

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 25, 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.

Paper from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 565, L. D. 921: Resolve in favor of Herbert A. Webster.

S. P. 566, L. D. 920: Resolve appropriating money to pay the claim of Parker W. Lovett Estate against the State of Maine.

S. P. 567, L. D. 919: Resolve appropriating money to pay the claim of Leon A. Higgins against the State of Maine.

S. P. 568, L. D. 918: Resolve appropriating money to pay the claim of Arthur Joseph Carter and Dora W. Carter against the State of Maine.

S. P. 569, L. D. 917: Resolve appropriating money to pay the claim of Hannah F. Carter against the State of Maine.

S. P. 564, L. D. 914: An act to enable the county of Franklin to raise money by taxation for the promoting of the health of the citizens of said county.

S. P. 573, L. D. 915: An act with reference to changes in the authorized capital of corporations.

S. P. 572, L. D. 916: An act with reference to changes in the capital of corporations.

S. P. 574, L. D. 922: An act relating to the taxation of unauthorized insurance companies.

S. P. 571, L. D. 910: An act relating to returns made by lobster fishermen.

S. P. 294, L. D. 924: Resolve in favor of the National Conference of Commissioners from Maine for the promotion of uniformity of legislation in the United States.

S. P. 415, L. D. 523: An act to regulate the preparation and distribution of petitions for the people's veto and direct initiative as authorized by Article thirty-one of the Constitution.

S. P. 222, L. D. 923: An act to provide for the appointment of a

Recorder for the Municipal Court of Dexter.

S. P. 514, L. D. 907: An act relating to clerk hire in county offices.

S. P. 61, L. D. 908: Resolve in favor of the town of New Sharon.

From the Senate: Report of the committee on Salaries and Fees on bill an act to increase the salary of the county attorney of Franklin county (S. P. 432) reporting same in a new draft (S. P. 577) (L. D. 911) under same title and that it ought to pass.

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

In the House:

Mr. BLANCHARD of Phillips: Mr. Speaker, I move that this bill be indefinitely postponed. In explanation of this I would like to say that the delegation from Franklin county is unanimously opposed to any increase in the salary of the county attorney, and we also have a written statement from the County Commissioners that they do not favor it, and I move the indefinite postponement of the bill.

Mr. ELLIS of Rangeley: Mr. Speaker, I rise to second the motion of the gentleman from Phillips. Mr. Blanchard.

The motion prevailed, and the bill was indefinitely postponed.

From the Senate: Report of the Committee on Salaries and Fees on bill an act increasing the salary of the Judge of the Rockland Municipal Court (S. P. 34) reporting same in a new draft (S. P. 575) (L. D. 913) under same title and that it ought to pass.

Comes from the Senate report read and accepted, and the new draft passed to be engrossed.

In the House:

Mr. HOBBS of Hope: Mr. Speaker, I move that this report and bill be indefinitely postponed. The majority of the delegation in the House from Knox county are opposed to any raise in the salary of the Municipal Court of the city of Rockland, and I hope my motion will prevail.

Mr. McLOON of Rockland: Mr. Speaker, I will say that this resolve was first put in for \$1800, which is about the average that municipal judges receive, comparing the amount of work which they do. Knox county has a population of

around twenty-seven thousand and only one judge in the county. The County Commissioners said that they would not oppose a raise to \$1500, the present salary being \$1200. The committee reported the bill out, allowing \$1400, a raise of \$200. I move that the report of the committee be accepted, and oppose the motion of the gentleman from Hope, Mr. Hobbs.

The SPEAKER: The question before the House is on the motion of the gentleman from Hope, Mr. Hobbs, that this matter be indefinitely postponed. Is the House ready for the question?

Mr. HOBBS: Mr. Speaker and members of the Legislature: When I came here to this Legislature I had in mind the welfare of the common people, and, after taking my oath, I felt it was my duty insofar as I am able to oppose any salary increases, and I had in mind this one in particular. Personally, I have nothing against this gentleman. He is a very fine gentleman, but he received his appointment to this judgeship one month before this Legislature convened, and the moment it convened a bill came in here to increase his salary from \$1200 to \$2000. It seems to me this is a very inopportune time to think of increasing salaries, and I will say to you members of the Legislature, as business men and women, how many of you are expecting to get an increase in your salary? Do you expect, as a matter of fact, to receive a new dollar for an old dollar, and, Mr. Farmer, do you expect to receive a new seventy-five cents for an old dollar? And to the grangers of this Legislature I want to say this: The Knox Pomona Grange at its February meeting opposed any increases in salary and this one in particular. It seems to me that a man who has a salaried job today, when his pay day comes around, is quite sure that he is going to get that salary; but you my good friends, what are you sure of getting? There is one thing you are quite sure of getting and that is your tax bills when they become due, and do you think you are able to pay any increased taxes? I say not, in this year at least; and, Mr. Speaker and members of the Legislature, I hope that my motion to indefinitely postpone this increase in salary will prevail.

Mr. McLOON: Mr. Speaker, I will say that this matter pertains par-

ticularly to Knox county, which county has to pay the bills. I contend that this is a matter where the man does not receive proper compensation and the county officials, who have the management of the county in hand, are willing to pay \$1500. I see no reason why this House should not grant \$1400.

Mr. SMITH of Vinalhaven: Mr. Speaker, I would like to second the motion of Mr. Hobbs. I feel that the salary of the Municipal Judge of Rockland is fully adequate. He knew what the salary was when he took the job and was glad to get it; also the Judge who preceded him was very glad to have it for a long period of years and served very efficiently. I hope Mr. Hobbs' motion will prevail.

Mr. BURKETT of Union: Mr. Speaker, I am frank to say that I am opposed to increases in salaries by this Legislature, but here is a case that is deserving. The County Commissioners wrote a letter and said that if any case deserved an increase it was the case of Walter Butler. I personally know that the business of this court in Rockland has increased largely within the past two or three years, and I personally know that Mr. Butler took this job under pressure as he thought it would conflict with his regular business. I also personally know that he is not getting as much in proportion to the work he does as other judges throughout the State, and I hope that the report ought to pass will be accepted.

The SPEAKER: Is the House ready for the question?

Mr. HOBBS: Mr. Speaker, I would like a division of the House on this question.

The SPEAKER: The gentleman asks for a division of the House. All those in favor of indefinite postponement will rise and remain standing until counted, and the monitors have returned.

A division being had,

Sixty-one voting in the affirmative and 19 in the negative, the motion to indefinitely postpone prevailed.

From the Senate: Report of the committee on Salaries and Fees on bill an act to increase the salary of the sheriff of Somerset county (S. P. 99) reporting same in a new draft (S. P. 576) (L. D. 912) under same title and that it ought to pass.

Comes from the Senate report

read and accepted, and the new draft passed to be engrossed.

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

From the Senate: Report of the committee on Judiciary reporting ought to pass on bill an act relating to taking of land by State Highway Commission (S. P. 355) (L. D. 378).

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

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

From the Senate: Report of the committee on State Lands and Forest Preservation on bill an act providing that the Governor may suspend open season for hunting and fishing in time of drought. (S. P. 446) (L. D. 589) reporting same in a new draft (S. P. 560) (L. D. 887) under same title and that it ought to pass.

Comes from the Senate report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, report read and accepted in concurrence, and the bill received its two several readings. Senate Amendment A read and adopted, and the bill was assigned for its third reading tomorrow morning.

Reports of Committees

Miss Martin from the Committee on Legal Affairs on bill an act additional to Chapter 242 of the Private and Special Laws of 1895 entitled "An act to Incorporate the city of South Portland" (H. P. 1130) (L. D. 708) reported ought not to pass as legislation is inexpedient.

Mr. Jones from the Committee on Ways and Bridges on resolve in favor of the towns of Atkinson and Sebec (H. P. 295) reported ought not to pass as the matter is taken care of in another bill.

Mr. Authier from the Committee on Judiciary reported ought not to pass on bill an act relating to voluntary trusts (H. P. 954) (L. D. 445).

Mr. Farris from same Committee reported same on bill an act

relating to registration fees payable for motor vehicles (H. P. 24) (L. D. 35).

Mr. Sargent from the Committee on Legal Affairs reported same on bill an act relating to whistling at crossings by railroads (H. P. 1100) (L. D. 674).

Mr. Jack from same Committee reported same on bill an act to prohibit lobsters being shipped through Maine unless in bond (H. P. 1103) (L. D. 681).

Mr. Morse from the Committee on Pensions reported same on resolve providing for teacher's pension for Fannie E. Keene of Waldoboro (H. P. 177).

Mr. Weeks from the Committee on Ways and Bridges reported same on resolve in favor of the town of Salem (H. P. 767).

Reports read and accepted and sent up for concurrence.

Mr. White from the Committee on Claims on resolve in favor of A. A. Abbott (H. P. 514) reported same in a new draft (H. P. 1400) under same title and that it ought to pass.

Mr. Smith from same Committee on resolve in favor of the town of Milford (H. P. 495) reported same in a new draft (H. P. 1401) under same title and that it ought to pass.

Mr. Littlefield from same Committee on resolve in favor of Eugene H. Flint of Monson (H. P. 171) reported same in a new draft (H. P. 1403) under same title and that it ought to pass.

Mr. Authier from the Committee on Judiciary on bill an act to create a Commission on Uniform Motor Vehicle Legislation (H. P. 112) (L. D. 80) reported same in a new draft (H. P. 1397) under same title and that it ought to pass.

Mr. Blanchard from the Committee on Legal Affairs on bill an act to amend an act to incorporate the Oquossoc Light and Power Co., (H. P. 605) (L. D. 206) reported same in a new draft (H. P. 1399) under same title and that it ought to pass.

Mr. Jack from same Committee on bill an act to abolish the Common Council of the city of Biddeford (H. P. 214) (L. D. 123) reported same in a new draft (H. P. 1399) under same title and that it ought to pass.

Miss Martin from same Committee on bill an act relating to elections in the city of Lewiston (H. P. 833) (L. D. 540) reported same in a new draft (H. P. 1402) under same title and that it ought to pass.

Mr. Jones from the Committee on Ways and Bridges on resolve in favor of the town of Dixmont (H. P. 263) reported same in a new draft (H. P. 1598) under same title and that it ought to pass.

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

Mr. Webber from the Committee on Claims reported ought to pass on resolve in favor of A. C. Bassett of China (H. P. 520).

Mr. Jacobs from same Committee reported same on bill an act relating to State aid for academies (H. P. 796).

Mr. Jones from the Committee on Ways and Bridges reported same on resolve in favor of the town of Wellington (H. P. 404).

Mr. Weeks from same Committee reported same on resolve in favor of the towns of Gardiner and Randolph (H. P. 273).

Same gentleman from same Committee reported same on resolve in favor of Reed Plantation (H. P. 240).

Mr. Jones from same Committee reported same on resolve in favor of the towns of Atkinson and Sebec for the construction of a bridge (H. P. 451).

Reports read and accepted and the bills and resolves ordered printed under the Joint Rules.

Mr. Jack from the Committee on Legal Affairs reported ought 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).

(Tabled by Mr. Jack of Auburn pending acceptance of report).

Miss Martin from the Committee on Legal Affairs reported ought to pass on bill an act relating to support of persons committed to State hospitals (H. P. 975) (L. D. 496).

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

Majority report of the Committee on Judiciary on bill an act to amend the charter of the Ogunquit Village Corporation (H. P. 576) (L. D. 196) reporting same in a new draft "A" (H. P. 1395) under same title and that it ought to pass.

Report was signed by the following members:

Messrs. TOMPKINS of Houlton
SNOW of Bluehill
AUTHIER of Sanford
BURKETT of Portland
VARNEY of Berwick
McCART of Eastport
—of the House.

Minority report of the same Committee on same bill reporting same in a new draft "B" (H. P. 1396) under same title and that it ought to pass.

Report was signed by the following members:

Messrs. WEEKS of Somerset
MURCHIE of Washington
ALDRICH of Sagadahoc
—of the Senate.
FARRIS of Augusta
—of the House.

On motion by Mr. Brewster of Wells, a viva voce vote being taken, the majority report was accepted, and the new draft ordered printed under the Joint Rules.

Majority report of the Committee on Legal Affairs reporting ought not to pass on bill an act relating to the charter of the city of Waterville (H. P. No. 837) (L. D. No. 319).

