individuals and citizens. They came here, with a petition of forty-one names, before the committee. Now they offered this amendment, I believe, unbeknown to the majority of the people down there. I do not know whether the Selectmen are behind this, or a few individuals. They never have had any town meeting down there in the town of Lamoine to thresh this matter out, either special or a regular town meeting. They had one a week ago last Monday, but there was nothing in the warrant and I understand the matter was not brought up at all. With all due respect to my brother Graves, I think he is acting on the advice of a few individuals, and I think it is unfair for this Legislature to put on the town of Lamoine this bridge tax without at least getting the sentiment of the majority of people down there. Be that as it may, I believe this amendment is not legally or technically drawn, and is not fair or equitable in its purpose. I apprehend that perhaps this might have been drawn up hurriedly, but I tell you that it certainly is not fair for this amendment to go through, and I respectfully ask the members of this Legislature to vote "no" on the amendment.

Mr. PATTERSON of Freeport:

Mr. Speaker and gentlemen and members of the 85th Legislature: I was on that committee, I was on the minority report, I was on that report because it was so crooked that nobody in this House, I do not believe even the member from Mount Desert could vote for it. I think he agreed that some of those things were crooked and were shown to be so before this committee.

Now I have got nothing to do with Lamoine, I have nothing to do with Hancock, as far as that is concerned, only it was so rotten—I have got to put it that way—I cannot seem to express it any other way, Mr. Speaker, if you will pardon me for that expression, that I could not conceive and I cannot conceive today how the selectmen of any town or plantation or anywhere could have gone so low as to pass those things after this Legislature passed in 1929 a bill which we considered was fair to all of Marlboro, all of the citizens, all of the voters that were eligible to vote. I will read that part of it: Bill introduced in the 1927 Legislature, withdrawn because of improper survey. Introduced into the 1929 Legislature in a new draft. Passed with referendum allowing legal voters and taxpayers, residents and non-residents of Marlboro, to vote in a special town meeting to be conducted by the selectmen of Hancock.

There is that statement. We drew that up after we found that the town of Hancock has 757 voters, along there somewhere, and the town of Lamoine has 357, I think, at the present time, and very close to that two years ago. That would not be a fair proposition, so we left it so that the town of Marlboro could pick out the residents there, so they could pick out the place in which they wanted to reside, and I think that is a fair proposition.

Now the first thing that was done, the means taken to defeat the intent of the Legislature: They set off one acre of land down there and got twenty people to take that, so they would have a chance to vote, and simply ignored what we considered a fair proposition.

Mr. THOMAS: Mr. Speaker, I do not want to interrupt the gentleman, but are we speaking on the amendment or the bill?

The SPEAKER: The Chair be-

lieves the gentleman is speaking on the amendment.

Mr. PATTERSON: I am speaking on the amendment, Mr. Speaker, but I have to explain this to bring it up to the amendment. One of the selectmen of Hancock went out and got this property of one acre.

Everything I have said here came right before this committee, and nobody can refute the statements I make, because they can verify them by the secretary of that committee, and I do not intend to bring up anything unless I can prove it. The testimony given there by one man who testified before this committee was that he was offered a share of the acreage for one cent if he would go and vote against the proposition. Nobody refuted that statement, and there was not anyone there to refute any of the statements, so far as I can understand or conceive to the best of my ability or education.

Furthermore, what did they do? Nine of those voted at that election, and there were two shacks down there that never had been taxed before, and they taxed one five dollars and one ten dollars, which would amount to twenty-seven cents for one and fifty-seven cents for the other. There is no record of those buildings, no record to show these people ever owned these buildings, but a man and his wife dropped in there. Also on the other, they brought in a man and his wife and son-in-law, and they voted on that same proposition. Furthermore, they took three aliens. You know aliens are not allowed to vote at any town meeting, but they did allow them to vote because they paid a poll tax, but a poll tax is not considered, as I can conceive of, in any way, because you can put them down there for a month or two and pay their poll tax. This was brought up by the attorney for the town of Hancock, that the bridge bond would fall on the town of Hancock to pay. I asked the attorney if they would have to pay it. He acknowledged they would. They have got to pay that anyway, as far as this amendment is concerned. He said he would like to have something a little stronger than that, and this amendment was put in to take care of that bridge bond they were talking about and had been talking about that Hancock would have to

pay, and therefore the amendment was put in there so as to lay that right down on to Lamoine. Now that vote, taken after that state of affairs happened, was 22 for annexation of Lamoine and 33 against. Now, if the intents and purposes of that Legislature had been carried out, the vote would have been 25 to 16 in favor. They cut out three that should have voted for the town of Lamoine, one of them because they said the deed was not recorded and she had paid no taxes for eighteen years. She offered them an affidavit showing she had paid them for fifteen years, and they would not allow her to vote even under those conditions, thereby ignoring everything we consider is fair and square in a voting case. That accounts for that amendment, presumably.

