

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

Thursday, March 12, 1931.

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills In First Reading

S. P. 384, L. D. 488: An act relating to sending of ballots to city town and plantation clerks.

S. P. 386, L. D. 490: An act relating to the number of ballots to be provided at elections.

S. P. 437, L. D. 576: An act relating to the investment of municipal trust funds.

S. P. 205, L. D. 813: An act to incorporate the Town of Lincoln School District.

From the Senate: Bill an act to amend Chapter 135 of the Private and Special Laws of 1930, relating to the erection and construction of a court house at Ellsworth, Maine, (S. P. 548.)

Comes from the Senate received by unanimous consent and under suspension of the rules passed to be engrossed without reference to a committee.

In the House that body voted to receive this bill by unanimous consent, and under suspension of the rules the bill was given its three several readings and passed to be engrossed without reference to a committee in concurrence with the Senate.

From the Senate: Resolve in favor of the town of Frankfort, (H. P. 49) L. D. 700, which was finally passed in the House March 5th and passed to be engrossed February 24th.

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

In the House that body voted to reconsider its vote whereby this resolve was finally passed, and further voted to reconsider its vote whereby this resolve was passed to

be engrossed. Senate Amendment A read and adopted in concurrence, and the resolve was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Resolve in favor of the town of Stockton Springs, H. P. 69, L. D. 698, which was finally passed in the House March 5th and passed to be engrossed February 24th.

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

In the House that body voted to reconsider its vote whereby this resolve was finally passed, and further voted to reconsider its vote whereby this resolve was passed to be engrossed. Senate Amendment A read and adopted in concurrence, and the resolve was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Bill an act relating to trapping on the Rangeley Game Preserve (H. P. 186) (L. D. 136) which was passed to be engrossed in the House March 5th.

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

In the House that body voted to reconsider its action whereby this bill was passed to be engrossed. Senate Amendment A read and adopted in concurrence, and the bill was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Report of the Committee on Legal Affairs reporting ought not to pass on bill an act to permit the city of Auburn to pension present and former members of its fire department (H. P. 836) (L. D. 318) which was accepted in the House March 10th.

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

In the House:

Mr. JACOBS of Auburn: Mr. Speaker, this matter relates entirely to the city of Auburn. I went before the council of the city last Monday night on the matter, and while a small group in the city of

Auburn favor this bill, there is a larger group against it. Likewise the council of the city of Auburn is against it. I move that we adhere to our former action that this bill ought not to pass.

The motion prevailed.

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

By Mr. Perham of Paris: Petition signed by F. Robert Seavey of Norway and 53 others in favor of liberalizing the Sunday Blue Laws. (H. P. 1287)

Orders

Mr. Burkett of Portland presented the following order and moved its passage:

Ordered, that the State Librarian be and hereby is authorized and instructed to forward to the estate of the late Samuel Stuart of Harrison one copy of the Revised Statutes.

Mr. BURKETT: Samuel Stuart, Mr. Speaker, was a member of the last Legislature and a copy of the Revised Statutes, to which he was entitled, was sent to him, but he died before it arrived and for some reason it was sent back and his estate never received it.

The order received passage.

Reports of Committees

Mr. Shaw from the Committee on Legal Affairs reported ought not to pass on bill an act giving power to arrest for all violations to Chief Game Wardens (H. P. No. 1141) (L. D. No. 710).

Mr. Sargent from same Committee reported same on bill an act relating to the purpose for which cities and towns may raise money (H. P. No. 1061) (L. D. No. 617).

Miss Martin from same Committee reported same on bill an act relating to Aroostook County sleds (H. P. No. 601) (L. D. No. 161).

Reports read and accepted and sent up for concurrence.

Mr. Goudy from the Committee on Legal Affairs reported ought to pass on bill an act repealing the prohibition on exhibition of prize fight pictures (H. P. No. 619).

(Tabled by Mr. Gray of South

Portland pending acceptance of report).

Mr. Jack from the Committee on Legal Affairs reported ought to pass on bill an act relating to legal holidays (H. P. No. 1104) (L. D. No. 682).

(Tabled by Mr. Farris of Augusta pending acceptance of report).

Mr. Blaisdell from same Committee reported same on bill an act with respect to the trial terms of the Superior Court within and for the counties of Androscoggin and Franklin (H. P. No. 964) (L. D. No. 455).

Reports read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

First Reading of Printed Bills and Resolves

(H. P. No. 1284) (L. D. No. 842)
An act to amend an act to incorporate the Guilford and Sangerville Water District.

(H. P. No. 1285) (L. D. No. 843)
An act to authorize the Ogunquit Village Corporation to issue bonds.

(H. P. No. 1286) (L. D. No. 844)
An act relating to close time on Damariscotta River.

(S. P. No. 33) (L. D. No. 9)
An act to give municipal courts jurisdiction of certain offenses.

(S. P. No. 361) (L. D. No. 383)
An act relating to reservation of motor vehicle plates and numbers.

(S. P. No. 487) (L. D. No. 648)
An act relating to special provisions for towns peculiarly located.

(Tabled by Mr. Potter of Bangor pending third reading).

H. P. No. 586) (L. D. No. 826)
An act relating to the manufacture of beverages.

(H. P. No. 585) (L. D. No. 825)
An act relating to the disposal of fines and costs collected by the State Highway Police.

(H. P. No. 586) (L. D. No. 826)
An act to amend the charter of the Eastport Municipal Court.

(H. P. No. 818) (L. D. No. 827)
An act relating to Western Hancock Municipal Court.

(H. P. No. 1275) (L. D. No. 828)
An act to amend the charter of the Ogunquit Beach District.

(H. P. No. 1276) (L. D. No. 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. No. 1278) (L. D. No. 831)
An act relative to the salary of the State Librarian.

(H. P. No. 1279) (L. D. No. 832)
An act relative to the salary of the Commissioner of Inland Fisheries and Game.

(H. P. No. 1077) (L. D. No. 833)
Resolve in favor of the town of Fort Kent.

(H. P. No. 1193) (L. D. No. 782)
An act to grant a new charter to the city of Bangor.

Orders of the Day

The SPEAKER: Under Orders of the Day, unfinished business, on motion of the gentleman from Brewer, Mr. Sargent, that the minority report ought not to pass from the committee on Legal Affairs, on an act providing for probation on jail sentences where a fine is paid, H. P. 606, L. D. 207, should be accepted, the question before the House is on the motion to accept the minority report.