Report was signed by the following members:

Messrs. HOLMAN of Franklin
CROSBY of Penobscot
—of the Senate.
BLAISDELL of Franklin
GOUDY of So. Portland
SARGENT of Brewer
BLANCHARD of Phillips
SHAW of Bar Harbor
JACK of Lisbon Falls
Miss MARTIN of Bangor
—of the House.

Minority report of same Committee reporting ought to pass on same bill.

Report was signed by the following member:

Mr. SOUTHARD of Kennebec
—of the Senate.

Mr. PICHER of Waterville: Mr. Speaker, this has reference to the city of Waterville charter, as well

as the following report, and a referendum is attached giving the people of Waterville a chance to vote on this charter; and I move the acceptance of the minority report.

On motion by Mr. Blaisdell of Franklin, both reports tabled pending acceptance of either.

Majority report of the Committee on Legal Affairs reporting ought not to pass on bill an act relating to the charter of the city of Waterville (H. P. No. 829) (L. D. No. 372).

Report was signed by the following members:

Messrs. HOLMAN of Franklin
CROSBY of Penobscot
—of the Senate.

BLAISDELL of Franklin
GOUDY of So. Portland.
SARGENT of Brewer
BLANCHARD of Phillips
SHAW of Bar Harbor
JACK of Lisbon Falls
Miss MARTIN of Bangor
—of the House.

Minority report of same Committee reporting ought to pass on same bill.

Report was signed by the following member:

Mr. SOUTHARD of Kennebec
—of the Senate.

Mr. BERRY of Waterville, Mr. Speaker, I move that the minority report be accepted.

On motion by Mr. Blaisdell of Franklin both reports tabled pending acceptance of either.

Mr. BERRY: Mr. Speaker, may I ask through the Chair the reason for tabling of these matters?

The SPEAKER: The gentleman from Waterville, asks through the Chair, of the gentleman from Franklin, Mr. Blaisdell, his reason for tabling, and the gentleman may reply if he wishes.

Mr. BLAISDELL: Mr. Speaker, I see no objection to saying that it is for the purpose of conference and to avoid a lot of confusion that will arise in two bills covering the same matter.

Majority report of the Committee on Military Affairs reporting ought not to pass on bill an act to provide for the completing payment of a bonus to Maine Soldiers and

Sailors in the War with Spain (H. P. No. 1013) (L. D. No. 546).

Report was signed by the following members:

Messrs. WEEKS of Somerset
CROSBY of Penobscot
—of the Senate.

SHAW of Bar Harbor
CLEMENT of Durham
BURKETT of Portland
SMITH of Bangor
GRAVES of Mt. Desert
WORTHEN of Corinth
MORIN of Brunswick
—of the House.

Minority report of same Committee reporting ought to pass on same bill.

Report was signed by the following member:

Mr. SLOCUM of Cumberland
—of the Senate.

Mr. BURKETT of Portland: Mr. Speaker, I move the acceptance of the majority report, ought not to pass.

Mr. ROBIE of Westbrook: Mr. Speaker, if in order, I would like to ask the gentleman why the report came out signed in that way ought not to pass.

The SPEAKER: The gentleman from Westbrook, Mr. Robie, asks through the Chair of that committee why the measure was reported out ought not to pass, and the gentleman may answer if he wishes. (A pause). The gentleman evidently does not care to reply, and the question is on the acceptance of the majority report, ought not to pass. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the majority report, ought not to pass, was accepted.

Majority report of the Committee on Military Affairs reporting ought not to pass on resolve proposing an amendment to Article IX of the Constitution for the purpose of completing payment of a bonus to Maine Soldiers and Sailors of the War with Spain (H. P. No. 1014) (L. D. No. 547).

Report was signed by the following members:

Messrs. WEEKS of Somerset
CROSBY of Penobscot
—of the Senate.

SHAW of Bar Harbor
CLEMENT of Durham
BURKETT of Portland

SMITH of Bangor
GRAVES of Mt. Desert
WORTHEN of Corinth
MORIN of Brunswick
—of the House.

Minority report of same Committee reporting ought to pass on same resolve.

Report was signed by the following member:

Mr. SLOCUM of Cumberland
—of the Senate.

Mr. BURKETT of Portland: Mr. Speaker, I move the acceptance of the majority report, ought not to pass.

Mr. ROBIE of Westbrook: Mr. Speaker, I ask for a division on the question.

A division being had,

Eighty-three voting in the affirmative and nine in the negative, the motion to accept the majority report, ought not to pass, prevailed.

First Reading of Printed Bills and Resolves

(H. P. 1377) (L. D. 959) An act regulating the buying, selling and transporting of clams.

(H. P. 1378) (L. D. 960) An act relating to the shipping and transporting of clams beyond the limits of the State during close time.

(H. P. 1379) (L. D. 961) An act to close certain clam flats to digging.

(H. P. 1380) (L. D. 962) An act regulating the taking and sale of clams in the town of Scarborough.

(H. P. 1388) (L. D. 963) An act relating to transportation of paroled prisoners.

(H. P. 1369) (L. D. 964) An act relating to game birds.

(H. P. 1390) (L. D. 965) An act relating to disclosure proceedings.

(H. P. 1391) (L. D. 966) An act relating to chauffeurs.

(H. P. 1392) (L. D. 967) An act relating to superintendents of schools.

Passed to Be Engrossed

(S. P. 199) (L. D. 244) An act prohibiting the interruption of traffic for certain purposes.

(S. P. 324) (L. D. 300) An act to amend an act to incorporate the Bath Water District.

(S. P. 377) (L. D. 481) An act relating to masters, pilots, engineers and operators of steamboats and motorboats.

(S. P. 378) (L. D. 482) An act relating to buoys and beacons in navigable waters.

(S. P. 379) (L. D. 483) An act relating to corporations.

(S. P. 381) (L. D. 485) An act relating to corporations.

(S. P. 389) (L. D. 420) An act relating to registration and use of steam boilers and unfired steam pressure vessels.

(S. P. 399) (L. D. 473) An act with reference to changes in the capital, capital stock and purposes of public utilities corporations.

(S. P. 448) (L. D. 606) An act permitting any public official responsible for awarding a contract in competition to request from any proposed bidder a questionnaire.

(S. P. 478) (L. D. 639) An act relating to qualification and licensing of agents of insurance companies.

(S. P. 483) (L. D. 644) An act relating to the fees of State Humane Agents.

(S. P. 556) (L. D. 855) An act to amend the Workmen's Compensation Act.

(S. P. 562) (L. D. 905) An act to establish rules and regulations governing compressed air work.

(S. P. 563) (L. D. 900) An act to provide uniform jurisdiction for Municipal Courts.

(H. P. 84) (L. D. 57) An act relating to helping teachers.

(H. P. 89) (L. D. 61) An act establishing a Game Preserve on Gero Island, in Chesuncook Plantation, county of Piscataquis.

(H. P. 96) (L. D. 67) An act relative to advance baiting of deer.

(H. P. 98) (L. D. 69) An act prohibiting the use of any bird or animal, protected by law, as a bait for trapping.

(H. P. 108) (L. D. 77) An act relative to dogs in the woods or forests.

(H. P. 184) (L. D. 134) An act relating to special fish and game privileges for permanent employees and soldiers of the National Soldiers Home.

(H. P. 1336) (L. D. 873) An act for the taxation of billboards and the regulation and control of outdoor advertising.

Mr. BIDDLE of Portland: Mr. Speaker, is an amendment proper at this time to this bill?

The SPEAKER: The Chair would inform the gentleman that the time is proper.

Mr. BIDDLE: Mr. Speaker, I offer House Amendment A and move its adoption, as follows:

House Amendment A to H. P. 1336, Legislative Document 873.

Strike out all of Section 1 and substitute the following:

Section 1. No person, firm or corporation shall erect or maintain any outdoor advertising structure or device other than upon property within two hundred feet of the place where the property or goods are manufactured or offered for sale, or where the business advertised is carried on until such person, firm or corporation shall have paid a license fee of two hundred and fifty dollars to the State Treasurer and have been duly and legally licensed by said State Treasurer to carry on such business within the State of Maine. Said money so collected shall go to the account of the State Highway Police toward the expenses of carrying out the other provisions of this act.

Strike out all of Section 2 and substitute the following:

All advertising structures or devices erected within the built-up portion of any city or town shall meet the local requirements as to structure and taxation as such requirements may be or are now established by duly authorized officers of said city or town. Where such advertising structures or devices are erected outside the built-up portions of said city or town the regulations of this act shall prevail. If such advertising devices are erected within the built-up portions of cities or towns the treasurer of such city or town shall issue such permit as designated by this act; if such advertising device is erected outside the built-up portion of said city or town such permit will be issued by the chief of the State highway police.

Strike out all of Section 3 as matter is covered by new material in other sections.

Strike out all of Section 4 and substitute the following:

Any community in which any advertising structure or device, provided for in this act, shall exist, may be taxed by the community in which the structure exists and taxed therefor in accordance with the tax regulations of the board of assessors of that community.

Strike out Section 10 and substitute the following:

Penalty. Any person, firm or corporation who shall erect, maintain, display or allow to remain in view any advertising structure or device without first paying the license fee

designated in Section 1 shall be punished by a fine of not more than one hundred dollars (\$100) for each advertising structure or device erected by them in such violation of the law. Each day that such violation continues shall be treated as a separate violation of this act.

Mr. PERHAM of Paris: Mr. Speaker, as a matter of explanation I would like to say that I am opposed to this amendment A and I hope that it will not pass. I would like to mention that yesterday I took up the matter of amendments to the bill and I have amendments A and B which are satisfactory to the proponents as well as to a great many who were opposed the other day. Therefore, I hope that this amendment A will not pass because I would like to present amendments A and B, which I know will be satisfactory.

Mrs. DAY of Gorham: Mr. Speaker, I move that the bill and amendment be tabled.

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

The SPEAKER: The question before the House is on the adoption of Amendment A. Are you ready for the question?

The question being called for, a viva voce vote was taken, and the motion to adopt House Amendment A failed of passage.

Mr. PERHAM: Mr. Speaker, at this time I wish to present House Amendment B to H. P. 1336, L. D. 873 and move its adoption, as follows:

House Amendment B to H. P. 1336, L. D. 873, entitled "An Act for the Taxation of Billboards and the Regulation and Control of Outdoor Advertising."

House Amendment B.

H. P. 1336, L. D. 873, is hereby amended by adding at the end of Section Seven of said bill the following words:

'Any person, firm or corporation using signs to aid in a political campaign, or in advertising any state, county, city or town fair, shall be exempt from any and all provisions of this act.'

Mr. PERHAM: Mr. Speaker and members of the Legislature: This amendment speaks for itself. It leaves political advertising as one of the exemptions, also your State and town fairs, and so far as I can

find out there is practically no objection to it, and I move its adoption.

The SPEAKER: The question before the House is on the adoption of Amendment B. Is the House ready for the question?

Mr. DAY of Gorham: Mr. Speaker, I find no objection to the amendment.

Mr. SMITH of Bangor: Mr. Speaker, I do not see why we should include that in there because it affects us or may in the future affect us: I do not see why we should exempt political advertising. It strikes me as rather odd.

Mr. PERHAM: Mr. Speaker, I think I can give one illustration that will satisfy practically any member of the house in regard to this matter. I will state, for example, we have in our county a senator running for office and he wishes to use some advertising device on private property. It would be absolutely necessary for him to go to every town in order to get the right to put up any kind of an advertising device with his picture or name on it, and it would make, in a way, five times the amount of work. I do not believe we want to pass any matter here in the Legislature that is going to work a hardship on the politicians. (Laughter)

We are not allowed any great amount of funds. We do not want to pass a law that is going to make politicians break the law of the State. They are breaking enough of them now.

I feel this is absolutely fair. If they desire to take the matter to another legislature, that is all right, but I feel we should leave the politicians out of the thing. I feel we are doing a good thing by the ladies and the people who want the regulation of billboards. You will remember a while ago I was opposed. With these amendments, I am in favor of it, and I know a number of other men who were deadily opposed to the passage of the billboard bill who are with me in case we have this amendment.