Furthermore, it was shown that they would not take care of the roads so that the people of Marlboro could not come out after applying to the Selectmen of Hancock. Then the Marlboro people called on the County Commissioners, and they came out there inside of just a few days or a few weeks and straightened that road out. It was furthermore shown that these roads were impassable by automobiles,—on account of bushes they couldn't get through. A teacher who had been there four years before came down and he couldn't run his automobile through there, couldn't go to see his friends. Everybody in Marlboro has to come across there, they have to travel sixteen miles to get around to their voting place and depend entirely on Marlboro's roads up around eight miles to get out. Marlboro has to keep them in shape. I will say, gentlemen, I leave it to you, I do not believe hardly a man here can vote any different. Although it might be declared lawful by that court, I do not believe hardly any one of you can vote any different, after their taking such underhanded means, such dirty, I will call it, methods; I would not believe it conceivable a board of selectmen could do such things. That is all.

Mr. THOMAS of Harpswell: Mr. Speaker, if we are speaking on the bill as amended, as I understand the gentleman who has preceded me is doing, I should claim the right to express myself in regard to the way that I voted on that

committee with the majority report.

Now it seems, Mr. Speaker, and gentlemen of the House of Representatives, that two years ago the proponents of this bill came to the Legislature asking that this bill become a law, and this Legislature gave them the right to go home and let the legal tax payers, both residents and non-residents, of Lamoine, vote on this measure. It appeared that the people from Hancock proper came down to Lamoine and bought some pieces of land down there, and also some small fish houses there, so as to give them the right to vote in Lamoine on this referendum. Now, Mr. Speaker, and gentlemen of the House of Representatives, it is my desire and my whole desire to do the fair thing in the Legislature of Maine, just as I have done through my life. I thought this matter over, and it seemed to me that morally it was not right for these people to do that thing, but, Mr. Speaker, these people felt that there was an injustice done, and they appealed to the court, and the court appointed a hearing on this proposition, and that hearing was held, and both sides were represented before that court, and the court decided that that vote was legal. Now, Mr. Speaker, inasmuch as the court decided that that bill was legal—perhaps they didn't decide that it was legal morally, but that wasn't the thing for the court to decide—are we going back on the Supreme Court of Maine that was appointed to see that justice be done, and they did see that justice was done, and said that vote was legal.

Now they voted at that referendum, and that vote was 33 in favor of staying in Hancock, and 22 for going to Lamoine. Now the evidence shows, Mr. Speaker and gentlemen of the House of Representatives, that there were only nine votes difference, and under that proposition they still had two votes to the good. They were satisfied that there was nothing done that might not have seemed just right to these people, and, Mr. Speaker, the Supreme Court of Maine decided that that vote was legal, and our committee, and the chairman of our committee, Mr. Speaker, said right there "Are you willing to have a referen-

dum tacked to this measure and go back to the people?" They said "No, we want the Legislature to decide our question down there; we don't trust the people."

Ah, Mr. Speaker, it will be a cold day for Maine when you cannot trust the people. Mr. Speaker, and gentlemen of the House of Representatives, I say to you that the people are to be trusted. They said that the reason they didn't want to trust those people was because the vote of Hancock was larger than the vote of Lamoine, and they testified right there, Mr. Speaker, before that committee, that there was a goodly number of the citizens of Hancock who were in favor of Marlboro going over to Lamoine, and if those people in Hancock were in favor of going over, why were they obliged to go before the people under a referendum? They were obliged to do it. The fact of the matter is that with these people, it seems to me, it was "heads I win and tails you lose." That is the whole thing in a nutshell. Now are you members of the House of Representatives ready to deny those people the right to have the question go before the people?

Down on little Bailey Island, the place where I was born and brought up, down there where the sea tells the story to the smooth pebbles of the beach, we have less than one-fifth of the voting strength of the town of Harpswell, or about one-sixth, and yet we went before the people, and with all the power at our command we convinced the people of that town that we were right, and we came to the Legislature backed by the voice of the people, and the Legislature said that we were right. And I went before the County Commissioners of Cumberland County, backed by the voice of the people, and they said that we were right. I went before the Supreme Court of Maine, and the Supreme Court of Maine said to us "You are backed by the voice of the people, and you are right." And we went before the War Department at Washington and presented our case, with less than one-fifth of the voting population of that town, and they said we were right. And we now have a bridge down there that goes onto little

Bailey Island that cost \$140,000, and we were backed by the voice of the people.