Mr. OLIVER of Bath: Mr. Speaker and members of the Legislature: I am not here to make a speech, for I could not do so, if I would; but I want to enter my protest against the acceptance of the majority report. I have had some experience on the liquor question. I have been on the wet side and on the dry side. For forty years I have been on the dry side. I was appointed sheriff in 1913 by Governor Haines. I served until 1925. My protest is against the letting down of the bars to these bootleggers. When I took office the law read "for single sale, or search and seizure, \$100 or thirty or sixty days." Later on they changed the law to one hundred dollars or two hundred dollars "and",—they added the word "and" and took the word "or" out.

Now, gentleman, it made some difference in the enforcement of the law when they said "and". The bootleggers scurried for cover right off. My record as an enforcement officer I do not care to speak about. That will take care of itself. I would get a man before the court, they would give him thirty days in

jail if he couldn't pay the fine and put him on probation. Now as I understand it, the gentleman from South Portland, Mr. Goudy, said they were placing them on probation over in Portland and he wanted to rectify that so they would have to pay a fine. I do not think the bill reads that way. The bill gives the court the right to put them on probation both for the jail sentence and the fine.

Speaking about the courts, I have all the faith in the world in the justices of courts, but when you get down to sheriffs and county attorneys, that is where you are up against it. They are men—some of them, not all of them—that you cannot depend upon. As a sheriff I have had to chase right around after the county attorney, I have kept after the judges of police courts, and when you take the teeth out of the law and put it into the hands of the county attorneys—some of them, not all—you are giving them something they can use to their advantage, and they certainly will. You put the case into the police court, and the judge has got something he can use; he can fine the man, he can sentence him to jail if he sees fit, but he will fine him. Under this split sentence there is no such thing as a first offense. They have generally been at it a long time before you get them. I had a case of a woman who had been selling liquor for years, and it was a year after I was sheriff before I caught her, and I brought her up here and put her in jail. You let this thing stay as it is and you have got some teeth in the law; you take it out and you have taken away all power to enforce the law if a man is honest and wants to enforce it. It is a very good thing for the man who does not want to enforce it. I have had my trials with the county attorneys, not only county attorneys but district attorneys. They do not hesitate, if they get a chance, to let a man go if someone behind them has got a political pull.

I am not here to say anything about any man in particular, but there are men—you know it and I know it—that you cannot trust as county attorneys. There are sheriffs you cannot trust. All I ask of

the gentlemen here is not to take the teeth out of that law. This is no time to let down the bars when the prohibition question is so much before the public. This is no time to do that, and I want to protest and ask the gentlemen here to vote for the minority report. Thank you

Mr. GIBSON of Harrington: Mr. Speaker, I asked that this bill be tabled yesterday, not giving my reasons for so doing. I have before me a petition which was forwarded by part of my constituents, asking me to register my vote against this bill. I called the man who headed the petition on the telephone and asked him if he had read the bill. He informed me that he had not, that he had received what information he had regarding it from Mr. Smith of the Civic League. I asked him if I might read the bill to him, and I did. He changed his mind somewhat, and gave me permission to use my own judgment. Afterwards I received a letter from him asking me to change and not to vote against it. He also asked me if I would send him the bill so that he could read it, which I did, asking him to return it to me with his convictions on the matter, and I would try to have it retabled until I saw him.

Now personally I feel that this bill is a good bill. I have consulted with a number of the members of this House, both laymen and lawyers. I have also consulted with a number of the members of this House, both laymen and lawyers. I have also consulted with the Reverend Mr. Smith of the Civic League in regard to this bill, and he informs me that with a certain amendment added to this bill he would be perfectly willing to withdraw his objections to the bill. He objected to the bill because there was no first offense. A man could be brought up on one charge and have a suspended sentence, and then he could be brought in on another charge and be a first offender on another charge. Now the amendment Mr. Smith suggested was that this bill have a clause attached to it whereby a second offense against any liquor law would be considered a second offense even if it were not against the charge first brought up. I think that this is a wise proceeding. My

personal feeling is if this bill should pass a young man may become a little wild and may be brought up on some liquor charge for a first offense. Most judges would put that boy on probation. Occasionally a judge might give him the full extent of the law, which would be a jail sentence, also a fine. As a usual thing a judge will put the boy or the first offender on probation for the whole sentence. Now I contend if that boy should have a fine laid upon him which perhaps his parents or some relative would have to pay they would get after him. He would still have the jail sentence overhanging his head and he would think twice before he went into it any deeper, but if he gets both and gets sent to jail you will make a jail-bird of that boy and spoil his chances for life. That is my reason, gentlemen of the Legislature, for asking to have it retabled.

The SPEAKER: The gentleman from Harrington, Mr. Gibson, moves that this matter be retabled. Is this the pleasure of the House?

A viva voce vote being taken, the motion to retable did not prevail.

The SPEAKER: The question before the House is on the acceptance of the minority report.

Mr. SHAW of Bar Harbor: Mr. Speaker, I signed the majority report on this bill, and my reason for doing so is because I believe that perhaps although the law as it was is theoretically correct it does not work out practically what it was intended to do, and I believe I am upholding the contention of the Legal Affairs committee.

I have been a practicing attorney, and I have seen the practical application of the law as it was. For instance, a man commits a technical violation of this law. He is brought in before the court. Now if he is found guilty he has got to receive a fine and jail sentence. The result is that the county attorney will either place the case on trial or he will nol pros it or the man will be found not guilty. At any rate, they do not want to put this man in jail. The result is he goes clear without even paying a fine. Now we believe that if this was left to the discretion of the

court, that these men would be fined as they should be, and in that way they would be punished, but as it is, these men go free. But I believe there should be a distinction drawn in regard to men who technically violate the law and those engaged in liquor traffic, and I believe the enforcement officers could deal with those properly if they had this split sentence.