Mr. ASHBY of Fort Fairfield: Mr. Speaker, with all due respect to the gentleman from Paris, Mr. Perham, I believe that one of the objects of taxing these billboards was to help out the scenery. Now if there is anything that can muss up the scenery any more than the average

politician's picture, I do not know what it is. (Laughter).

Mr. SCATES of Westbrook: Mr. Speaker, I can assure the gentleman from South Paris (Mr. Perham) that it will not affect the Democratic politicians at all. (Laughter).

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

A viva voce vote being doubted,

A division of the House was had, Eighty-one having voted in the affirmative and 29 in the negative, the motion to adopt House Amendment B prevailed.

Mr. PERHAM: Mr. Speaker, I wish to present House Amendment C to House Paper 1336, an act for the taxation of billboards and the regulation of outdoor advertising, and move its adoption. If I may have a moment to explain the provisions: The only change in this amendment, which is a bit long, from the original bill, is this: That it cuts out State Highway Police and places control of billboard advertising under the various towns and municipalities. That is, there is no State Highway Police mixed into this matter. I move that the reading be dispensed with and at this time I would suggest that Mrs. Day understands the purport of this Amendment C and I wish she would make an explanation at this time as to whether or not it is acceptable.

Mr. JACK of Lisbon: Mr. Speaker, I understand there are about 151 members in this House, and they would like to know something about that amendment.

Mr. PERHAM: Mr. Speaker, I would like to state that I will take back what I stated and ask that the amendment be read.

The SPEAKER: The Clerk will read the amendment.

House Amendment C to H. P. 1336, L. D. 873, entitled "An Act for the Taxation of Billboards and the Regulation and Control of Outdoor Advertising."

Amend Section 2 by striking out the words "in duplicate" in the first sentence thereof, and by striking out the words "to be prepared and furnished by the chief of the state highway police" in the same sentence, and inserting in place thereof

the words "prepared for that purpose", and by striking out the last two sentences of said Section 2 beginning with the words "If said."

Amend Section 3 by striking out from said section the words beginning "Upon receipt" and ending with the words "provided however that" and by striking out the last sentence beginning with the words "If said chief."

Amend Section 5 by striking out the words "the chief of the state highway police" wherever they are mentioned in said section and substituting in place thereof the words "the municipal officers."

Further amend said bill by striking out section six.

Further amend said bill by renumbering the sections seven, eight, nine and ten so that they shall be numbered, six, seven, eight and nine.

Mr. PERHAM: I would like to state, Mr. Speaker, for the information of the House that in this amendment no one is endeavoring to put anything across. The only change in that bill is that it shifts the responsibility out of the hands of the State Highway Police and places it in the hands of the municipal officers, where a great number of us feel that it should rest, because in the State Highway Police there is no financial set-up; all of the funds go to the town, and all of the regulation should rest there.

I feel I am stating the sentiment of the great majority of the members of this House who are opposed to the State handling things that the towns can take care of themselves. This amendment merely changes the bill by striking out the State Highway Police in the bill, and that is the only change made by Amendment C, and I move its adoption.

The SPEAKER: The gentleman from Paris, Mr. Perham, moves the adoption of House Amendment C.

Mr. PATTERSON of Freeport: Mr. Speaker, it looks to me as if we were trying to get a uniform bill for billboards, and it now looks to me as if we have gotten into the biggest muddle we've ever been in. It leaves it all to every town, and it looks to me as if we are putting it up to the selectmen and municipal officers of every town, and they will be up against this thing to know how far they can go or where they

stand. I think, if we are going to have this thing, we should have it uniform and we cannot have it uniform unless it is handled by somebody beside the selectmen of every town. It looks to me as if we really do not know where we are going to land under this last amendment.

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

Mr. McCART of Eastport: Mr. Speaker, yesterday I voted against this bill. I suppose that anything I say now will be construed as being said by a person who does not want to see the act passed.

I have no interest in it. I never have been approached by either side, but if this piece of legislation is passed by this Legislature, I would like to see it go out in presentable form. We have just passed one amendment which exempts political advertising from all the provisions of the act, and one of the provisions of the act is that signboards shall not be erected which will obstruct the view of any intersecting way. Now we have another amendment coming in, placing this matter under the jurisdiction of the municipal officers of each town. That means that out of four hundred odd towns in the state, you are going to have four hundred different sets of regulations. Every one of the different cities in the state has a different form of charter, so a person who wants to erect a billboard has got to look up the city charter to find out to whom he must apply, to find out the form on which he must apply to the municipal officers, and what form of hearing he is going to have, and of course in the cities he has got to have a hearing before the Board of Aldermen or the Common Council.

I hope, if we are going to pass this bill, we will pass it in a sensible form, and that this amendment will be defeated.

Mr. MORRILL of Gray: Mr. Speaker, I would like to inquire from anyone who is familiar with this bill if it exempts the agricultural societies in this state who draw stipends from the state, in order that they may stand on their feet and keep going, as well as the politician. I think that is worthy of consideration.

Mr. PERHAM: Mr. Speaker, Mr. Morrill has asked a question

through the Chair that I can answer. All fairs, whether they be State, county, or town, or city fairs, are taken care of in the previous amendment.

The SPEAKER: Is the House ready for the question?

Mr. CARLETON of Portland: Mr. Speaker, it is estimated that we would have to have three or more highway police at an estimated cost of fifteen thousand dollars, if this matter is under the jurisdiction of the highway police.

The SPEAKER: The question before the House is on the motion of the gentleman from Paris, Mr. Perham, for the adoption of House Amendment C. Is the House ready for the question?

Mr. ROBIE of Westbrook: Mr. Speaker, the gentleman from Eastport, Mr. McCart, pointed out that if Amendment C was adopted, there would be more or less confusion. I just want to call attention to the original draft, in Section 2, which states that if a person wants to erect a billboard, he must apply to the town officials before getting authority from the highway police. I do not see that it makes any change.

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

A viva voce vote being doubted,

A division of the House was had, Ninety-one having voted in the affirmative and 24 in the negative, the motion prevailed, and House Amendment C was adopted.

Mr. ROBIE of Westbrook: Mr. Speaker, I offer House Amendment D and move its adoption. I will say that this amendment simply includes the charitable and benevolent societies in the list of exemptions.

The SPEAKER: The Clerk will read the amendment.

House Amendment D to H. P. 1336, L. D. 873.

Amend Section 7 of said act by adding in the fourth line thereof after the word "ecclesiastical," the words "charitable or benevolent".

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

Mr. MORSE of Oakland: Mr. Speaker, I move you that the bill and several amendments lie on the table.

(Calls of no, no).

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

The SPEAKER: The question before the House is on the adoption of House Amendment D. All those in favor of the adoption of House Amendment D will say aye; those opposed no.

Thereupon a viva voce vote being taken, House Amendment D was adopted, and the bill was given its third reading and was passed to be engrossed as amended by House Amendments B, C and D.

Passed to be Engrossed (Continued)

(H. P. 1383) (L. D. 943) An act with reference to registration fees of motor trucks.

(H. P. 1384) (L. D. 944) An act relating to attorneys at law.

(H. P. 1385) (L. D. 945) An act relating to commitment of patients to State hospitals for temporary observation.

(H. P. 1386) (L. D. 946) An act to provide approach to Waldo-Hancock Bridge.

(S. P. 234) (L. D. 898) Resolve in favor of the Central Maine Sanatorium.

(S. P. 236) (L. D. 897) Resolve in favor of the Central Maine Sanatorium for the construction and equipment of a school house.

(S. P. 237) (L. D. 903) Resolve in favor of the Northern Maine Sanatorium to provide adequate water supply.

(S. P. 241) (L. D. 904) Resolve in favor of the Central Maine Sanatorium for the enlargement of the Nurses' Home.

(S. P. 272) (L. D. 902) Resolve in favor of Western Maine Sanatorium for Employees' Building.

Papers from the Senate, out of order.

From the Senate: Ordered, the House concurring, that the maps showing highway construction submitted to the Legislature by the Highway Department pursuant to order be distributed by delivering twenty copies thereof to the House of Representatives and five copies thereof to the Senate for distribution in such a manner as is best calculated to enable the members of the Legislature to properly examine them.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Report of the committee on Judiciary on S. P. 418, L. D. 525, bill an act relating to trial terms in York county, reporting ought to pass.

Comes from the Senate, the reported bill referred to the York county delegation.

In the House, on motion by Mr. Quint of Limerick, tabled pending acceptance of the report.

Mr. BURKETT of Portland: Mr. Speaker, as there are a large number of matters on the calendar on which members wish to speak I move that at 12.30 the House recess until four this afternoon.

A viva voce vote being taken, the motion to so recess prevailed.

Orders of the Day

The SPEAKER: The Chair lays before the House under tabled and today assigned House report ought not to pass, committee on Taxation, on bill an act relating to taxation of national bank deposits, H. P. 1114, L. D. 601, tabled on March 20 by the gentleman from Winterport, Mr. Fernald, pending acceptance of report; and the Chair recognizes the gentleman from Winterport, Mr. Fernald.

Mr. FERNALD of Winterport: Mr. Speaker, I move the substitution of the bill for the report. Members of the Eighty-fifth Legislature: I wish to explain briefly Legislative Document 691, House Paper 1114, an act relating to taxation of national bank deposits.

This act aims to place a tax of 1-2 per cent per year on the savings deposits in national banks similar to and equal to a tax already having been placed on savings deposits in savings banks since 1893 and on savings deposits in trust companies since 1901.

In other words, this act, Legislative Document 691, House Paper 1114, an act relating to taxation of national bank deposits says to the national banks of Maine you are doing the same business that the Maine Trust Companies are doing. You are doing the same business that our Maine Savings Banks are doing therefore you should be taxed on your savings deposits even though it is a National Bank at the

same rate and on the same basis as the savings deposits in Maine Savings Banks and the savings deposits in Maine Trust Companies.

Putting it in still another way this Act Legislative Document 961, House Paper 1114 an Act Relating to Taxation of National Bank Deposits says Savings Banks, Trust Companies and National Banks you shall all pay the same rate of tax to the state on your savings accounts.

The injustice and inequality may be shown by supposing we have a town composed of 300 men, 100 Unitarians, 100 Universalists and 100 Methodists. The poll tax is \$3 per man and is put on the 100 Unitarians and 100 Universalists but the 100 Methodists go scot free. Such a method of taxation is admittedly wrong. I am here today to try and show you the inequality of the present tax measures concerning the taxation of savings deposits in national banks and recommend to you the placing of a proper, fair and equal tax of national bank savings deposits on the statute books of Maine. One of the first objections that the opposition will raise will be the fact that such a tax is unconstitutional. I say to you that this Act Legislative Document 691, House Paper 1114 "An Act Relating to the Taxation of National Bank Deposits" is constitutional. This act before you is modelled on the present Vermont Law Revised Statutes of Vermont, 1917, ch. 48, page 269, secs. 1070 to 1088 inclusive and has been flatly declared to be constitutional by the United States Supreme Court on November 10, 1913, in Clement National Bank vs. State of Vermont 231 U. S. 120 in which the opinion of the court was written by Associate Justice Charles Evans Hughes now Chief Justice of the United States.

Another objection to this bill will be that since certain reserves, 3% of its time deposits and 7% of its demand deposits have to be kept with the Federal Reserve Bank on which they receive no interest, they will say that they should therefore not be required to pay this tax the same as now paid by trust companies and savings banks, but in answer to that let me say that there is not a sound banking institution in Maine that does not keep a reserve far in excess of

the present legal requirements. It is good banking to do this. For example the national banks of Maine themselves had on deposit with the Federal Reserve Banks in June 1929 \$426,000 in excess of the legal reserve requirements. Furthermore the Federal Reserve Act itself at section 19 says "Every bank, banking association, or trust company which is or which becomes a member of any Federal Reserve Bank shall establish and maintain reserve balances with its Federal Reserve Bank," and you will note in this regulation for reserves that it applies to the trust company as well as the national bank and I ask you why should not both the trust company and the national bank pay the same tax to Maine on its savings deposits? Why this discrimination? Why this inequality? Why this favoritism in our tax system for the national bank while the trust company and the savings bank, both creatures of the State of Maine, both children of the Maine legislature, continue to pay a reasonable and fair tax on their savings accounts without a complaint or objection.