Now Mr. Speaker, I say to you and to the House of Representatives, are you going to tell those people what they shall have and what they shall not have down there? The people from the town of Marlboro who come up here and ask the Legislature to pass a bill regardless of the people, aren't they willing to go down home with a hundred and forty odd signatures they have on that bill, and come before that committee and say the representatives of Hancock are with them? Are they afraid of the referendum? Are they afraid to go back to the people of that town and say "we are right" and convince those people they are right? Before I would ever vote for a proposition of that kind, Mr. Speaker, and gentlemen of the House of Representatives, I would go and dig a hole and crawl into it and haul the hole in after me. (Laughter)

Mr. Speaker and gentlemen of the House of Representatives, I will never vote for any bill in the House of Representatives unless I think I am right, nor on any committee, although being a gentleman from way down on the salt water, I was given the committee on towns—I suppose that is because they were afraid I would be on the town some time. But, never mind, Mr. Speaker, I say to you and to the members of the House of Representatives, do not ever vote to pass any question unless you give the people the right to vote on that question. (Applause)

The SPEAKER: The question before the House is on the adoption of House Amendment A.

Mr. BLAISDELL of Franklin: Mr. Speaker, again I am more or less unfortunate in having to be one chosen to follow such eloquence as we have just heard. It will be difficult, perhaps, for me to get across to you what I have in my mind, following the last speaker. I only want to take a moment or two of your time to mention the question which is constantly being brought before you, which is one of fairness. My good friend and colleague from Bar Harbor, Mr. Shaw, has spoken of the matter of fairness. He speaks of the fact that

the amendment which is before you has been hastily drawn. The idea of the amendment which is before you being hastily drawn reminds me of what happened to me in my college days. I was having a lot of trouble with my professor in English when I turned in my compositions to him, and so, finally, in desperation, I copied an article written by Ralph Waldo Emerson, and I turned that in to him with my name signed to it, and that young college professor took the article written by Ralph Waldo Emerson and stove it all to pieces. "Why," he said, "it is ungrammatical, un-theoretical." He said everything that could be said to a poor writer.

Coming back to my friend from Bar Harbor, Mr. Shaw, there was no haste in drawing this amendment. The amendment which is before the House has been in the process of being drawn for a period of several weeks. There is no question about it. It was done by the brain work and intelligence and the effort of the Attorney General, and so, like the college professor who destroyed the work of Ralph Waldo Emerson himself, is the gentleman who destroys the work of the Attorney General of the State of Maine because he has found all kinds of errors, flaws, and omissions in it.

There is plenty of precedent for the accomplishment of what we are now asking. There are one hundred and twenty-five instances in the State of Maine where the Legislature of this State has decided that towns are not properly divided or that towns are not properly united, and consequently the lines and boundaries have been changed. In the changing of these lines, it has always been done from a geographical standpoint of serving some advantage to the people involved.

Now then, they constantly speak of "Why don't we attach a referendum?" My good friend and seat mate, Mr. Thomas, was not here at the last Legislature. He does not know the squabble and the fight we had over this same identical thing. He does not know that the little hamlet of Marlboro tied the Legislature two years ago into a complete knot, and that it was necessary for the Speaker of this House to declare a temporary recess in order that we fellows might go out

into the corridor and find some way of hitting common ground, for the simple reason that we could get nowhere, it was so complicated. And so we went out into the corridor. Well I remember it. We were not such good friends on that day as we now are, and you were just what the other fellow thought you were, and he was glad to tell it to you too. And no finer person present than our good Speaker who is presiding over the organization today, and myself, stood out in the corridor during this recess and got together the opposing factions in the Hancock-Marlboro fight in a desperate effort to bring to a close this scrap that has recurred here in this House. The time was very short, and we hastened down into the Attorney General's office. I would not dare to lay these things before you and name the Speaker by name if I could not verify these things. And we hastily, I will admit, drew a referendum and came back into this House and presented an amendment which was attached to the referendum, and which was unanimously accepted by the House and which was agreeable to the parties concerned at the time.