Mr. GOUDY of South Portland: Mr. Speaker, I do not know but what I should apologize for introducing a bill in the Legislature that has caused the members so much worry and trouble, that has led to criticism of our courts, our sheriffs, our lawyers, our county attorneys, and I hope that every member of this Legislature will keep his mind open on this subject until he hears both sides of the question. I hope that there is no member of this Legislature whose mind is so prejudiced or biased that they are going to vote against this bill regardless of what those who are in favor of it may have to say. Nevertheless, I introduced this bill into the Legislature, and I stand by my guns, and I say that it is a bill that the State of Maine needs. We are sent here for one purpose and that is to deliberate on the problems that will affect the State of Maine as a whole, and to see that their interests are safeguarded, and anything that we can do to benefit the State of Maine it is our duty to do. I felt, when I introduced that bill, that I was working towards that end, and I do feel that most of the objection to this bill is caused by misunderstanding. Of course everybody has a right to their own opinion. You all have a right to yours, and your opinion shall be respected. I have an opinion that this bill should have passage, that the minority report should not be accepted, but I am not infallible, I may be mistaken. Your opinion is as good as mine. I do feel that in this particular kind of a bill that perhaps the lawyers and the men who are working with the courts in dispensing justice are perhaps in a little better position to know just what this bill will do, and I will endeavor in my meager way to try to explain a few fundamental principles of this bill to you, and, after that, after you understand it, if you do not think that the State of Maine needs it, and do not think it should have passage, you vote against it,

and my decision will be your decision.

The first part of the present statute we have not tried in any way to change. The new part, and this is the new draft under a new title—this is not the bill that Mr. Sargent referred to yesterday—"When it is provided that he shall be punished by imprisonment and fine or by fine and costs, and in addition thereto, imprisonment, the court may in its discretion, in the case of first offenders, after imposing sentence of fine and costs and imprisonment,"—it is obligatory for the court to impose both—there is no split of imposing fine, it is imposing both. After imposing them both he may place him on probation as to such imprisonment in accordance with the provisions of this chapter, on condition that he pay the fine and costs, and in default of such payment, impose a sentence of imprisonment for less than six months.

Now as the law is today, a young man is brought into court for some violation of the law, and there are just two alternatives only, he either gets everything, he either gets the sentence, jail and fine, or nothing. He either goes to jail and pays the fine, or he goes free. There are a lot of cases where the respondent has knowingly violated the law, but it is not so serious that the court feels like sending that man to jail. It would place on that man a stigma that would last through all of his life; he could never live it down. Any position that he applied for, that old question would come up—"Have you been in jail?" Any lodge that he ever tried to get into that same question would come up. The court does not feel that he wants to send that first offender, unless there is a serious offense, to jail, so he is allowed to go absolutely scot free by giving him probation on both fine and jail sentence.

The purpose of this bill was to establish a middle ground so that in some cases where the court did not desire to send the respondent to jail, and the court did not desire to let him go altogether, he could impose fine and jail sentence, and upon condition that he pay the fine, probate the jail sentence.

There is another matter that perhaps the ordinary layman does not realize, but the severer the penalty, the less the conviction. The jury will not convict some times if they know a person is going to jail, and

therefore the respondent gets off absolutely free and clear. I remember a case in Cumberland county a short time ago where a fellow had been tried for violation of the liquor law, and, as near as I could find out, it was his first offense—that was the evidence brought out, and of course after a person pleads not guilty and stands trial and is found guilty, although it is his first offense, the judges do not feel in that case they should show much leniency, because the respondent took the responsibility when he stood jury trial. I have heard a juror say "We knew that young fellow was guilty, but we were not going to convict him and send him down to jail for three months." So in that particular case, if my bill had been in effect, they at least would have got a conviction—he would have stood a fine and got probation on the jail sentence. I will read from a newspaper clipping as follows:

"Deputy Hurt When Dragged by Automobile. Cleary Put on Probation When Arraigned on Liquor Count. Deputy Sheriff Guilford F. Pendexter was unable to appear in the Municipal Court today, as a result of injuries to his shoulder, received on Friday afternoon, when he was dragged along Walnut Street several feet, by an automobile which the driver was attempting to drive away.

"John E. Cleary of 871-2 Middle Street, driver of the car, finally stopped the car, and was arrested when a gallon can of alcohol was found tucked in front of his trousers.

"Judge Wilford G. Chapman refused to continue the possession charge against Cleary, pending hearing on a claim which it is understood is to be filed for the car, which has been libeled. He fined Cleary \$200 and sentenced him to two months in jail, and then placed him on straight probation for a year."

Now there is some excuse for Judge Chapman doing that. You may not think so, but you do not know the details of that particular case. The driver of the car at that particular time did not know that was a deputy sheriff, and you and I would not perhaps have stopped if a man had jumped on the side of our car.

This driver should have been punished for having a gallon can

of alcohol in his car, but the judge either had to give him the works or nothing, so the judge gave him nothing. If there had been a middle ground, he might at least have been fined and have been put on probation as to the jail sentence. There is where this bill would come in in a good many cases.

Of course no Legislature can pass a law to fit every individual case. While perhaps conditions down in Sagadahoc county or over in Penobscot county may not be so good, I do not think there is going to be any difficulty. I do not think the fact that some sheriffs have gone wrong on their jobs should affect my bill. We are not trying sheriffs and county attorneys. I read as follows:

"The Civic League and some of the ministers are opposing a bill in the Legislature which would make it possible for the court to use its own discretion as to jail sentences upon convictions of certain liquor violations. As matters now stand when a jail sentence is made obligatory, on conviction, the court must either impose both or probate both. It cannot split sentences, insisting upon the payment of fine and costs and probating the jail sentences. Those who have never sat in judgment upon cases of this sort probably will agree with the League and its allies, but judges who have had experiences in these matters will not fail to see the wisdom of the 'split sentence' bill. As a matter of fact, obligatory jail sentences, which do not take into consideration the circumstances surrounding the offense, do more to thwart the honest and strict enforcement of the prohibitory law than any method that has been devised by those who look upon the prohibitory law as one of the Ten Commandments. As the law now stands a judge may probate the entire sentence, when the circumstances seem to warrant it—and often does, when sending a man to jail would work a hardship upon those who are in no wise responsible for the offense. On the other hand, if they were given discretionary powers they would not hesitate to insist upon the payment of a fine. It is impossible for the Legislature to enact a law which will fit all cases, and the judge who hears the evidence in each case is more competent to decide as to the punishment than the Civic League

or a convention of ministers, who know but little as to the practical side of enforcement."