Do you realize, members of this 85th legislature, that the trust companies of Maine have paid in taxes alone on their savings deposits to the State of Maine \$4,907,354.59 while the savings banks have paid \$14,182,245.48 but the national banks not one penny. In other words, the present tax discrimination means that the trust companies and savings banks of Maine have paid our state in taxes on their savings deposits \$18,489,600.07 while the national banks of Maine stand firm in their refusal to pay a single dollar toward their share of the tax burden. This has meant to the farmer of Maine that he must pay an added burden of taxation to offset the tax, dodging national bank. Consequently the number of farms in Maine have decreased because of burdensome, discriminatory and unequal taxation from 60,016 in 1910 to 39,006 in 1930, a decrease of 21,010 farms in 20 years. If this decrease continues in the same ratio, Maine will be without a single farm before 1970.

Further evidence of the fact that the national banks of Maine are

not paying their share of the taxes as compared with Maine Trust Companies and Maine Savings Banks may be seen in the corporation income-tax returns for 1926 which shows that Maine National Banks paid 10.26% of their total net income to the State of Maine in taxes, while over the same period the Maine Trust Companies and Savings Banks paid 18.83% of their total net income to the State of Maine in taxation. Now before some banker rises to inquire where I got my data let me refer him to page 42 of the hearings before the Committee on Banking and Currency, House of Representatives, 71st Congress, second session, on H. R. 7752 a bill to amend Section 5219 of the Revised Statutes of the United States, May 9, 1930. Thus you see, members of the 85th Legislature, that according to their own sworn statements filed in their corporation income-tax returns for 1926 the national banks of Maine are paying to the State of Maine 83% less in taxes of their total net income than are the trust companies and savings banks. Is that a just and reasonable basis for taxation of institutions doing a competitive business? Should not competitive banking institutions in Maine pay the same taxes? Of course they should, for in unequal taxation we get unjust taxation.

Let me point out a further discrimination in our tax laws in favor of national banks. Ever since 1865 when the case of Veazie Bank vs. Fenno was decided by the United States Supreme Court any trust company of Maine that wished to issue bank notes has had to pay the national government a tax of 10% but a national bank is not required to pay this 10% tax to do the same act. Is that a fair and just use of the power of taxation? Is it fair to our Maine Trust Companies for the Federal government to tax them out of existence in the field of bank note issue and give this profitable business solely to the national banks?

Let us, members of the Eighty-fifth Legislature, assert ourselves as representatives of the people and enact Legislative Document 691, House Paper 1114, An Act Relating to the Taxation of National Bank Deposits and place these competing

institutions, the trust company, the savings bank and the national bank on an equal footing in the field of savings deposit taxation in Maine.

Another objection to this act will be that if we tax these deposits in national banks the capital will flow out of the State into Vermont, New Hampshire and Massachusetts but the Comptroller of Currency's Report for 1929 at Page 48 shows a per capita savings deposits of

\$399.77 in Maine
\$515.50 in New Hampshire
\$590.10 in Vermont
\$626.20 in Massachusetts

with New Hampshire, Vermont and Massachusetts people paying a state tax on savings deposits or the income therefrom in national banks.

Another indication of the tax paying ability of the national banks of Maine is evidenced in the fact that in 1929 their total gross profits were \$8,722,000.00 while the total net profits of the 53 national banks in Maine were \$2,270,000.00 yet their total tax burden was only \$399,000. Still these same Maine national banks paid in 1929 13.59% dividends to capital, a higher ratio than any of the other New England States while their dividends to capital and surplus amounted to 6.99%, a higher percentage than in any other New England State while their net addition to profits to capital and surplus was 12.41% while the average for New England was only 7.57%. On Oct. 4, 1929, the undivided net profits of the national banks of Maine were \$6,223,000 while their reserve for dividends, contingencies, etc., amounted to \$448,000 and reserve for interest, taxes and other expenses accrued and unpaid were \$576,000. Does it look to you, as reasonable human beings, as you compare your experiences with taxation on real estate in Maine, that savings deposits in Maine national banks should be exempted from taxation when their neighbor, the Maine trust companies, paid the State \$320,711.88 in taxes in 1930 on its savings deposits and while their other neighbor, the Maine savings banks, paid the State in 1930 \$247,697.80? Can you rationalize this discrimination? Can you justify this inequality? Can you look at yourself in the mirror and say that now in Maine justice is being done in the field of savings deposit taxation?

Under the present banking laws

persons owning national bank stock assume a double liability in case the bank in which they are interested gets into financial difficulty. That means that if John Doe owns a \$100 share in a national bank for which he pays \$100 in cash, and that bank fails or becomes insolvent, John Doe must pay into the assets of this insolvent bank another \$100 in cash. This is what we commonly call double liability of stockholders. Now permit me to quote you a statement from the Report of the Comptroller of the Currency for 1929 at Page 9 "In view of the fact that such (holding) companies are outside of all jurisdiction of the Federal Government and that they would be in a position to dictate the policies and operations of such national banks as they controlled through stock ownership, I further recommend to the Congress an amendment to the National Banking Laws which will bring the operations of such bank holding companies under some degree of Federal supervision where they own the majority of the stock of more than one national bank and a further amendment to safeguard the additional shareholders' liability which each such bank holding company incurs through the ownership of the shares of national bank stock." Now what does that statement of the United States Comptroller of the Currency mean to you and me in Maine? It means that Guy P. Gannett who controls a chain of five newspapers in Maine, and Walter S. Wyman of the Power Trust, have in their organization of the Financial Institutions Incorporated been able to cast aside the double liability for bank stockholders through the organization of this monster menace in Maine, the bank-holding company. It means that the savings depositors in the Brunswick National Bank of Brunswick, the First National Granite Bank of Augusta, the Georges National Bank, Thomaston, the National Bank of Gardiner, the Peoples National Bank of Waterville, the Rockland National Bank of Rockland, the Ticonic National Bank of Waterville and the Thomaston National Bank of Thomaston, have lost that security, that protection provided for by law and known as the double liability of stockholders. It means that their deposits, their hard earned savings have lost a large degree of its for-

mer protection, security and prestige that once went with the title National Bank. It means that if the shadow of financial depression, mismanagement or failure be cast down upon one of these banks owned by Financial Institutions Inc. that there is by far a lesser fund of resources to be used in liquidation and that if a loss occurs that the depositor, the little man, the pawn in the hand of the power trust, will suffer a far greater loss while the burden and financial responsibility on the stockholder may be reduced one half. It means that the savings depositors in the City National Bank of Belfast, an independent institution, would receive double the financial responsibility from its individual stockholders than that which might be received from a national bank owned by the Financial Institutions Inc. chain of banks in time of need.

Mr. Speaker, I note by my watch that I have already exceeded the ten minutes that would be allotted me to address this House under Roberts' Rules but even at the expense of tiring you I will continue under Reeds' Rules. Furthermore may I quote to you from a letter from a very prominent Maine banker under date of March 18, 1931, in which he states "my prediction is that in the years to come you will find the forty-one banks of the Financial Institutions Inc. loaded with loans and securities of the Power interests." Do you understand the implications of that statement? Do you comprehend its meaning? Do you realize that those words are not mine but the words of a conservative but independent banker? Do you realize, if I may pause to bring the example close home to some of you, that in all Kennebec County there still remains but one small independent commercial bank, the Federal Trust Company of Waterville with deposits of about one million. All the others have been gobbled up by the Power Trust.

Now another feature of Legislative Document 691, House Paper 1114 an Act Relating to Taxation of National Bank Deposits, is the protection it gives to the depositor from excessive and confiscatory local taxation at 4%, 5%, 6% and even 8% on savings deposit accounts that only pay 4%. As you all know

the present tax on savings deposits in trust companies and savings banks in Maine exempts them from municipal taxation, R. S. 1930, ch. 12, sec. 64 and R. S. 1930, ch. 12, sec. 73 but the law today permits the taxation by the local assessors at the local rate saving deposits in national banks but the opposition will say that this is not done, that local assessors are reasonable and would not impose a confiscatory tax of 5% or 6% or higher on a savings account in a national bank that only pays 4% but I say that they can. I say that they will and furthermore I say that they have assessed just such a tax for in the city of Belfast in 1929 a tax of 5% was paid on savings deposits in the City National Bank and again in 1930 a tax of 6.2% was paid on the same National Bank savings account which was only drawing 4% interest. (See Waldo County Probate Records, vol. 165, page 407.) Is not this an injustice? Is it not unfair? Does it not make your sense of fair play revolt? Is not such a tax discriminatory? But this is the present condition of things, and let me now say to the people of Maine that if your representatives do not pass Legislative Document 691, House Paper, 1114, an Act Relating to Taxation of National Bank Deposits, it will mean that if you or if they have a single penny in the savings deposit of a national bank that such money is subject to local taxation the same as your home, your horse or your wood lot. But the selfish and self-seeking bankers who oppose this measure should be made to realize the protection that it gives to the small depositor in the savings department of the national bank, what it will mean for the protection of the orphan, the widow, the needy and the thrifty in their savings deposits in the national banks. Furthermore if this measure is adopted it will mean that the national banks of Maine are striving and seeking to carry the tax burden that rightfully belongs to them. For in Maine there is deposited in the savings departments of the national banks nearly \$100,000,000 which if made to pay its just and reasonable burden of taxation would bring into the Treasury of this state at least \$250,000 per year.

The objection will be raised that if this tax is imposed the interest

rate will be lowered on savings deposits from 4% to 3½%. This is not true because today the tax is being paid by the savings banks and trust companies on their savings deposits and they still continue to pay 4% interest and make money. The savings banks of Maine are able to do this even under the handicap of having their field of investments limited and defined to a smaller area of profitable investments than is so in either the case of the trust company or the national bank.

Historically, the movement for the enactment of this law as now embodied by Legislative Document 691, House Paper 1114 an Act Relating to the Taxation of National Bank Deposits, dates back at least as far as 1908 when it was recommended to the Maine Legislature by the Maine Tax Commission of 1908 in its report of Dec. 11, 1908 to Gov. William T. Cobb of Rockland. The commission was composed of (1) Morrill N. Drew, of Portland, chairman, Speaker of the House in 1905, a lawyer and President of the United States Trust Company, (2) William S. White of Rockland, chairman of the Grange Legislative Committee, (3) Milton L. Merrill of St. Albans one of our leading business men, (4) George M. Hanson of Calais, Associate Justice of the Supreme Judicial Court of Maine 1911-1924 and (5) Frank C. Deering of Saco, secretary, a prominent business man, while Clement F. Robinson of Brunswick, now Attorney General of Maine, was clerk. The Commission reported in part as follows:

Report, 1908

"The National Banks may argue that the State cannot tax these deposits, since the State by way of a franchise tax cannot tax the franchise of a National Bank. This is true, but we believe there is a way to reach this class of property in National Banks. The law in force in Vermont solves the problem. These individuals are obliged, under penalties, to return to local Assessors and to an officer of the State a true list of all their Savings Accounts in National Banks.

The local assessors, in turn, are to notify the State officer of the amount of the deposits returned to them. On these deposits the in-

dividuals are to pay a tax of seven-tenths of one per cent direct to the State. The law provides, however, that in lieu of these returns by the depositors, the banks may elect to file an affidavit stating the aggregate amount of such deposits, and voluntarily offer to pay the tax—deducting it from the depositor's account and upon payment of the same the accounts become exempted from local taxation, the same as deposits in trust companies and state banks.

We recommend that such a law be enacted in this State, except that the rate be fixed at one-half of one per cent instead of seven-tenths, thus putting such deposits on a parity with like accounts in savings banks and trust companies."

Other recommendations of the Commission such as

- (1) All assessments at full market value.
 - (2) State assessors invested with more powers.
 - (3) Graduated automobile tax.
 - (4) Uniform tax on bank stock.
 - (5) Uniform poll tax.
 - (6) Regulation of Public Utilities, and
 - (7) Exemption of State, County and Municipal bonds.
- show that the Commission was conservative and reasonable in its recommendations and future legislatures have agreed by enacting their suggestions into law. I now ask you to enact another of their suggestions of 1908.

(8) Taxation of Savings Deposits in National Banks.