Now then, we come back and call your attention to what happened to our amendment. We call your attention to what the selectmen of the town of Hancock did to our amendment. We do not say that we drew a perfect amendment, because we drew it under pressure and under haste, but had we drawn a perfect amendment it would have simply resulted in more legal talent and more effort to find some hole whereby they could escape the purpose and intent of this Legislature. Now right there, the purpose and intent of this Legislature, or rather of the last one, is the very crux of the whole situation. It was the intent and purpose of the 84th Legislature that the little hamlet of Marlboro should cleave aside her own trouble, that the town of Hancock, through its selectmen, were to go ahead and set up the necessary voting organization. They did, but that wasn't all that they set up. Knowing that they had no chance of outvoting the little group of people located in the little hamlet of Marlboro, they proceeded immediately to get such votes as would be necessary to outvote those people.

Now there are two or three very

interesting dates involved here. It was around eleven o'clock on the 29th day of March that this Legislature went into the jam that I told you about and when the Speaker declared the recess and we went out and got the parties together, the 29th of March, two years ago. We came back, and it was unanimously agreed that the amendment should be accepted, and I ask you who was the guardian that was walking these corridors ready to report at the first instant what took place on this bill to the selectmen of the town of Hancock so they could go ahead and set into operation a well-prepared plan to defeat the intent and purpose of this Legislature. That is what happened, because on the 29th the amendment passed, and on the 30th the deed passed with twenty names on it, and on the 30th they were declared as legal taxpayers and voters of Marlboro.

Now what is the use of setting up the intent and purpose of the Legislature again, because the same counsels support the selectmen down there? The same selectmen are in office, and any intent and purpose of this Legislature that we might now set forth by amendment or otherwise, when he says it must be referred back to the people, would be immediately attacked, and they have got more time to attack it at this time than they had before because from March 29th to April 10th it was all over and they had the little hamlet of Marlboro trimmed long before the Legislature adjourned. So I say there is plenty of precedent. One hundred and twenty-five towns have been divided geographically for the advantage of all. There is plenty of precedent. I do not dare to trust the intent and purpose of this Legislature to another referendum down there, because the same selectmen and the same counsel are down there, and the same intent and purpose will exist as has existed before.

I say to you gentlemen that when a summer resident comes down from New York and buys a piece of property in the little hamlet of Marlboro and on it there are two fallen-down and dilapidated fish shacks that have never been taxed, and the deed runs to the resident from New York who has bought the property, which says the property and all the buildings thereon should immediately be charged up against a man and wife over in the town of Hancock, and the tax that

they paid for those two houses was fifty-four cents, and another dilapidated and fallen-down shack immediately becomes taxed and a man and wife and step-son pay twenty-seven cents. Intent and purpose of following out the wishes of this Legislature! It is not to be trusted down there under present conditions. If they had had a change of selectmen or if other conditions existed differently, I would have no fear of referring this matter to the people. It is an effort, a studied and concised effort to nullify and defeat anything we here may do, and I think it should be the purpose of this Legislature to just as quickly pass a bill which shows our condemnation of the way they treated the intent and purpose of this Legislature as they were in acting fast to defeat the legislative purpose two years ago. I say to you gentlemen, if you will just examine your map, and I am through, if you will just examine your map for a moment, and look where the school children have to go in order to get to high school. Consider the arrogancy of a town which refuses to let them come to a high school which is still nearer, but says you must come sixteen miles and will not pay tuition to a nearer high school with consequent heavy loss of schooling, unimproved muddy roads—I have been over them—it is not far from my home. I would not take part in it if I did not know every inch of this land and see it in my mind's eye. I think, if you will look at the map, it will be very easy for you to see that Hancock is an uninterested and unsympathetic step-father to this little hamlet of Marlboro, and this Legislature should, by its act here today, take this little village of Marlboro and turn it over to its natural, its interested, its sympathetic and geographical mother, the town of Lamoine. (Applause.)

The SPEAKER: Is the House ready for the question? The question is on the adoption of House Amendment A. All those in favor of the adoption of House Amendment A will say aye; those opposed no.

A viva voce vote being taken, House Amendment A was adopted.

Mr. BLAISDELL: Mr. Speaker, I move that the rules be suspended and that the bill as amended by House Amendment A have its third reading at this time.

Mr. SHAW of Bar Harbor: Mr. Speaker, in my opening I tried to confine myself to the amendment; but it seems that they have gone into the merits of the case; so I believe that I should have the right to do so.