Now there has been a lot of opposition to the split sentence bill, not this bill. When Mr. Smith sent his letters out to the ministers of all the churches, he told them about the first bill. I have had ministers call me on the 'phone. I have told them about this bill—the new one. They were in favor of it. They have the first bill in mind. Now it may not seem fair to you, gentlemen, but it seems fair to me, that any organization should not condemn anything that they do not know any thing about, and they should not condemn anything until they give both parties a chance to be heard. I have got all due respect for the Civic League and Mr. Smith, but I do feel that these different organizations to which he has sent letters—and some of them have held meetings and protested this bill and sent you letters—I do think, before they did that, they should have least called me up and given me a chance to tell my side of it, then if they were against it, all well and good. The only thing I ask is a fair presentation of the facts. This bill means nothing to me. If you gentlemen do not pass this bill, that is all right. If you do pass it, that is all right. I think that the bill should have passage. I think that the State of Maine needs it. Above all, we have got to place some confidence in our officials, and I stand here today in defense of our county attorneys. They are a fine group of men, and I stand here in defense of the sheriffs, and I stand here in defense of the law profession, of which I am a member, one of the highest professions in the land, I stand here in defense of our courts and our county attorneys, sheriffs, judges, and lawyers who are perfectly capable of handling the situation, and you would make no mistake in passing that bill.

Mr. TOMPKINS of Bridgewater: Mr. Speaker, I want to speak briefly on this bill, and I want to say, first, that I know that this is not the bill as it first came out in the original, and I know, and the Civic League knows, that this is not the first bill as it came out in the original, also the gentleman from Brewer, Mr. Sargent,

knew that when he was speaking yesterday. The gentleman from South Portland, Mr. Goudy, seems to think that some people are trying to criticize him and the legal profession. I am sure that is the farthest from all of our minds.

Now we look upon our lawyers as men of education and leadership, and we look upon them as law-abiding citizens. When a lawyer is admitted to the bar, and when a lawyer has advanced to a judgeship, he takes his oath to obey and enforce the laws of our country and stand back of the Constitution and the Flag of the United States and the State of Maine.

The sentence, as we now have it, for violation of the liquor law, gives both a jail sentence and a fine. Everybody knows it. There is no excuse for a young man or an old man or anybody else to get mixed up in the liquor laws today. They all know all about it.

Now the only judges whom I know are the judges in Aroostook County, and I want to say that they are a splendid group. I know that they deal out the law justly and rightly. But if one wants to dodge on the liquor law, or if there should be an attorney who wants to help a bootlegger dodge the liquor law, the liquor law seems to have many angles, and I believe that this bill as it now reads is a very dangerous thing, because I believe, with this law as it now reads, in the hands of an influential bootlegger, he could be brought up the first time, and his first offense would be for "sale"; the same bootlegger could be brought up a second time and it could be a first offense for "possession"; and the next time the same man could be brought up and it would be a first offense for "transportation"; and the next time it would be for "mixing drinks" or something else.

Now the author of this bill no doubt is very sincere. I believe he is. Perhaps he put this bill in because someone else asked him to do it. I honestly and sincerely believe that this bill is nothing but a bootleggers' shield. I believe it is nothing but a wet nurse to bring back the old Bangor Plan, and I hope the great majority of the members

of this Legislature will vote for the minority report.

Mr. PERHAM of Paris: Mr. Speaker, I would like to state that when the original bill came out I was opposed to it. I have talked with several men who opposed that first bill, and they are heartily in favor of the re-draft. I feel that this re-draft is a fair proposition. Yesterday I had a talk with Mr. Smith of the Civic League, in regard to this bill and although he and I differ on some matters, and probably always will, we talked this matter over very amiably in regard to the matter of the first offense. I am not in favor of a man making a dozen or fifteen first offenses. I do not think that is the idea of the nine members who signed the majority report.

I said to Mr. Smith "Why doesn't some man who is opposed to this bill put in an amendment?" He said "No one will do it. If the Legislature passes that bill in the re-draft, I will kill it." Now, gentlemen, I object to any man, I care not what kind of a lobbyist he is, in any way standing in the halls and making those remarks. I feel this re-draft is a fair proposition, and I shall vote in favor of it, and I hope the motion of the gentleman from Brewer, Mr. Sargent, will not prevail. I move the previous question.

Mr. COBB of Gardiner: Mr. Speaker—

The SPEAKER: The previous question has been moved. The Chair would ask for what purpose the gentleman from Gardiner, Mr. Cobb, arises.

Mr. COBB: I want to speak on the question, Mr. Speaker.

The SPEAKER: Those in favor of the Chair considering the previous question will please rise and remain standing until counted and the count is returned by the monitors.

A sufficient number arose.

The SPEAKER: The question now before the House is shall the main question be now put? All those in favor of the motion of the gentleman from Brewer, Mr. Sargent, being put now will say aye; those opposed will say no.

A viva voce vote being taken, the

motion that the main question be now put prevailed.

The SPEAKER: The motion is on the acceptance of the minority report ought not to pass. All those in favor will say aye; those opposed nay.

Mr. SARGENT of Brewer: Mr. Speaker, I move that the vote be taken by a yea and nay vote.

The SPEAKER: The gentleman from Brewer, Mr. Sargent, moves that the vote be taken by yeas and nays. All those in favor will rise and remain standing until counted and the monitors have returned the count.

Thirty-six members having risen, the motion prevailed.

Mr. GOUDY: Mr. Speaker, just for the purpose of clearing this matter up, I understand if you vote in favor of the motion of the gentleman from Brewer, Mr. Sargent, you are voting against the bill?

The SPEAKER: The gentleman is correct. A vote in favor of the motion of the gentleman from Brewer, Mr. Sargent, will be a vote against the bill.

Is that clearly understood? A yea vote is a vote against the bill.

Mr. SARGENT: Mr. Speaker, I think there are quite a number of the members of the House who do not understand that. Now as I understand it, a vote yea is a vote in favor of the acceptance of the minority report, and a vote nay is a vote against the acceptance of the minority report.

The SPEAKER: I think that is as the Chair stated it.

Mr. SARGENT: I do not so understand it.

The SPEAKER: The minority report is ought not to pass, so that a vote yes on the motion is a vote for the minority report. Is that clearly understood? The Clerk will call the roll.

YEA—Adams, Additon, Andrews, Bailey, Bennett, Biddle, Boody, Brewster, Burgess, Burr, Bussey, Church, Clarke, Cobb, Cooper, Davis, Dekin, Dow, Drisko, Eastman, Eaton, Edwards, Farris, Fenlason, Ford, Friend, Gibson, Gray, Hawkes, Hills, Hiscock, Hobbs, Jackson, Jacobs, Leonard, Lewis, Littlefield, Lowell, MacKinnon, MacPherson, McLoon, Morin, Morse, Oliver, Owen, Palmer, Patterson, Plummer, Potter, Pratt, Sanborn, Sargent, Sawyer, Scates, Smith of Vinalhaven, Smith of Bangor, Smith of

Waterboro, Soper, Sterling of Caratunk, Sterling of Kittery, Sturtevant, Sweet, Thomas of Harpswell, Thomas of Woodland, Tompkins of Bridgewater, Viles, Ward, Webber, White of Crystal, White of Dyer Brook, Whitney, Wilbur, Williams—73.