R. S. 1930, ch. 12, sec. 2 speaking of the qualifications for members of the Board of State Assessors say that, "the members of such board shall be persons known to possess knowledge of and training in the subject of taxation and tax laws, and skilled in matters pertaining thereto."

Now what has been the attitude of our public servants, our tax experts, our state officials "known to possess knowledge and training in the subject of taxation and tax laws?"

Report 1910

"In this connection, attention is called to the fact that the report of the Comptroller of the Currency on November 16th, 1909, disclosed

deposits in the savings departments of national banks in this state amounting to \$14,719,635, and November 10th, 1910, these deposits amounted to \$18,240,754, an increase of \$3,530,119 during the year. This property is not assessed by the state nor in any municipality. The Federal Statutes permit the local taxation of the shares of national banks but not at a greater rate than similar capital in the hands of citizens. There can be no valid reason why these savings deposits should not contribute to the state revenue in fair proportion to the amount assessed upon savings banks and the interest bearing deposits of state trust and banking companies. The exemption of this property from taxation, to seem to us, is a manifest injustice which should not be permitted to continue."

Signed:

George Pottle of Lewiston.
William Thompson of South China,
formerly head of the State
Grange.
Edwin M. Johnston of Brownville.

Report 1911

"We call attention to the fact that on September first, 1911, of the seventy national banks doing business in Maine, forty-two of that number conducting savings departments had on deposit \$18,362,898.07, paying no tax."

signed;

B. G. McIntire, East Waterford
W. J. Thompson, South China
E. M. Johnston, Brownville

Report 1912

"We again call attention to the large amount of deposits now escaping taxation in the savings departments of national banks, and in fairness to all, would respectfully suggest to the next Legislature, that these deposits be treated in some manner similar to savings banks, and the interest bearing deposits of trust and banking companies."

signed;

B. G. McIntire
W. J. Thompson
E. M. Johnston

Report 1916

"Such legislation as may be deemed expedient, in order that interest-bearing deposits in national banks may be treated on a basis

similar to deposits in savings banks and trust companies."

signed;

B. G. McIntire
J. J. Dearborn of Hampden High-lands
W. F. Dresser of South Portland

Report 1923-24

"The taxation of savings deposits in national banks on a basis similar to taxation of deposits in savings banks."

signed;

Clement S. Stetson, Greene, former
head of the State Grange
J. J. Dearborn
F. S. Jordan of Portland

Governor Haines, January 1913

"The worst form of lobbying I have ever known is that of the member of the Legislature, who is an attorney or agent of some special cause or interest, and seeks through his vote and influence in exchange for other votes and influences, to carry his points. This is sometimes called log-rolling, and may result in very pernicious legislation. I charge you, one and all, never to forget that you represent the people, not only of the district that has elected you, not only of the political party to which you belong, but all the people of the State. Laws when enacted know no party, creeds, localities, or distinction of citizens. They are made for all."

Governor Fernald, January 1909, who was a Granger, State Senator, Governor and U. S. Senator, said in advocating the taxation of savings deposits in national banks: "Let every personal consideration be set aside in your deliberations. Let public good over-balance private greed. Let us do nothing in haste that we shall have to repent at leisure, but let us not be afraid to go ahead. While the best of tax systems is bound to be faulty, that system is absolutely vicious and unspeakably evil that is fashioned in favoritism or conceived in a spirit of reprisal. The current questions of taxation can never be settled right, even for this generation, until they dispense justice to every man, rich or poor, and so far as possible dispose the burdens of public tax in just proportion to every interest, great or small."

Now members of the Eighty-fifth Legislature, I have presented the

facts in this case. Every statement, every fact, every figure can be substantiated. I have the sources and signed documents here before me.

There is seldom a time in our legislative work here at Augusta that party lines are drawn; on the other hand there is seldom a time in our legislative deliberations when members of both parties can unite in support of the same measure; but now we may all unite in the support of this Act under the Jeffersonian principle of equal rights to all, special privileges to none which were later so tersely spoken of by Theodore Roosevelt as a square deal.

I hope that my motion to substitute the bill for the report will prevail, and I ask for a division of the House.

The SPEAKER: The pending question is the motion of the gentleman from Winterport, Mr. Fernald, to substitute the bill for the report.

Mr. BOODY of Windham: Mr. Speaker, I would like to ask the gentleman who has just spoken through the Chair, if he will state the income that will be derived as a result of his measure, if enforced.

The SPEAKER: The gentleman may reply if he wishes.

Mr. FERNALD: Mr. Speaker, in reply to the gentleman from Windham, Mr. Boody, I will state that from the report of the Comptroller of the Currency under date of December 31, 1930, there are approximately \$100,000,000 of savings deposits in the national banks of Maine that are not being taxed, and a conservative estimate of the tax revenue that would be derived from putting on a tax equal to the tax on savings banks and trust companies would be \$250,000 a year.

Mr. BOODY: Mr. Speaker, I wish to say to the members of the House that, having penetrated each department of the State, having personally been brought in contact with the needs of the State of Maine, having been repulsed at every point on the basis of poverty of each Department, I want to say to you personally and directly that, being familiar with this bill in every detail, it is the duty of every member of the House whose honesty is greater than his selfishness to sustain the gentleman from Winter-

port, Mr. Fernald, in his courageous stand for the equalization of taxes that the people of Maine may live and prosper. (Applause).

Mr. HATHAWAY of Milo: Mr. Speaker, I do not wish to take up any of your time because we are all weary, but this matter was brought up before our committee on taxation and we went into it very thoroughly. We listened to the proponent of the bill and we listened to the opponents. We had a long hearing and the committee brought in a report that the bill ought not to pass. I hope you will bear out the committee in that report.

The SPEAKER: The question before the House is on the substitution of the bill for the report. Is the House ready for the question?

A viva voce vote being doubted, A division was had,

Thirty-nine voting in the affirmative and 50 in the negative, the motion to substitute the bill for the report failed of passage.

The SPEAKER: The pending question is on the acceptance of the ought not to pass report. Is the House ready for the question?

Mr. HATHAWAY: Mr. Speaker, I move that we accept the ought not to pass report.

The SPEAKER: All those in favor of the acceptance of the report will say aye; those opposed no.

Mr. FERNALD: Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: All those in favor of the vote being taken by the yeas and nays will stand and remain standing until counted, and the monitors have returned the count.

A sufficient number having arisen, the yeas and nays were ordered.

The SPEAKER: The Chair will state for the benefit of those who have recently come in that the question before the House is on the adoption of the report ought not to pass of the committee on Taxation on bill an act relating to the taxation of national bank deposits. The yeas and nays have been ordered. A vote "yes" means a vote for the acceptance of the ought not to pass report. Is the House ready for the question? The Clerk will call the roll.

YEA—Adams, Allen, Allison, Andrews, Angell, Audibert, Bearce, Berry, Biddle, Blaisdell, Blanchard of

Wilton, Blanchard of Phillips, Blodgett, Brackett, Breen, Brewster, Briggs, Burgess, Burkett of Portland, Burkett of Union, Burns, Burr, Carleton, Clement, Cram, Daigle, Davis, Duquette, Eaton, Ellis, Farris, Fenlason, Ford, Friend, Gauvin, Gibson, Goodrich, Graves, Harrington, Hathaway, Hiscock, Holbrook, Hobbs, Hussey, Jacobs, Jones, Kent, Littlefield, Luce, Mack, MacKinnon, Martin, Melcher, Morin, Morrill, Morse, Oliver, Owen, Palmer, Peacock, Perham, Picher, Plouff, Plummer, Quint, Robie, Rogers of Greenville, Rogers of Yarmouth, Sawyer, Shaw, Snow of Bluehill, Smith of Bangor, Smith of Marsardis, Smith of Waterboro, Soper, Sterling of Caratunk, Sturtevant, Sweet, Thompson, Tompkins of Houlton, Towne, Varney, Wallingford, Ward, Webber, White of Dyer Brook, Worthen, Wright—88.

NAY—Ashby, Bennett, Boody, Carter, Clarke, Cobb, Cooper, Crane, Drisko, Eastman, Edwards, Fernald, Goudy, Gray, Hamel, Hills, Jack, Jackson, Leonard, Lizotte, Lowell, MacPherson, Morey, Patterson, Richardson, Sanborn, Sargent, Scates, Smith of Vinalhaven, Sterling of Kittery, Stern, Thomas of Harpswell, Thomas of Woodland, Tompkins of Bridgewater, Viles, Webster, Whitney, Wilbur, Williams—39.

ABSENT—Additon, Authier, Bailey, Bowers, Bussey, Church, Day, Dekin, Dow, Gagnon, Hatch, Hawkes, Lancaster, Lewis, McCart, McLoon, Merritt, Potter, Pratt, Rounds, Snow of Scarboro, Weeks, White of Crystal—23.

Eighty-eight having voted in the affirmative and 39 in the negative, the motion to accept the ought not to pass report prevailed.

Unanimous consent was given Mr. White of Dyer Brook to take from the table out of order the 16th unassigned matter, report of the committee on Claims reporting ought not to pass on resolve in favor of the town of Shirley for support of the family of Angus A. Green, H. P. 80, which was recommitted to the committee on Claims in the House February 17th and which came from the Senate the report accepted in non-concurrence. On March 19 this was tabled in the House by Mr. White, pending reconsideration. On further motion by Mr. White, the report was recommitted to the committee on Claims.

Unanimous consent was given Mr. Melcher of Rumford to take from the table out of order the 43rd un-

assigned matter, House report ought to pass of the committee on Ways and Bridges on bill an act relating to the Dixfield-Peru bridge, H. P. 236, tabled by that gentleman March 23, pending acceptance of the report; and on further motion by the same gentleman, the report was accepted and the bill ordered printed under the Joint Rules.

Unanimous consent was given Mr. Hobbs of Hope to take from the table, out of order, the 49th unassigned matter, bill an act relative to the minimum age for fishing licenses, H. P. 1367, L. D. 931, tabled by that gentleman March 24, pending third reading; and on further motion by the same gentleman the bill had its third reading and was passed to be engrossed.

Unanimous consent was given Mr. Allison of Biddeford to take from the table, out of order, the 30th unassigned matter, majority report ought not to pass, and minority report ought to pass on bill an act relating to the forty-eight hour law, H. P. 813, L. D. 366, tabled by that gentleman March 20, pending acceptance of either report; and on further motion by the same gentleman, the majority report, ought not to pass, was accepted.

Unanimous consent was given Mr. Sargent of Brewer to take from the table, out of order, the 40th unassigned matter bill an act providing for sentences and the imposition thereof, H. P. 606, L. D. 207, on which the House voted to adhere to its former action whereby it accepted the minority report of the committee, reporting ought not to pass, and which came from the Senate that body insisting on its former action whereby it was recommitted to the committee on Legal Affairs, and asking for a committee of conference. This was tabled in the House on March 23 by Mr. Sargent of Brewer, pending reconsideration.

Mr. SARGENT: I move that the House adhere to its former action. This is the third time that this matter has come into the House and each time the House has voted to sustain the minority report; and I move that we adhere.

Mr. GOUDY of South Portland: Mr. Speaker and members of the Eighty-fifth Legislature: I will

not take any of your time because I know it is drawing along towards adjournment. This bill, as you know, was introduced by me, and had to do with split sentences. The committee reported it out nine to one ought to pass. The House voted it down, and accepted the minority report, and it went into the Senate, and they sent it back, and then we voted that down, and now the Senate has agreed or feels that a committee of conference should be appointed.

Leaving the merits of the bill out of it altogether, or the fact that I introduced it, or whether or person is for it or against it, I think the House should, out of courtesy, recede and concur with the Senate and join in a committee of conference. I think that is the only fair thing to do. I know that even though some of you may be against it, you are not so prejudiced that you are not willing for a committee to go into the merits of the case and see if they cannot draft something or adopt something that will suit us all, and I think we should, in this particular matter, concur with the Senate, and in fairness to those of the House who believe it should be adopted, I move that we recede and concur and join with the Senate in the appointment of a committee of conference.

Mr. PERHAM of Paris: Mr. Speaker, I heartily second the motion of Mr. Goudy that we join with the Senate in a committee of conference.

The SPEAKER: The motion of the gentleman from South Portland (Mr. Goudy) is that the House recede and concur.