In the first place the schools have been mentioned. Now there are three school children who attend the Lamoine school. The town report of the town of Hancock gives the transportation cost as \$192 and for tuition the sum of \$63 from the town of Hancock to the town of Lamoine; so in no event can the town of Lamoine kick because these school children are going to their school.

In regard to the geographical situation of Marlboro, I will say to this body that if we are going to attempt to separate every locality on the coast of Maine, set it off and give it to one town or another, this Legislature is going to have its hands full. I recall that the town of Bar Harbor came up here four years ago and tried to get an island or two islands set off to it which is now in the town of Gouldsboro. There is a bar between them that is open twelve hours a day and they can go across there. The town of Gouldsboro came here and said "That is about one quarter of our taxable property" and Bar Harbor did not have a ghost of a show to get those islands. All the owners were up here to support that bill.

There has been mention here about "dirty work" down there or something of that character. I want to say to you, ladies and gentlemen, that this whole matter is being agitated, and this whole story is being kept open, by just a few men down in that community. If I had my way I would offer an amendment here to give these men four-ounce gloves and put them in a squared ring and let them fight it out; but I realize that that would not be proper.

In regard to the voting proposition, if there was a legal vote passed, the town of Lamoine was simply outgeneraled. They wanted to do the same thing but they were just a day late, that was all. They paid taxes in Lamoine for property in the town of Marlboro and tried to get by and vote. There were all sorts of scheming and skinivering around there to get the town of Hancock, which had become valuable, into the town of Lamoine. They had a town meeting in the

town of Hancock at which they voted unanimously that they did not want to lose this proportional part of their town. They have had no town meeting in the town of Lamoine, either special or regular town meeting. Now what does this indicate? This alone to me is indicative of the fact that they did not dare to hold a town meeting in the town of Lamoine. If they did why didn't they hold it and get the sentiment of the people by way of a referendum and annex the town of Marlboro.

In regard to the amendment, if I am wrong, in the technical, part, I appeal to your fairness in regard to it, and I say to you that it is unfair to the town of Hancock to take this piece of property away from Hancock and give it to Lamoine because it is just going to stir up another court action. The State Assessors do not know how they are going to get taxes over there and give it to the Bridge District. Why don't they take nine-tenths of Hancock and put it into Lamoine? It is not fair to the town of Hancock, Mr. Speaker, and I ask the Legislature to vote no on this proposition.

Mr. GRAVES of Mount Desert: Mr. Speaker, in regard to this amendment, I drew this up with the aid of what I considered to be good legal talent; and if there is anything wrong with it I feel sure that we can correct it. We would at least try. I would be willing to go before the Judiciary, or any legal talent, and have this corrected because it is my intent to be perfectly fair with the town of Hancock and to see that they do not lose any indebtedness which the town of Marlboro owes them.

Mr. THOMAS of Harpswell: Mr. Speaker, I would ask if the amendment has been adopted.

The SPEAKER: The Chair will state that the amendment has been adopted, and the motion before the House is that of the gentleman from Franklin, Mr. Blaisdell, that the bill have its third reading at this time. All those in favor of that motion will say aye; those opposed no.

A viva voce vote being taken, the bill had its third reading and was passed to be engrossed.

On motion by Mr. Sargent of Brewer, it was voted to take from the table the 11th unassigned mat-

ter, majority report ought to pass in new draft and minority report, ought not to pass of the committee on Legal Affairs on bill an act providing for probation on jail sentences where a fine is paid, the new draft being numbered H. P. 1192, L. D. 777, tabled by that gentleman March 4, pending acceptance of either report.

Mr. SARGENT: Mr. Speaker, I now move that the minority report be substituted for the majority report.

The SPEAKER: The gentleman from Brewer, Mr. Sargent, moves the acceptance of the minority report. Is this the pleasure of the House?

Mr. GIBSON of Harrington: Mr. Speaker, I move that this matter be retabled.

A viva voce vote being taken, the motion to retable failed of passage.

The SPEAKER: The motion before the House is the acceptance of the minority report, and the Chair recognizes the gentleman from Brewer, Mr. Sargent.

Mr. SARGENT: Mr. Speaker and members of the 85th Legislature: I consider it my duty to the members of this House and to my constituents to explain my position in signing the minority report on this bill, ought not to pass.

This bill came into the House in the first place as House Paper 606, L. D. 207, under title of an act providing for probation on jail sentences where a fine is paid. The committee, after hearing the evidence submitted on the bill, drafted a new bill which was reported out under title of an act providing for sentences and the imposition thereof, H. P. 1192, L. D. 777.