NAY—Allen, Allison, Angell, Ashby, Audibert, Authier, Bearce, Berry, Blaisdell, Blanchard of Wilton, Blodgett, Bowers, Brackett, Breen, Briggs, Burkett of Portland, Burkett of Union, Carleton, Carter, Clement, Crane, Daigle, Duquette, Ellis, Gagnon, Gauvin, Goodrich, Goudy, Graves, Hamel, Harrington, Hatch, Hathaway, Holbrook, Hussey, Jack, Kent, Lancaster, Lizotte, Luce, Mack, Martin, McCart, Melcher, Merritt, Morey, Peacock, Perham, Picher, Plouff, Quint, Richardson, Robie, Rogers of Greenville, Rogers of Yarmouth, Shaw, Snow of Blue Hill, Snow of Scarboro, Smith of Masardis, Stern, Thompson, Tompkins of Houlton, Towne, Varney, Wallingford, Webster, Weeks, Worthen, Wright—69.

ABSENT—Blanchard of Phillips, Burns, Cram, Day, Fernald, Jones, Morrill, Rounds—8.

Seventy-three having voted in the affirmative and 69 in the negative, the minority report ought not to pass was accepted. (Applause).

The Chair lays before the House the second matter of unfinished business, House report, ought not to pass of the committee on Judiciary on bill an act creating the office of Registrar of Motor Vehicles, H. P. 909, L. D. 363, tabled by Mr. Clement of Durham, March 3, pending acceptance of the report.

Mr. CLEMENT: Mr. Speaker, in view of the fact that the gentleman from Gray, Mr. Morrill, is absent today, I move that we retable until such time as he can be here.

The motion prevailed, and the bill and report were retabled, pending acceptance of the report.

The Chair lays before the House the third matter of unfinished business, House report ought not to pass of the committee on Judiciary on bill an act to facilitate passing of one motor vehicle by another and to lessen the danger of collisions, H. P. 923, L. D. 401, tabled March 4 by Mr. McLoon of Rockland, pending acceptance of report; and the Chair recognizes the gentleman from Rockland, Mr. McLoon.

On motion by Mr. McLoon the report was accepted.

The Chair lays before the House the fourth matter of unfinished business, resolve in favor of the State School for Boys, H. P. 867, L. D. 755, tabled March 4 by Mr. Carleton of Portland, pending second reading.

On motion by Mr. Carleton the resolve was retabled pending second reading.

The Chair lays before the House the fifth matter of unfinished business, resolve in favor of the State School for Girls, H. P. 1181, L. D. 757, tabled March 4 by Mr. Carleton of Portland, pending second reading.

On motion by Mr. Carleton, the resolve was retabled pending second reading.

The Chair lays before the House the sixth matter of unfinished business, House report ought to pass in new draft of the committee on Judiciary on bill an act relating to county law libraries, H. P. 588, new draft, H. P. 1069, tabled March 4 by Mr. Snow of Bluehill pending acceptance of the report.

On motion by Mr. Snow, the report was accepted, and the new draft was tabled for printing under the Joint Rules.

The Chair lays before the House the seventh matter of unfinished business, an act relating to payments to county law libraries, S. P. 40, L. D. 237, tabled March 4 by Mr. Brewster of Wells, pending passage to be enacted.

Mr. BREWSTER: Mr. Speaker, my only object in tabling this bill was the absence of the gentleman from Eastport, Mr. McCart, and I now yield to that gentleman.

On motion by Mr. McCart the bill was passed to be enacted.

The Chair lays before the House the eighth matter of unfinished business, House report ought not to pass of the committee on Judiciary on bill an act relating to patients in insane hospitals, H. P. 705, tabled March 4 by Mr. Farris of Augusta, pending acceptance of the report.

On motion by Mr. Farris the report was accepted.

The Chair lays before the House the ninth matter of unfinished business, joint order relative to investigating insane hospitals, which in the House on January 29 was referred to the committee on Insane Hospitals, but which came from the Senate indefinitely postponed in non-concurrence. This order was tabled March 4 by Mr. Farris of Augusta, pending reconsideration; and the Chair recognizes the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, I will say that this was an order to investigate the State Hospitals. We referred it to the committee on Insane Hospitals, and the Senate returned it in non-concurrence indefinitely postponed. This is Mr. Rounds' order, and I talked with him before he went away, and I am going to make the same motion that he would make if he were here today. He desired to say a few words on it but of course has not been able to do so. I move that we recede from our former action and concur with the Senate in the indefinite postponement of this order.

The motion prevailed and the order was indefinitely postponed in concurrence.

The Chair lays before the House the tenth matter of unfinished business, Senate report ought to pass of the committee on Judiciary on bill an act to provide for continuous revision of the Statutes and legislative assistance, S. P. 278, L. D. 249, which came from the Senate the report read and accepted and the bill passed to be engrossed. This was tabled March 4 by Mr. Burkett of Portland, pending acceptance of the report in concurrence.

On motion by Mr. Burkett the bill and report were retabled, pending acceptance of the report in concurrence.

The Chair lays before the House the eleventh matter of unfinished business, House report ought not to pass of the committee on Ways and Bridges on bill an act relating to the bridge between Richmond and Dresden, H. P. 882, tabled March 4

by Mr. Jackson of Bath, pending acceptance of the report; and the Chair recognizes the gentleman from Bath, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I yield to the gentleman from Auburn, Mr. Jacobs.

On motion by Mr. Jacobs the bill was recommitted to the committee on Ways and Bridges.

The Chair lays before the House the 12th matter of unfinished business, House report ought to pass in new draft of the committee on Library on resolve for the purchase of "Bibliography of Maine Imprints" New draft, H. P. 1266, tabled March 5 by Mr. Carleton of Portland, pending acceptance of the report.

On motion by Mr. Carleton the report was retabled pending acceptance.

The Chair lays before the House the 13th matter of unfinished business, House report ought to pass of the committee on Library on resolve providing for purchase of two hundred copies of Maine Province and Court Records Vol II (H. P. 627, tabled March 5 by Mr. Carleton of Portland, pending acceptance of the report.

On motion by Mr. Carleton the report was retabled, pending acceptance.