Mr. BLAISDELL of Franklin: Mr. Speaker, I wish to go on record as supporting the motion of the gentleman from South Portland (Mr. Goudy). It seems right that we should go into a committee of conference to see whether the bill should be carried any farther or should be allowed to die in conference. I support the motion of Mr. Goudy.

The SPEAKER: The Chair will state, for the information of the members, that the motion as put by the gentleman from South Portland is simply that the House recede from its former action and concur with the Senate. Is that fully understood?

Mr. BOODY of South Windham:

Mr. Speaker, as a matter of conference?

The SPEAKER: Not necessarily. We do not ask for a conference or agree to it. We simply recede from the stand we took and concur. The House reverses itself without agreeing to anything further.

Mr. BOODY: As one who supported this bill and believes in it, there are serious doubts in my mind whether a conference would be of any benefit and an amendment offered to this bill, but perhaps, in justice to both parties, there should be a conference.

Mr. ALLEN of Sanford: Mr. Speaker, as I understand this matter this came back from the Senate that body appointing a committee of conference. Now our last action was to adhere. That is correct, is it not? We have adhered two or three times on this bill. Now as I see it the only thing for us to do is to join the committee of conference which I think would be only courteous to the Senate. It is not necessary for us to relinquish any of our rights as already having adhered. We can insist on our former action and join the committee of conference. We do not have to recede and concur. We can insist on our former action and join the committee of conference and still hold to adhere to the proposition before us.

Mr. BOODY of Windham: Mr. Speaker, that is the position I take.

Mr. SCATES of Westbrook: Mr. Speaker, I call the attention of the Chair to the clock.

The SPEAKER: The point of order is well taken, and the House recessed until four o'clock this afternoon.

AFTER RECESS

The SPEAKER: The House is proceeding under orders of the day, and the pending question is the motion of the gentleman from South Portland, Mr. Goudy, that the House recede and concur. The Chair recognizes the gentleman from South Portland, Mr. Goudy.

Mr. GOUDY: Mr. Speaker and members of the Legislature: When I made that motion this morning it was perfectly innocent on my part and due to inexperience. If the motion had been carried I feel that I would have been hit more than I really thought I would. As I understand, the motion to join a committee of conference would have

been to insist and ask that we join a committee of conference, and I told some of the members when I came back this afternoon I would withdraw my motion to recede as that takes us back to a recommitment to the Legal Affairs Committee, but some of the members thought I should let the motion lie and let the House vote on it, as they felt the bill should go back to the Legal Affairs Committee, and I am going to leave this motion and let the House vote on it, and if they do not see fit to do that, then I will make a motion to insist on our former position and join with the House in a committee of conference.

Mr. SARGENT of Brewer: Mr. Speaker, as I understand, I made a motion that the House adhere to its former position. Now, as I understand the parliamentary rules, a motion to recede and concur takes precedence to a motion to adhere, so that if the House wishes to sustain its three previous votes, they will vote down the motion to recede and concur and also the motion to insist, and then the motion to adhere will be in order.

The SPEAKER: The gentleman means, I assume, if the motion to insist is made. The motion to insist is not before the House.

Mr. SARGENT: But the motion to recede and concur, Mr. Speaker, is before the House?

The SPEAKER: The member is correct. Is the House ready for the question? All those in favor of the motion of the gentleman from South Portland, Mr. Goudy, that the House recede and concur will say aye; those opposed will say no.

A viva voce vote being doubted,

A division of the House was had,

Sixty-three having voted in the affirmative and 45 in the negative, the motion to recede and concur prevailed.

The SPEAKER: The Chair lays before the House the first unassigned matter, House report ought not to pass committee on Judiciary on bill an act relating to the weight of commercial vehicles, H. P. 1090, L. D. 664, tabled on March 17 by the gentleman from Portland, Mr. Burkett, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BURKETT of Portland: Mr. Speaker, the Judiciary Committee have been having a re-hearing on

that bill this afternoon, but have not had a chance to have an executive session and vote on it. I therefore move that it lie on the table.

Thereupon, the matter was re-tabled.

The SPEAKER: The Chair lays before the House the second unassigned matter, House report ought not to pass, committee on Judiciary on bill an act relating to secondary bells at railroad crossings, H. P. 1087, L. D. 671, tabled March 17 by the gentleman from Portland, Mr. Bowers, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Bowers, the report ought not to pass was accepted.

The SPEAKER: The Chair lays before the House the third unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act relating to registration of motor vehicles and licensing of operators of motor vehicles (H. P. 1097) (L. D. 669), tabled March 17th by the gentleman from Waterville, Mr. Picher, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Picher, the report ought not to pass was accepted.

The SPEAKER: The Chair lays before the House the fourth unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act relating to pensions for members of the police department of the city of Portland (H. P. 826) (L. D. 312), tabled March 17th by the gentleman from Portland, Mr. Bowers, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Bowers, the report ought not to pass was accepted.

The SPEAKER: The Chair lays before the House the fifth unassigned matter, House report ought not to pass of the committee on Taxation on bill an act relating to the reduction of registration fees and the increase of the gasoline tax (H. P. 1112) (L. D. 689), tabled March 17th by the gentleman from Windham, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BOODY of Windham: Mr. Speaker, I ask that this lie on the

table for the purpose of reading the gas tax, which comes in next week, that the House may consider it.

Thereupon the bill was retabled, pending acceptance of the report.

The SPEAKER: The Chair lays before the House the sixth unassigned matter, House report ought not to pass of the committee on Taxation on bill an act to exempt certain live stock from taxation (H. P. 1113) (L. D. 690), tabled March 17th by the gentleman from Windham, Mr. Boody, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BOODY of Windham: Mr. Speaker, I ask that this order be incorporated in that, and that it be assigned specially for next Monday.

The SPEAKER: The Chair would inform the gentleman that the bill is not in condition to be amended at this time, the pending motion being the acceptance of ought not to pass report.

Mr. BOODY: I would say, Mr. Speaker, when that bill was instructed to be incorporated that there was an error and this was left off, and I would ask that it be incorporated and be specially assigned for next Monday.

The SPEAKER: If the gentleman wishes to move to substitute the bill for the report and give it its two readings, it is then amendable at this time.

Mr. BOODY: That would be agreeable to me.

The SPEAKER: The gentleman moves then that the bill be substituted for the report. Is this the pleasure of the House.

The motion prevailed.

The SPEAKER: Is it the pleasure of the House that at this time under suspension of the rules the bill have its first two readings.

Mr. ALLEN of Sanford: Mr. Speaker, this seems to be kind of a vague proposition; I do not quite understand this thing. I move that it lie on the table.

Thereupon the bill was tabled pending first reading.

The SPEAKER: The Chair lays before the House the seventh unassigned matter, House report ought not to pass of the committee on Appropriations and Financial Af-

fairs on resolve in favor of a memorial to the Maine Volunteer Signal Corps (H. P. 76) (L. D. 55), tabled March 18th by Mr. Smith of Bangor, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Smith, the report was retabled pending acceptance, and specially assigned for Monday, March 30.

The SPEAKER: The Chair lays before the House the eighth unassigned matter, bill an act providing for a State Game Farm (H. P. 798) (L. D. 325), tabled March 18th by Mr. Hills of Northport, pending third reading.

On motion by Mr. Hills of Northport, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the ninth unassigned matter, House report ought not to pass committee on Library on resolve for the purchase and distribution of Ward's Syllabus-Digest of the Maine Reports, H. P. 626, tabled on March 18 by the gentleman from Portland, Mr. Carleton, pending reconsideration; and the Chair recognizes that gentleman.

Mr. CARLETON of Portland: Mr. Speaker, I now yield to the gentleman from Dyer Brook, Mr. White.

The SPEAKER: The gentleman from Portland, Mr. Carleton, yields to the gentleman from Dyer Brook, Mr. White.

Mr. WHITE: Mr. Speaker and members of the House: I will give a short history of this matter. It was presented here by Mr. Ward. This Syllabus-Digest, I understand—not saying anything against any of the lawyers or anything of that kind—is simply a lawyer's book, and, as we understand, from those who came into the hearing, from the different lawyers, there is a still much better one for them or for the State if they wish to buy one, and that is West's Digest.

Now when this matter was brought before us Mr. Ward asked that the State might buy 500 copies at \$15 apiece, \$7,500 that he wished the State to pay in order that the book might be published. He also stated that it was a labor of love on his part, getting it down to that small figure. Then he came back and asked that the committee hold

the matter and give him another hearing. We did so. At that time he said he had found out that he could publish it for \$5,000; that is he was willing to give that much more—\$2,500. Now he comes back and says if the people will give \$3,000, he will give the rest. I, for one of the committee, and the rest with me,—we did not feel like taking \$4,500 of the gentleman's valuable time, as we did not consider it a book for the State but merely a working tool for a certain group and we reported it out ought not to pass, but it has been brought back here, and now, Mr. Speaker and members of the House, I move that the resolve be indefinitely postponed.

Mrs. MOREY of Lewiston: Mr. Speaker, I second the motion.

The SPEAKER: The gentleman from Dyer Brook, Mr. White, moves that this matter be indefinitely postponed. All those in favor will say aye; those opposed will say no.

A viva voce vote being taken, the matter was indefinitely postponed.

The SPEAKER: The Chair lays before the House the tenth unassigned matter, bill an act relating to special provisions for towns peculiarly located, S. P. 487, L. D. 648, tabled on March 18 by the gentleman from Bangor, Mr. Potter, pending third reading; and the Chair recognizes that gentleman.

Mr. POTTER of Bangor: Mr. Speaker, I yield to the gentleman from Wells, Mr. Brewster.

The SPEAKER: The gentleman from Bangor, Mr. Potter, yields to the gentleman from Wells, Mr. Brewster.

Mr. BREWSTER: Mr. Speaker, for the purpose of gaining a little more information, which I have been requested to do, I would like to move to retable this bill and specially assign it for next Tuesday.

Thereupon, the bill was retabled pending third reading and specially assigned for Tuesday, March 31st.

The SPEAKER: The Chair lays before the House the 11th unassigned matter, House report ought not to pass committee on Judiciary on bill an act creating the office of registrar of motor vehicles, H. P. 909, L. D. 363, tabled on March 18 by the gentleman from Gray, Mr.

Morrill; and the Chair recognizes that gentleman.

On motion by Mr. Morrill, the ought not to pass report was accepted.

The SPEAKER: The Chair lays before the House the 12th unassigned matter, resolve in favor of the State School for Boys, H. P. 867, L. D. 755, tabled on March 18 by the gentleman from Paris, Mr. Perham, pending motion of Mr. Carleton of Portland, to indefinitely postpone; and the Chair recognizes the gentleman from Paris, Mr. Perham.

Mr. PERHAM of Paris: Mr. Speaker, I would like the privilege of retabling this matter as well as the next one, and I will take this up at the proper time. The committee has requested that I keep these two bills on the table, and when they come up I will accede to the motion of Mr. Carleton to indefinitely postpone. We have another matter which really should take precedence of this, so I move that the twelfth unassigned matter be retabled.

A viva voce vote was taken, and the resolve was retabled, pending indefinite postponement.

The SPEAKER: The Chair lays before the House the 13th unassigned matter, resolve in favor of the State School for Girls, H. P. 1181, L. D. 757, tabled on March 18 by the gentleman from Paris, Mr. Perham, pending motion of the gentleman from Portland, Mr. Carleton, to indefinitely postpone; and the Chair recognizes the gentleman from Paris, Mr. Perham.

Thereupon, on motion by Mr. Perham, a viva voce vote being taken, the resolve was retabled, pending indefinite postponement.

The SPEAKER: The Chair lays before the House the 14th unassigned matter, House report ought to pass committee on Library on resolve providing for purchase of two hundred copies of Maine Province and Court Records, Volume II, H. P. 627, tabled on March 18 by the gentleman from Portland, Mr. Carleton, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Carleton, a viva voce vote being taken, the report ought to pass was accepted.

The SPEAKER: The Chair lays before the House the 15th unassigned matter, House report ought to pass committee on Insane Hospitals on resolve in favor of the Augusta State Hospital for new construction, H. P. 943, tabled on March 18 by the gentleman from Oakland, Mr. Morse, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Morse the report was accepted, and the resolve ordered printed under the joint rules.