In order to explain this bill, I think it first will be necessary for me to show what the law of the State was in the Revised Statutes of 1916, Chapter 127. In 1926, Chapter 127, Section 17 provided for the manufacture and sale of intoxicating liquors. "Whoever manufactures for sale any intoxicating liquors manufactured by him in this state, except cider, shall be imprisoned two months and fined one thousand dollars."

The 1930 Statute provides that he "shall be punished by a fine of not less than one hundred dollars nor more than one thousand dol-

lars and costs of prosecution, and by imprisonment for not less than two months nor more than six months, and in default of payment of fine and costs be imprisoned for not less than sixty days nor more than six months additional."

Section 19 of the laws of 1916, Chapter 127, provides in regard to "traveling liquor peddlers, dealers and solicitors of orders for liquor.

"Any person violating the provisions of this section shall be liable to a penalty of not less than twenty, nor more than five hundred dollars and costs, for each offense, to be recovered on complaint or indictment; half to the complainant, and half to the county in which the offense is committed; and in default of payment thereof, said person shall be imprisoned for a term of not less than two, nor more than six months."

Section two of the law of 1930 provides: "Any person violating the provisions of this section shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars and costs, and in addition thereto by imprisonment for not less than two months nor more than six months, and in default of payment of said fine and costs by imprisonment for six months additional."

Section twenty of the Revised Statutes of 1916: "Intoxicating liquors intended for unlawful sale, not to be transported: Removal from any car as any place other than usual station, prohibited. Penalty of not less than fifty, nor more than one hundred dollars, and sixty days' imprisonment. Removal, Penalty of fifty dollars for every such offense."

Section three of the 1930 Statute provides that "Whoever violates the provisions of this section shall be punished by a fine of not less than three hundred dollars, nor more than six hundred dollars and costs, and in addition thereto, by imprisonment for not less than three months nor more than six months, and in default of payment of fine and costs by imprisonment for six months additional; provided, that if the person so convicted shall have been heretofore convicted of a violation of any of the provisions of this chapter he shall be punished by a fine of not less than

five hundred dollars, nor more than one thousand dollars and costs, and in addition thereto by imprisonment for not less than six months nor more than eleven months and in default of payment of said fine and costs by imprisonment for six months additional."

Section twenty-one of the 1916 Statutes, Chapter 127 provided that "No person shall at any time, by himself, his clerk, servant, agent, directly or indirectly, sell any intoxicating liquors, of whatever origin;" and the penalty, Section 22, was "a fine for not less than fifty dollars and costs, and in addition thereto be imprisoned thirty days. In default of said payment he shall be imprisoned thirty days additional, and on each subsequent conviction he shall be punished by a fine of two hundred dollars and costs, and in addition thereto be imprisoned six months, and in default of payment of said fine and costs, he shall be imprisoned six months additional."

Section twenty-three of the Revised Statutes of 1916, Chapter 127, provides the penalty for a common seller—"one hundred dollars and imprisonment thirty days, or instead of such fine he may be imprisoned sixty days additional. On a second every subsequent conviction, he shall be fined two hundred dollars and imprisoned four months, and in default of payment of fine and costs he shall be punished by four months' additional imprisonment".

Section twelve of the Revised Statutes of 1930 provides that "Whoever violates this section shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and costs, and in addition thereto by imprisonment for not less than two months nor more than six months, and in default of payment of said fine and costs by imprisonment for six months additional."

Section twenty-four of the Revised Statutes of 1916: "Drinking houses and tippling shops prohibited. Keeping thereof shall be punished by a fine of one hundred dollars and costs, and in addition thereto be imprisoned sixty days. In default of payment of fine and costs, shall suffer an additional imprisonment of sixty days."

Section thirteen of the Revised

Statutes of 1930 provides that "upon conviction thereof shall be punished by a fine for not less than one hundred dollars nor more than five hundred dollars and costs and in addition thereto by imprisonment for not less than two months nor more than six months, and default of payment of said fine and costs by imprisonment for six months additional."

Section twenty-six of the Revised Statutes of 1916 provided the penalty for providing intoxicating liquors to persons in confinement of not exceeding twenty dollars or by imprisonment in the jail or house of correction not exceeding thirty days.

The provision in the 1930 Revised Statutes is practically the same.

Section twenty-seven of the Revised Statutes of 1916: "Possession or deposit with intent to sell, prohibited. Penalty one hundred dollars and costs and be imprisoned sixty days, and in default of payment sixty days additional."