The Chair lays before the House the 14th matter of unfinished business, House report ought to pass of the committee on Library on resolve to preserve the early vital records of the city of Westbrook, H. P. 628, tabled March 5 by Mr. Carleton of Portland, pending acceptance of the report.

On motion by Mr. Carleton the report was retabled, pending acceptance.

The Chair lays before the House the 15th matter of unfinished business, House report ought to pass of the committee on Public Health on bill an act to register and license persons in the practice of barbering and to create a Board of Barber Examiners, H. P. 127, L. D. 52, tabled March 5 by Mr. Pratt of Turner, pending acceptance of the report; and the Chair recognizes the gentleman from Turner, Mr. Pratt.

Mr. PRATT: Mr. Speaker and members of the House: In regard to the barber bill, I do not feel that

there is any need of this bill at the present time as there are laws on the Statutes which fully cover the situation.

Circular No. 356, rules and regulations of the State Department of Health, relating to the sanitation of barber shops, I think you will find in nearly every shop and that the barbers are living up to them. If they are not, I fail to see any need of passing any more laws to clutter up the Statutes, many of which we do not live up to now.

Who is demanding this law anyway? It is not the people and the barbers are not all in favor of the law. Many of them do not care whether they have it or not. Quite a few of them have asked their representatives to vote against the bill. Who then is demanding it? It is a few barbers in Portland, who, the way it looks to me, are in hopes of securing the job on the Board of Barber Examiners, the secretary of which would receive twenty-five hundred dollars a year and all travelling expenses, and each one of the inspectors ten dollars a day and all traveling expenses,—a fairly good job and one which I do not blame them for wanting. But who is going to pay all of these good salaries? I will tell you who is going to pay; it is the fellow who gets a haircut and a shave who is going to maintain this elaborate board at the State House which is absolutely unnecessary.

The barber who has been running around here told me he paid his barbers forty dollars a week and a commission over so big a percentage, and most of them receive over forty dollars a week. Have they ever dropped back to pre-war prices? Absolutely not. They went up at the time of the war and they still stay up and maybe they will go higher. Who knows?

You are giving a body of three men authority to make certain rules which the barber shops have got to live up to, and I am not in favor of coming here and giving three men such authority.

They claim that the rural communities are fully protected under this law. I fail to see it. I will read you what section 24 says. "This act shall not apply to any municipality, plantation or unorganized subdivision of the State wherein there is no person practicing the occupation of barber as a sole or chief means

of gaining a livelihood." What does that mean? It means one barber in any of those towns has got to be licensed and a part-time barber has got to be licensed.

I am receiving letters every day from all over the State—some this morning—bitterly opposing this bill. I understand the committee reported this bill out ought to pass because there was no opposition to it. I was at home sick at the time and so could not oppose the bill. If I had been here I certainly should have opposed it. I think, members of the House, you will find a lot of opposition to this bill all over the State of Maine. Therefore, I move that the bill and report be indefinitely postponed, and that when the vote is taken it be taken by a rising vote.

Mrs. DAY of Gorham: Mr. Speaker, as House chairman of the Committee on Public Health, I feel it my duty to make the following statement.

This bill was given a public hearing in this House on March 3rd and opportunity was given to anyone to be heard. Several persons appeared in favor of this bill and not a voice was raised in opposition to it. I hope that the motion to indefinitely postpone does not prevail. The Public Health committee voted unanimously that the bill ought to pass. I will yield to the gentleman from Bangor, Mr. Smith.

Mr. SMITH of Bangor: Mr. Speaker, I prefer to yield at this time to the gentleman from Presque Isle, Mr. Bennett, who was also on that committee.

Mr. BENNETT of Presque Isle: Mr. Speaker, and members of the House: Again I had hoped not to have to say anything on this bill. On this legislative document, No. 52, the barbers' bill, the committee reported as the lady from Gorham, Mrs. Day, has said, unanimously in its favor because there was no opposition; but that was not the whole reason. We think it is a health measure, we believe it is and physicians over the State believe it is. The Secretary of the State Medical Association was here and talked for the bill. I understand that this bill has come up several times in past legislatures and has been turned down; but, you know, if you keep at a thing long enough, you usually get it; and the barbers have been persistent and the Medical Association has talked it over and believe

it to be a health measure and that is why they have stood back of it. I know we are creating boards and boards and boards and how many more boards the legislature may have back here that they can hand out, I do not know, but they seem to find one every once in a while and pass it along. I never did like to have so many boards, but here is one that we think is a good, thick board and necessary. The Massachusetts legislature has passed a similar bill, that is, not the Legislature but the Public Health committee.

I hold in my hand here a paper along this line which I wish to read about the meetings that were held, and this is not a make-up thing, it is genuine. At a meeting held in Waterville not long ago, 150 barbers favored the bill. At a meeting held in Bangor, 200 were present, some driving 150 miles to attend the meeting, and they were all in favor of the bill. At a meeting held in Portland, 250 barbers were present, all in favor of the bill. Over 700 barber shops have been canvassed and not one opposed the bill. Letters have been sent in to the men who sponsored this bill from Kittery to Saint Francis, all favoring the bill, and many sent in financial support. There is only one man that I have heard who is against the bill and I understand he runs a general store, has a gasoline station out in front and has one barber chair in the front room, and he is afraid he will have to pay five dollars a year if this bill passes.

Two years ago this bill was before the Judiciary committee and I have been told that they made a favorable report on it. A man running an all-time shop of course has to pay the fee but a part-time man does not. Now I hope that this bill passes the House.

(At this point President Martin of the Senate was escorted to a seat beside the Speaker, amid the applause of the House.)

Mr. PATTERSON of Freeport: Mr. Speaker, I am placed in about the same position as presumably all of you are out in the outlying districts or in the small villages. I represent about 2600 people and among them I can find no one standing up for this bill, although it has been said here that they have been to all these hamlets and small towns and that they are in favor of it. Now I have a petition

here of four barbers from my town whose signatures they got, and how did they do it? Well, they came around there and first got one man to sign, then they went to the next one and said So-and-So has signed, and that one felt that he must sign. They took the easiest way out and signed it. Now I have taken this matter up with these four men and they really do not favor and none of them want it to pass. These are facts and they have so stated. I asked them why they signed this petition and they said, "What were we going to do? We didn't want to oppose it right there," and so they all signed. As I said before I represent 2600 people, and here are four barbers, and I take the position that I am here to represent and protect 2600 people in my community, and I think you are all in the same position.