The SPEAKER: The Chair lays before the House the 17th unassigned matter, bill an act to regulate the practice of the system, method or science of healing known as Naturopathy and to create a Board of Examination and Registration for those desiring to practice the same and providing penalties for violation of this act, H. P. 126, L. D. 51, on which the House substituted the bill for the report and passed the bill to be engrossed and which came from the Senate with the report that legislation is inexpedient, and which was tabled in the House on March 19 by the gentleman from Buxton, Mr. Webster, pending reconsideration; and the Chair recognizes that gentleman.

Mr. WEBSTER of Buxton: Mr. Speaker, I move that the House recede and concur with the Senate.

Mr. GOUDY of South Portland: Mr. Speaker, this is another one of my bills. I think that it is the last time I will be called upon to say anything in behalf of those bills that I introduced.

Now, as I understand, this bill in regard to the practice of Naturopathy came from the Public Health Committee with an ought not to pass report on the same, legislation inexpedient, and we voted here in the House to substitute the bill for the report, and it went into the Senate and the Senate accepted the report of the Committee, and now, although I appreciate perhaps that the Senate is considered a little higher body than the House of Representatives, it seems to me the House has a right to their own opinion on these matters, and there are some members here who are highly in favor of this Naturopathy bill, and I think their rights and interests should be

presented, and I think that those who are against the bill should have their interests protected. I think the proper thing to do under the circumstances, where the House and the Senate have failed to agree on this bill, is to vote to insist on our former action and have a committee of conference appointed.

Mrs. DAY of Gorham: Mr. Speaker and members of the 85th Legislature: as House Chairman of the Committee on Public Health, I would like to say a few words in defence of the report of the Committee.

The proponents of this bill and the opponents appeared before the committee, and we gave a fair and impartial hearing. There are, to be sure, on this committee, three members of the medical profession. There are also six members who are laymen and hold the controlling vote. There is a certain standard, be it of science or medicine, which the members of that committee felt should be attained before a legislative body should on its recommendation support a measure. The committee believe a standard has not as yet been attained by the members of this profession which should allow them to practice upon the human body, and it was the unanimous opinion of the Public Health Committee that legislation was not expedient, and I hope the motion for a committee of conference does not prevail.

Mr. GOUDY: Mr. Speaker, I hoped that I would not be called upon to get up here and defend the Naturopaths, but I do want to say for the benefit of the members of the House that Naturopaths are practicing, and this bill is not to legalize their practicing—they are practicing—and there is no law that prevents them. There is a bill introduced here to better the quality and character of the men practicing naturopathy. That is the purpose of this bill. I think, if there are any parts of this bill that the members of the House do not agree with or any parts they want to change, that the committee of conference will take care of that, and when it comes back into the House everybody will be satisfied.

Mr. RICHARDSON of South Portland: Mr. Speaker, I would like to say a few words on this bill, particularly to those members who do not clearly understand the bill.

Now, members of the Legislature, this bill is to regulate the practice of the science of healing, known as naturopathy, and to create a board of examination and registration, and the Governor shall appoint three persons holding diplomas from a legally chartered and recognized school or college, having power to confer degrees in naturopathy.

Now, if you will allow me to review, this bill was introduced purely as a health measure, and for the protection of the public in general. It was referred to the committee on Public Health, and at that hearing before that committee no one appeared against the bill except Dr. Davis, Secretary of the Maine Medical Association, and he, in his opening, said he was not appearing against the bill, but he had some data and some papers he had collected in 1927 that he wanted to read. After he read his papers the attorney for the proponents asked him if he did not think it was a little ancient. He said considerable water had flowed under the bridge.

Now, ladies and gentlemen, the committee did not report against the bill, because, I believe, they saw nothing in the bill that was harmful, only to pass the buck to the next Legislature. The bill was discussed pro and con and went through and had its third reading and went to the Senate. The only opposition at that time was our good friend from Presque Isle, Dr. Bennett, who, in his analysis and diagnosis, said nothing against the bill, only to pick out some of the sciences of which they treat, that he said he knew nothing about. Now that is not to be wondered at. Dr. Bennett does not know it all, even with his thirty years of practice as a physician, because he said he did not know anything about naturopathy.

I want to say for the benefit of the doctor that if he does not know what naturopathy is, it is time he was getting busy, as some of the leading physicians of the country and in this State are using naturopathy and using it very successfully along with their medicines.

He spoke of Dr. Collins of the little college in the tenement house. He also spoke of iris-analysis—said

that "got his goat." He supposed that meant diagnosis through the eye, but he did not believe it.

I will tell you, ladies and gentlemen, for Dr. Bennett's benefit, that this same Dr. Collins, of the little college in the tenement house, was heard to say that he could diagnosis through the eye, and Dr. Tansey called him a quack. Dr. Collins brought suit, and the case was tried and carried to the Supreme Court, and with an array of some of the biggest doctors in that section appearing for Dr. Tansey, Dr. Collins won the verdict and \$500 reward. Appeal was taken to the highest court of appeal and the verdict was the same. So much for iris-analysis.

(At this point Mr. Blaisdell of Franklin, was escorted to the Speaker's chair, amid the applause of the House, the members rising).

Mr. RICHARDSON (continuing): The only other opponent appearing at that time was my good friend from Lisbon Falls, Mr. Jack, who said he was not a doctor but that he married a doctor's daughter, and, of course, had to oppose the bill. (Laughter)

Now I want to tell you of a case that happened since we have been in session here in the Legislature. A young lady, a school teacher in South Portland, a friend of mine, was walking home at night on February 8th and got hit by an automobile and was knocked down. Tuesday her face begun to feel a little funny. Wednesday, Thursday and Friday her face was all out of shape, her mouth all screwed around; she couldn't close her left eye; couldn't pucker her lips. She went, in the meantime, to a couple of doctors. They advised her to go and see a specialist. The next day she went to one of these hospitals in Portland, and she today is cured.

Now you may say that any doctor could do that, but I am going to cite you a similar case of a doctor in South Portland, a friend of mine, who has had the same thing for months, and of course naturally he went to his doctor friend. He tried I do not know how many specialists, and at last he went to Dr. Stilphen and said "I came out to see you doctor. I do not think

you can do anything for me." He is cured. Those are facts.

I could stand here for hours and tell you of cures the naturopaths have been making, but I won't bother you.

Now, ladies and gentlemen, can you tell why the only opposition to any health measure that was ever introduced into the Legislature of Maine has been by the medical profession? I have nothing against the medical profession; some of my best friends are among the doctors; and one of the best friends I have in the world is a doctor, in fact, he has attended my family for nearly forty years, and I can tell you what wonderful cures he has effected for the family. Nor have we any fault to find with the surgeons. But knowing these things, we also know that naturopathy has its place in the healing art and science, and should be protected for Humanity's sake.

Now Dr. Bennett referred to this little hospital being five years old. It is a fact that this branch was incorporated under the laws of the State of Maine about five years ago, but this is a branch of the parent school of New York, established over thirty-four years ago by the State of New York, and it also has a Federal charter. New York State has a Board of Regents, which board controls the educational standards of all schools. This knocks the story advanced by the medical opposition that naturopathy schools are not standardized.

Now, in regard to the doctor in charge of this little hospital in Portland: Dr. Stilphen has been practicing naturopathy in and about Portland for over twenty years, and in that time has attended over 125,000 patients and never has lost one.

Now this bill has had its third reading and comes back from the Senate, and I am asking you to support the motion that Brother Goudy was about to make to have a committee of conference.

In conclusion, I want to say this: Our friend from Gorham, (Mrs. Day) asks you to vote against this bill and only because

she is a member of the health committee. The lady was asked why she opposed this bill, and her answer was that she opposed it on educational standards only. Now, ladies and gentlemen, Mrs. Day knows when she asks you to vote against this bill, she is asking you to protect an abortionist. She knows Mr. Gray, in his remarks, told of a certain man in Portland who is practicing under the guise of a naturopath and who has been arrested twice for abortion, and has served time in jail, and if you vote with Mrs. Day on this bill, you surely are voting to protect an abortionist. I do not think you want to do that. I ask you to vote for a committee of conference. I thank you.

Mr. GRAY of South Portland: Mr. Speaker, I do not feel like fighting; I feel in a very peaceful frame of mind today. I have done my best in presenting this bill to the best of my ability before this House. I leave the answer with you. I would like to see a committee of conference with the Senate. I think that is fair; I think it is just, and that is what I stand for. I know whereof I speak, and I would like to see a committee of conference. If they fall down, let the bill stand on its own merits. I do admit that the atmosphere is a little cloudy, that the sun may not penetrate the gloom, but I feel, as sure as there is a good God in Heaven, and I know He must be there, that in 1933 the sun will penetrate and we will be successful then, but I am not satisfied to let it go over two years hence because the chances are that this old gentleman will not be here, but realizing that the State's affairs will go on without my presence, I think as a matter of real justice that where you have granted the osteopaths after four sessions, and the chiropractors after three sessions, that this body of medical healers should be given protection as well as these people. I thank you.

Mrs. MOREY of Lewiston: Mr. Speaker, I rise to a question of personal privilege. I move, to calm the nerves of our brothers, that the rules be suspended and that they

be allowed to smoke during the rest of the session today. (Applause).

A viva voce vote being taken, the motion prevailed.

Mrs. DAY: Mr. Speaker, I regret that the gentleman from South Portland (Mr. Richardson) should attribute my vote on this matter to so unworthy a principle, and I would say that when I voted against this bill, I did so conscientiously.

Mr. BENNETT of Presque Isle: Mr. Speaker and members of the Legislature: This thing is something like a cat; it seems to have nine lives—it is very hard to keep it down, but I did not start it and I do not suppose I will finish it. I do belong to the medical profession, and I think it is an honorable profession, and I believe it is the only profession along the healing line that is really worthy of recognition. While the others do some good, they are limited in their methods and limited in their scope. I recognize the osteopaths and the chiropractors—that they have a limited field, and they are doing some good work; so are the Christian Scientists. No doctor discounts those, nor the homeopaths either.

Now this new cult has come in. We do not understand just what they are trying to do. There is a small group, and it seems they want a board to protect the public against themselves. Now if they have got to have a board to protect the public against themselves, it seems to me they ought not to be recognized.

Now I wonder who wrote Mr. Richardson's paper. Certainly he didn't write it. He never has said anything in this House before to warrant that he could write such a paper. He has tried to lambaste me all he could. I do not think I really deserve it. He said that I said nothing against the bill, yet he took at me as though I had been the chief conspirator of this bill. I have never heard very many people praise the regular medical profession; they do not say much about it because they believe the profession can stand on its feet. I think it can. I never saw a physician I thought couldn't. We do the best we can. When you are sick,

you have to have a doctor; everyone has to have one. There would not be any surgery done without them; there would not be any hospitals; you could not run an army without the medical profession, and yet you are willing to do everything to cut them down, curtail them, and give the business to some cult that has not the knowledge they ought to have to practice upon the human body, as Mrs. Day has just stated. Now Mr. Richardson says somebody treated 125,000 cases and never lost a patient. That is absurd on the face of it. Everybody dies some time in their life; these fellows are going to loose some patients; I have lost a few; I have worked hard to save them, and yet they have died, and we will still continue to lose them. If any of you men should get sick and call me, I should do the very best I could. I should hate awfully to have somebody pile a lot of stuff on to the medical profession; we do not deserve it.

Now to answer Mr. Richardson's dialogue or "decalogue" or whatever you choose to call it, he said something about a suit, that they sued somebody and had an apology. He meant Dr. Fishbein, who is Secretary of the American Medical Association, a doctor in Chicago.

Now I had a letter from Frederick W. Collins, who is head of this naturopathic institute down in New Jersey, and he threatened me with all kinds of things because I made that talk in the House the other day. I know that another man had a similar letter and he has threatened him with dire calamity for what he said, and he said, in this letter he sent to me, that he had sued Dr. Fishbein for some \$10,000. I sent the letter on to Dr. Fishbein to see if it was true. Here is his reply. There is nothing to it; it is an absolute falsehood. I will read to you what Dr. Fishbein said:

"Dr. Freeman E. Bennett, Public Health Committee, House of Representatives, Augusta, Maine.