Section sixteen of the Revised Statutes of 1930 provides that "Whoever violates this section shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and costs, and in addition thereto by imprisonment for not less than two months nor more than six months, and in default of payment of said fines and costs, by imprisonment for six months additional."

Section forty of the Revised Statutes of 1916 provided that prosecutions for manufacturing liquor, for keeping drinking houses and tipping shops, common seller of intoxicating liquors, shall be by indictment, but all other prosecutions under this chapter, except where otherwise expressly provided, judges of municipal and police courts and trial justices have by complaint, jurisdiction, original and concurrent with the supreme judicial and superior courts.

Section forty-one of the Revised Statutes of 1916 provided "previous convictions to be alleged; indictments not to be dismissed but by order of the court. Every trial justice, recorder, clerk and judge of a municipal court, and every county attorney, having knowledge of a previous conviction of any person accused of violating this chapter, in preparing complaints, warrants or indictments, shall allege such

previous conviction thereon. For neglect or refusal to alleged previous conviction or failure to prosecute, he shall forfeit one hundred dollars in each case, to be recovered in an action of debt, to be brought by the attorney-general in behalf of the state".

By reading the sections of the Statute of 1916 and a perusal of the Statute of 1930, one will observe that during the period from 1916 to 1930 the Statutes have been changed so that the fine is increased and the imprisonment increased.

There is one chapter of the Revised Statutes of 1916, Chapter 137, Section 1, to which I wish to call attention under the title of "Sentences and the imposition thereof." Section one. "No person shall be punished for an offense until convicted thereof in a court having jurisdiction of the person and case. When no punishment is provided by statute, a person convicted of an offense shall be imprisoned for less than one year or fined not exceeding five hundred dollars. When it is provided that he shall be punished by imprisonment and fine, or by imprisonment or fine, or by fine and in addition thereto imprisonment he may be sentenced to either or both."

Now, Mr. Speaker and members of the House, this provision as practiced in the courts of the State of Maine nullified the imprisonment sections and the penalties as imposed by the Revised Statutes of 1916, Chapter 127. As a matter of fact it constituted a joker. Persons reading over the laws of 1916, Chapter 127, where it provided that a man should be punished by a fine or by imprisonment, would have hard work to discover in the language of that section how a judge of a municipal court, or a superior court or the supreme court, could practically nullify the law; but he was able to do it by this sentence in Chapter 137 which provided that he might, in case of fine and imprisonment, either impose the fine or imprisonment or both.

In the laws of 1917 an act was introduced in the Legislature by the Honorable Charles P. Barnes, who was a member from the town of Houlton, and it was referred not to the Legal Affairs committee, not to the committee on Judiciary, but

to the Temperance committee. This act provided that the third sentence of Section one, Chapter 137, should be stricken out. This act was duly reported by the committee on Temperance, and so far as I can observe by reading the Legislative Record of 1917, went through the House without a dissenting voice. This act, as I say, was introduced by Honorable Charles P. Barnes, who is now one of the Supreme Court Justices of the State of Maine, and it took out the joker which had been in existence up to that time.

Now, Mr. Speaker and members of the House, if you will turn to the Legislative Record of 1913, you will find that that Legislature devoted the most of its time to the liquor question and that for three or four weeks of that session the members of that House, some of whom are present here today, devoted morning, afternoon and evening to the trial of the high sheriffs of various counties in this State, and I think in every case where they were tried before the House and Senate they were found guilty. In the Legislative Record of 1913, if the members care to peruse it, they will find the testimony of the witnesses for the State, and I wish to call to your attention a few of the witnesses and the testimony that was given on that occasion. I will take as an instance the county of Penobscot, not because conditions were any worse in that county and the city of Bangor, but because I was more interested in the trial of the high sheriff of Penobscot county, and I read through the case as tried before this House. You will find that the State in the testimony offered before this House proved that there were in the city of Bangor ninety-seven retail dealers and six wholesale dealers; that practically every one of these retail dealers occupied a prominent street corner or a prominent location in the city of Bangor. In a location diagonally across and within about five hundred feet of the sheriff's residence in the city of Bangor was a retail dealer who ran his place so that the people in passing to and fro could see the open and intentional violation of the law. Within five hundred feet, not more, there was another liquor dealer within plain sight of the sheriff's office. In going to and fro from the jail to the postoffice one

would find a number of these places. In leaving the train at the Union Station and walking up town one would find the street lined on both sides with open bar rooms. The sheriff, although he passed these places several times a day, did not see fit to close any of them. There was some testimony given by the sheriff's witnesses in defense that they did get a search warrant and of their own volition searched places on Third street near the Fair Grounds and in remote sections of the city obtained a little liquor hidden in a haymow or some out of the way or obscure place; but there was no testimony of any continued effort made by the sheriff of Penobscot county to search and put out of business the retail liquor dealers of the city of Bangor. This condition existed not only in Bangor but in Brewer, Old Town, Dexter and Millinocket.