Now what did they do when they came here lobbying around this Legislature? Well, they tackled them one at a time the same as a basket ball player or football player would do. They even went so far as to almost blackmail some of the members here, saying "You want to come back next year, and if you oppose this bill you are not going to do so." That is the same position they took two years ago when this bill was argued here. They said that any man who voted against this bill could not come to this Legislature again. Now when you have got a bill as bad as that, and then the proponents of such a bill blackmail, or try to blackmail, it is time to call a halt. So far as that goes, they can't blackmail me.

Now they claim that this is a health measure. Around the corridors they did not talk it wholly as a health measure, but they talked about holding these fellows down to get their certificate. Now at one time they raised the prices of barbering and I asked them why they did do so. The barber whom I asked said: "Soap has gone up." I found that soap had gone up one cent. I further found out that one cake of soap would shave seventy people. One man came to my house, a barber, and stayed an hour and a half, and he said "I have got to go out if you pass this bill." Why the remark was made in a barber shop right here in Au-

gusta that "We will show them when this bill goes through what we can do." This bill requires the payment of ten dollars for a certificate and two dollars for an examination. The way I have got it figured out it is going to cost almost fifteen thousand dollars a year and still they say they are not going to put up their prices, but you know they are actually going up and you all see it the same way as I do. I second Mr. Pratt's motion of indefinite postponement.

Mr. DOW of Portland: Mr. Speaker, I am in favor of the passage of this barber's bill. I happen to know a good deal about it because a barber who has been quite active down here is my barber and I have had opportunity to find out why the bill should be passed and why people who patronize barber shops should be protected. The committee has considered it thoroughly and I am in favor of the passage of the bill and oppose the motion to indefinitely postpone.

Mr. BREWSTER of Wells: Mr. Speaker, I would like to state my position in regard to the barbers in my territory whom I represent. I sent the bill home and then I said to them "How do you feel about this bill?" They said, "You can do just as you are a mind to down there, but if I were in your place I should vote against it." One day a man came into the shop where I was and said that it was a valuable health measure and how sanitary everything would be. The barber said to him: "The first thing I would recommend for you to do in regard to sanitation would be to go home, clean up and wash your hands." (Laughter).

Mr. BURKETT of Union: Mr. Speaker, I know if you want to get anything through this Legislature you want to call it a health measure; but it seems to me we have got quite a lot to do at the present time. I do not object so much to the barber bill, although I do agree with Representative Pratt. What I object to is any more commissions, and I want to go on record against forming any more of them.

Mr. PERHAM of Paris: Mr. Speaker, I happened to be a member of the last Legislature, and I

opposed the barbers' bill at that Legislature. Everyone knows it was really the rural element of the State of Maine that opposed the barbers' bill and defeated it. A man came to my home town, sent there by the barbers, to see if I would not change my mind in regard to this matter. I said for them to send the best men that they had and show me a reason why I should change my mind. They sent two men who were absolutely responsible and who said it was a health measure and that into this State had come an influx of syphilitic barbers and cheap barbers of all classes and descriptions and that they wanted to get this thing straightened out so that in the future this thing could not happen. When I came down to the question and asked them in regard to the blood test, and what they were going to do to protect the people, they said none of the men who are in the State now have had any blood test; that the people will be protected against none of this mass of syphilitics who have already got in here, but it is protection for the future. That was one argument and they expected me to change my mind of two years ago. That argument certainly will not hold water because they have cut one finger off to spite the other.

Another thing that has been mentioned in regard to the fifteen thousand dollars to be received in fees! They said we will have about three board meetings a year and the rest of the money will go into the State. Now, gentleman, I am willing to be shown when somebody comes to me with a man's sized argument; but until that happens I see no reason to change my mind and I shall vote for the indefinite postponement of the bill.

Mr. VARNEY of Berwick: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves the previous question. As many as are in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors have returned the count.

A sufficient number arose.

The SPEAKER: The question now before the House is shall the main question be now put? As many as are in favor of the Chair putting the main question now will say aye; those opposed will say no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The Chair will now ask those in favor of indefinite postponement to rise and stand in their places until counted and the monitors have returned the count.

A division was had,

Ninety-four having voted in the affirmative and 27 in the negative, the motion to indefinitely postpone prevailed.

Mr. PATTERSON of Freeport: Mr. Speaker, I move a reconsideration and hope that my motion will not prevail.

A viva voce vote was doubted.

Mr. PATTERSON: Mr. Speaker, for fear that the new members here may not know what this means, I wish the Chair would state it.

The SPEAKER: The Chair will state that if the motion to reconsider as made by the gentleman from Freeport, Mr. Patterson, is not carried, it kills the measure and it cannot be reopened.

A division was had,

Ten voting in the affirmative and 93 in the negative, the motion to reconsider failed of passage.

The Chair lays before the House the 16th matter of unfinished business, Senate report ought to pass of the committee on Judiciary on bill an act to change the name of Soward Island to Treasure Island (S. P. 142, L. D. 713,) which came from the Senate report read and accepted and the bill passed to be engrossed. This was tabled in the House March 6th by Mr. Burkett of Portland, pending the motion of Mr. Robie of Westbrook to indefinitely postpone; and the Chair recognizes the gentleman from Portland, Mr. Burkett.

Mr. Burkett: I yield to the gentleman from Harrington, Mr. Gibson.

Mr. GIBSON: Mr. Speaker and members of the 85th Legislature:

This is a minor bill but it seems to me that we should not indefinitely postpone it but should give it passage. The applicant for this bill is a summer resident. He has

bought this island which is just off the coast, so close to the coast in fact that he has built a bridge connecting the mainland with the island. I believe he has spent in the neighborhood of \$75,000 to build a summer home there, and he simply asks that this House give him permission to change the name from Soward Island to Treasure Island. He does not ask for any money, and it is simply, to my mind, a matter of courtesy to this gentleman. I think we ought to be courteous and help our summer residents and show that we appreciate their coming to our State; and I hope that this bill will not be doomed to indefinite postponement. I yield to the gentleman from Franklin, Mr. Blaisdell.

The SPEAKER: It is hardly necessary to yield, but the Chair recognizes the gentleman from Franklin, Mr. Blaisdell.

Mr. BLAISDELL: Mr. Speaker, it is too dangerous to undertake to make a speech at this time of day and I do not think speeches are in order. Anyway, here is a summer resident who has come down here and bought this place, I think only four or five hundred acres, and about one hundred yards off shore. He has spent about \$100,000 there and he wants to call it by some name that would have some more intimate associations to him than "Soward." Of course "Soward" only means southwestward, or whatever the term is. The Federal government has given him permission to build a bridge to it, and he has erected a wonderful home and he wants to call this island Treasure Island. I have investigated all the different departments around the State House and they all say if he wants to change the name to go ahead and change it.