Mr. CARLETON of Portland: Mr. Speaker, I move that we adjourn.

The SPEAKER: The motion is not in order. The Chair requests that the members will be in order and more silent.

Mr. SARGENT continuing: If you will turn again to the Record of 1913, you will find the testimony of the freight agent of the Maine Central Railroad, a witness for the State, who said there was shipped into the city of Bangor during the month of March sixty-eight barrels of whiskey and thirteen hundred barrels of other liquors, besides liquor in cases, bottles and jugs. If you will turn again to the Record, you will find by the testimony of the County Attorney, who was on the stand, that at the February term of the Supreme Court he indicted 159 liquor dealers throughout the county of Penobscot. You will find that out of these indictments, 21 were filed by the County Attorney and the Judge; that the other 138 or nine indictments capiases were issued and given to the sheriff, who succeeded in bringing before that term of court fourteen of the violators of the liquor law; and out of those fourteen violators of the liquor law some eight or nine received a jail sentence; but out of that eight or nine not one of the retail or wholesale liquor dealers of the city of Bangor received a jail sentence. It was the Bangor Plan, which afterwards spread to other parts of the State, to indict at the two terms of court on the record as

secured from the Internal Revenue office at Portsmouth the liquor dealers and to bring them in before the court and fine them, usually one hundred dollars and costs, which fine was cheerfully paid and which was practically a license system. Under this system as practiced by the high sheriffs in the counties in this State graft was as prevalent as the violations of the liquor law. Any person who lived in the county of Penobscot, or the county of Cumberland, or in other counties of the State, well knows that it was a commonly acknowledged fact that a man who was elected to be high sheriff of one of these counties only had to serve for one or two terms and the rest of his life he could take a vacation in Florida or elsewhere. This, I think, was corroborated before the Penobscot delegation in a statement that was made by a man who appeared there at the last session. He appeared as a proponent of a bill to increase the salary of the high sheriff of Penobscot county. In his remarks he stated that a sheriff at one time was able to pick up a dollar outside of his regular salary, but that at the present time he only had his straight salary and he thought he was entitled to receive more pay. This committee evidently agreed with the proponents of this bill because they knew that the man who addressed them had served in the capacity of high sheriff and that he probably knew; so the committee recommended that the salary of the sheriff be increased.

A number of my brother members of the committee have been very indignant because they thought there was some reflection cast upon the integrity of the judges of the court. I wish to say in answer to that argument that no attempt has been made to belittle or cast suspicion upon the judges of the Superior or Supreme courts; but, Mr. Speaker and members of the House, at that time we were talking about the liquor laws, and I wish to call to your attention the provision of the Statute which existed in 1916 and which exists at

the present time, that the trial justices, judges and recorders of the municipal and police courts have original and concurrent jurisdiction with the judges of the Superior and Supreme court in the hearing of liquor cases. There are in the State of Maine forty-four judges and recorders of municipal courts and there are 117 trial justices. These judges and recorders of municipal courts and trial justices are appointed by the Governor, and I wish to call to your attention the fact that if there should be in the chair a Governor who believed in the split sentence bill, so-called, he might appoint as judges, recorders and trial justices, having original and concurrent jurisdiction with the other courts, men who would nullify the law as was done previous to 1917 when the joker which existed in the Statutes of the State of Maine for some time was removed.

I have no personal desire to inflict upon the members of this House my personal opinion, but in passing judgment on any bill it has always been my endeavor to pass that judgment which I thought would do the greatest good to the greatest number; and in voting as the one member of the committee on Legal Affairs in the minority report that this bill ought not to pass, I thought a greater benefit would be conferred upon a greater number of the citizens of the State of Maine than would be the fact if the majority report of this committee were accepted. I hope that if a majority of the members of this House see this question in the same light that I see it, they will vote to substitute the minority report for the majority report. If they think otherwise, I hope they will support the majority report.

Mr. Speaker, I wish to yield the floor to the gentleman from Bath, Mr. Oliver.

Mr. BURKETT of Portland: Mr. Speaker, I move that we adjourn.

The motion prevailed, and the House adjourned until tomorrow morning.