There is one thing that can be said briefly, and that is that the Interior Waters committee has been very consistent in refusing to change names, and rightly so; but this bill did not come before that committee. It was heard before the Judiciary committee which committee reported unanimously ought to pass; so the consistency of the committee on Interior Waters is maintained before the House. I think it ought to go along.

The SPEAKER: The question before the House is on the indefinite postponement of this bill. All those in favor of the motion to indefinitely postpone will say aye; those opposed no.

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

On motion by Mr. Burkett of Portland, the report ought to pass was accepted in concurrence, and under suspension of the rules the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the 17th matter of unfinished business Senate report ought not to pass of the committee on Judiciary on bill an act to incorporate the Knox Water District, S. P. 195, L. D. 158, which was recommitted to the committee on Judiciary in the House March 4th in non-concurrence, and which came from the Senate that body voting to adhere to its former action whereby it accepted the report of the committee. This was tabled March 6th in the House by Mr. Hobbs of Hope, pending reconsideration; and the Chair recognizes the gentleman from Hope, Mr. Hobbs.

Mr. HOBBS: Mr. Speaker, I now move to insist on our former action and ask for a committee of conference.

Mr. McLOON of Rockland: Mr. Speaker, I second the motion of the gentleman from Hope, Mr. Hobbs.

The motion to insist and ask for a committee of conference prevailed.

The Chair appointed as such committee: Representatives Hobbs of Hope, McLoon of Rockland and Scates of Westbrook.

The Chair lays before the House the 18th matter of unfinished business, bill an act to authorize the construction of a wharf in Long Lake at Naples, H. P. 1264, L. D. 805, tabled March 6th by Mr. Scates of Westbrook, pending second reading; and the Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: I yield to the gentleman from Harpswell, Mr. Thomas.

Mr. THOMAS: Mr. Speaker, I wish to offer an amendment and move its adoption.

The bill had its second reading.

The SPEAKER: The gentleman offers an amendment which the Clerk will read.

House Amendment A to Legislative Document 805.

Amend Legislative Document 805, entitled an act to authorize the construction of a wharf in Long Lake at Naples, by adding thereto the following paragraph to be numbered section two.

Sec. 2. Act subject to referendum This act shall take effect when approved by a majority vote of the legal voters of the town of Naples at an election specially called and held for that purpose which shall be called by the selectmen of said town if, prior to July 1, 1932, they shall be requested so to do by said Bove, said election to be held on such day as they shall determine within sixty days after receipt of said request; said special election to be called, advertised and conducted according to the law relating to municipal elections. Provided, however, that the selectmen of said town shall not be required to prepare for posting, nor the clerk to post, a new list of voters. Said selectmen shall be in session on the secular day next preceding said special election for the purpose of registration. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act authorizing Augustus F. Bove to construct and maintain a wharf in Long Lake in the town of Naples be approved", and the voter shall indicate by a cross placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the selectmen and due certificate thereof filed by the town clerk with the Secretary of State.

On motion by Mr. Robie the bill and amendment were tabled, pending adoption of the amendment.

The Chair lays before the House the nineteenth matter of unfinished business, House report ought to pass of the committee on Insane Hospitals on resolve in favor of the Augusta State Hospital for new construction, H. P. 943, tabled March 6th by Mr. Morse of Oakland, pending acceptance of the report.

On motion by Mr. Morse the report was retabled, pending acceptance.

The Chair lays before the House the 20th matter of unfinished business, communication of State Highway Commission relating to section of State highway in the towns of Moscow and Caratunk, L. D. 783, tabled March 6th by Mr. Leonard of Hampden pending consideration.

On motion by Mr. Leonard the communication was retabled.

On motion by Mr. Burkett of Portland, the House voted to reconsider its action whereby it passed to be enacted House Paper 208, L. D. 152, an act to incorporate the Blueberry Farm Water Company of Camden; and on further motion by the same gentleman the bill was tabled pending passage to be enacted.

On motion by Mr. Ashby of Fort Fairfield the House voted to reconsider its action whereby it accepted the report of the committee on Legal Affairs on House paper 601, L. D. 161, reporting ought not to pass on bill an act relating to Aroostook county sleds, and on further motion by the same gentleman the bill was recommitted to the committee on Ways and Bridges.

On motion by Mr. Sterling of Caratunk the House voted to reconsider its action whereby bill an act relating to agricultural societies, was referred to the committee on Agriculture; and on further motion by the same gentleman on a viva voce vote permission was granted him to withdraw the bill.

Mr. BLAISDELL of Franklin: Mr. Speaker, I move that the first matter of unfinished business, Legislative Document 777 in new draft, an act providing for sentences and the imposition thereof,—that we reconsider our action whereby we accepted the minority report.

The SPEAKER: Did the gentle-

man vote with the majority on this question.

Mr. BLAISDELL: No, Mr. Speaker.

The SPEAKER: Then it is impossible for you to make the motion.

Mr. BOWERS of Portland: Mr. Speaker, would it be proper for me to make that motion?

The SPEAKER: Did you vote with the majority on that question or the minority?

Mr. BOWERS: The minority.

The SPEAKER: Then you are not in order.

Mr. LEONARD of Hampden: Mr. Speaker, I move that we reconsider our action.

The SPEAKER: Did the gentleman vote with the majority on that question?

Mr. LEONARD: I did.

The SPEAKER: The gentleman from Hampden, Mr. Leonard, moves that the House reconsider its action whereby it accepted the ought not to pass report on House Paper 1192, L. D. 777, new draft.

Mr. BOWERS of Portland: Mr. Speaker, I move that that motion be tabled.

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

The SPEAKER: The question now reverts to the motion of the gentleman from Hampden, Mr. Leonard, on reconsideration.

Mr. LEONARD: Mr. Speaker, I yield to the gentleman from Franklin, Mr. Blaisdell.

Mr. BLAISDELL: Mr. Speaker, I confess that I am caught unawares here. If Mr. Leonard would let me have my way, he would withdraw the motion that he made for reconsideration.

The SPEAKER: Does the gentleman from Hampden (Mr. Leonard) permit his motion to be withdrawn.

Mr. HOBBS of Hope: Mr. Speaker, I move that we adjourn.

A viva voce vote being taken, the motion to adjourn prevailed, and the House adjourned until tomorrow morning.