Dear Dr. Bennett:

Your letter to Dr. Fishbein has been referred to me." That is the one that Dr. Frederick W. Collins of the naturopathic institute down in New Jersey wrote to me. He says: "The letter you got from Collins is quite typical. I notice that

he states that Dr. Fishbein was threatened with a suit for a million dollars by himself; he was not. I also note that he (Collins) claims that THE JOURNAL A. M. A. gave him and his so-called institution a nine-inch apology; it did not.

"Frederick W. Collins, who is fond of signing himself 'Vigorously yours', and equally fond of placing the letters 'M. D.' after his name, is not a doctor of medicine. He is, apparently, licensed to practice osteopathy and chiropractic in the state of New Jersey. He runs the 'First National University of Naturopathy,' which includes the 'New Jersey College of Osteopathy,' the 'Mecca College of Chiropractic' and the 'United States School of Naturopathy.' The 'Mecca College' confers 'degrees,' but not in the state of New Jersey."

Now there is a college there in the state of New Jersey which confers degrees, but not in the state of New Jersey, because the Board of Education of that state would not grant them the right to confer degrees. "The Board of Education of the state would not grant them the right. They, therefore, take their 'students' over into Delaware or New York and confer the 'degrees' there."

There is something wrong with their education, it seems to me, or they could confer degrees in their own state. The trouble is the Board of Education won't allow them to do it because they have not sufficient education to be allowed to do it.

"Collins' reference to his threat of suit refers to an article that was published in Hygeia," published by the A. M. A., "December, 1924, dealing with MacFadden's publication, Physical Culture. It was stated in this article that 'Frederick W. Collins, M. D.' who was given as the author of an article in Physical Culture, was not a physician. Unfortunately, the term 'physician,' apparently, has various meanings in various states. What we should have said was that Dr. Frederick W. Collins was not an 'M. D.' which is absolutely true. In due time, we got a letter from Collins' attorney, stating that he was licensed to practice osteopath and chiropractic in the state of New Jersey, and therefore, he was a physician. In order to avoid doing this man any injustice, I published an explanation—occupying four inches of

space—stating that Hygeia had no desire to have it readers interpret the statement that Collins was not a physician," (that is where the nine inch space came in) "to mean that he was not an osteopath and a chiropractor. We emphasized the fact that Collins was not an M. D., but that he was a licensed osteopath and chiropractor."

Well, you have heard what the other men have said, and you have heard what I have said. Now this matter was before the committee, and we think that we were just and fair. There were three doctors on that committee, to be sure, but we heard the evidence that they put up. We tested some of their knowledge there, and we found they could not answer the questions asked them in regard to the matters in their own bill. I read you some of that bill the other day, heliotherapy, and several other therapies, meaning treatment by light and treatment by color, and so on. Nothing of that kind! That stuff is all in its infancy. It was started first of all by the regular profession, trying to work it out to be of some use. They have incorporated it in their bill because they thought we didn't know anything about it—Somatherapy and all those things that are not understandable by them—I know they are not and are not to a good many men in the regular profession, because there are some new subjects that are just beginning to be studied, and how on earth could they know about them when the old profession of men who are highly educated are just beginning to study those things and bring them before the public in the matter of treatment? Why, it is impossible to think these men could do the things they say they can do. We know they cannot. They can rub people and twist their neck, and that is about all under heaven they are good for. I thank you.

Mr. McLOON of Rockland: Mr. Speaker and members of the Eighty-fifth Legislature: I have the kindest feeling for medical men. I have no sympathy, however, with their leaders who have consistently opposed every bill that has been proposed by any profession. I have no interest in their quarrels, first among themselves when they had no opposition, the allopath against

the homeopath, the osteopath and the chiropractor and now the naturopath. I do not feel competent to judge the merits of these different healing professions, and I do not think the great majority of this House feels competent to judge. I assume, however, every one has a right to pick their own doctor in whatever profession. If they pick the wrong one, that is their funeral, but when they pick a doctor, they should know he is an accredited member of his profession and competent to practice. These naturopaths are now practicing, and I imagine they should have some regulation over them, and I believe it is the duty of this House to provide some regulation. I therefore hope that the motion of the gentleman from South Portland (Mr. Richardson) will prevail.

Mr. JACOBS of Auburn: Mr. Speaker, I think the medical profession has competition just the same as we who are in business in our several towns and cities have in the mail order houses or the chain stores or the house to house peddler. Those conditions exist, and sometimes we have been urged to legislate these people out of business, but that is not good business. Let them go on and do what business they can.

Now we have a successful man in the city of Auburn practicing this healing, and I believe it is nothing more than fair that we should not legislate these people out of business but try and protect their profession against spurious practitioners in Massachusetts who come into Maine and practice this profession without any license.

These men who are now practicing in Maine, who are trying to do the right thing the same as the medical profession are, simply ask protection from this Legislature. It is no more than right we should give it to them, the same as we have in years past to the chiropractic treatment and the osteopathic treatment. All of these things have been worked against by the medical profession. It would make an inroad into their business, but they exist just the same. Let us be fair. I believe this man in Auburn who practices this profession is doing good work. He is successful.

All he wants you to do is to protect the profession from the spurious man in Massachusetts who tries to come down here and practice without a license. I hope the motion of Mr. Goudy of South Portland, will prevail.

Mr. THOMAS of Harpswell: Mr. Speaker, I say Amen to the gentleman from Auburn, (Mr. Jacobs).

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Buxton, Mr. Webster, that the House recede and concur with the Senate. Is the House ready for the question?

Mr. GOUDY: Mr. Speaker, I would like to have it explained to the House what they are voting on so there may be no mistake.

The SPEAKER pro tem: The Chair will state that this bill came from the Senate, the Senate reported legislation inexpedient, and was accepted in non-concurrence. To recede and concur at this time would be to join with the Senate in accepting report of legislation inexpedient.

Mr. GOUDY: Or to kill the bill. Is that right, Mr. Speaker?

The SPEAKER pro tem: The Chair so believes. As many as are in favor of the motion to recede and concur with the Senate will say aye; as many as are opposed will say no.

A viva voce vote being doubted, A division of the House was had, Fifty-one having voted in the affirmative and 61 in the negative, the motion to recede and concur did not prevail.

Mr. GOUDY: Mr. Speaker, I make the motion now that we insist on our former action and that a committee of conference be appointed.

A viva voce vote being taken, the motion prevailed, and the Chair appointed on that committee of conference Messrs. Goudy of South Portland, McLoon of Rockland, and Jacobs of Auburn.

Mr. BENNETT: Mr. Speaker, just why should you appoint gentlemen who are favorable to this bill on the committee? I object.

The SPEAKER pro tem: The Chair is informed that it is a rule of the House that the committee of conference appointed on the part

of the House must reflect the action of the House. (Applause)

The SPEAKER pro tem: The Chair lays before the House the 18th unassigned matter, House report ought not to pass, committee on Judiciary on bill an act to provide for medical and surgical treatment of persons whose resources are insufficient to pay for same, H. P. 931, L. D. 408, tabled on March 19 by the gentleman from Rumford, Mr. Melcher, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. MELCHER: Mr. Speaker, this is a measure in which I am much interested, and I would like a little more time, and ask to have it retabled.

Thereupon the matter was retabled pending acceptance of the report.

The SPEAKER pro tem: The Chair lays before the House the 19th unassigned matter, House report ought not to pass, committee on Inland Fisheries and Game on resolve in favor of East Machias for the purpose of screening the in-take of the Bangor Hydro-Electric Company's Pen-stock, in the East Machias River, H. P. 565, tabled on March 19 by the gentleman from Lisbon, Mr. Jack, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. JACK: Mr. Speaker, I tabled the 19th and 20th unassigned matters for a gentleman who could not be here, and he is willing to have the report accepted.

The SPEAKER pro tem: Does the Chair understand that the gentleman moves acceptance of the report?

Mr. JACK: Yes, Mr. Speaker.

Thereupon, the report was accepted.

The SPEAKER pro tem: The Chair lays before the House the 20th unassigned matter, House report ought not to pass, committee on Sea and Shore Fisheries on bill an act relating to the destruction of fish in East Machias waters, H. P. 764, tabled on March 19 by the gentleman from Lisbon, Mr. Jack, pending acceptance of the report;

and the Chair recognizes that gentleman.

Mr. JACK: Mr. Speaker, as a favor to the gentleman who cannot be here at this time, but who can be some day next week, I ask the privilege of retabling this matter.

On motion by Mr. Jack, the matter was retabled pending acceptance of the report.

The SPEAKER pro tem: The Chair presents to the House the 21st unassigned matter, House report ought not to pass, committee on Judiciary on bill an act relating to parole of life prisoners, H. P. 819, L. D. 305, tabled on March 19 by the gentleman from Portland, Mr. Bowers, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Bowers the report was accepted.

The SPEAKER pro tem: The Chair presents to the House the 22nd unassigned matter, House report ought not to pass, committee on Mercantile Affairs and Insurance on bill an act to amend the form of standard policy, H. P. 213, L. D. 493, tabled on March 19 by the gentleman from Waterboro, Mr. Smith, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Smith, the report was accepted.

Mr. SMITH: I wished to retable the 22nd unassigned matter.

Thereupon, the House voted to reconsider its action whereby it voted to accept the report ought not to pass; and on further motion by Mr. Smith the report was retabled pending acceptance.

The SPEAKER pro tem: The Chair now lays before the House the 23rd unassigned matter, committee on Mercantile Affairs and Insurance on bill an act relating to the standard fire insurance policy, H. P. 630, L. D. 217, tabled on March 19 by the gentleman from Waterboro, Mr. Smith; and the Chair recognizes the gentleman.

Mr. SMITH: Mr. Speaker, I move that we substitute the bill for the report. On Thursday, March 12th, I appeared before the committee on Insurance to present a policy which is called the valued policy. It is in effect in the State of New Hampshire at the present time. I was met

there by insurance men from all over the State, and they listened to me, and after I got through they looked at me and said "I think he is honest. He looks sincere, and we hope he is sincere." But the objection to this bill was so great that they reported it ought not to pass.

Now I would like to read to you: "This policy shall be void if any material fact or circumstance stated in writing has not been fairly represented by the insured, or if the insured, at the time of any loss, has any other insurance on the said property without the assent in writing or in print of the company." Now what more protection could the company want than that? "This company shall not be liable beyond the actual value of the insured property at the time any loss or damage happens except on buildings totally destroyed, in which case the full amount of the limitation shall be paid."

That just compels the insurance company to pay what they agree. Today, in ninety-nine cases out of a hundred, I think I am safe in saying they do not pay what they agree to.

They tell us rates will be higher if this policy goes into effect. Here is a letter from a friend of mine in New Hampshire:

"The value policy on which you are working and which I think you mean is the policy where the agent shall insure a piece of property for a certain amount, the whole amount will have to be paid. The rate is practically the same; in fact, I do not think there is any difference.

"As a whole, I think it works out well here in New Hampshire."

I have three letters to that effect, and since this policy has been in effect, I have travelled the whole length and breadth of New Hampshire, up one side and down the other, and across it in several places, and we do not see any more buildings burned in New Hampshire than in Maine. The only other buildings burned last year were by forest fires and some burned by a fellow who set them on fire and who is now serving time. I believe in America for Americans. I thank you.

Mr. STURTEVANT of Livermore Falls: Mr. Speaker, as a member of the committee before which this matter came, I would like to say just a few words in regard to it.

The Maine standard policy has been in operation in this State for a good many years. It has stood the test of the courts, and the insuring public know where they stand under it. It has worked well and has been generally satisfactory. It would be impossible to have a law that never hit anybody, so there would be no objection. There is no general demand for this change in the standard Maine policy, as has been seen by the hearing which we had a short time ago. The only proponent for this bill was the gentleman from Waterboro (Mr. Smith). The bill, as has been already stated, has a very radical clause connected with it, and the result of this bill going into operation would tend to put our whole insurance system into a chaotic condition. The companies at present agree to pay the actual value of loss. In this proposed bill the companies would be compelled to pay whatever insurance might be on a building at the time of the loss, if the building was totally destroyed. It puts a premium on dishonesty, and would lead to acts of dishonesty. If a man wished to be crooked and had a building that was worth \$1,500, and went to ten different insurance agents and took out ten different policies, the insurance companies would be compelled to pay those policies in full, and he would receive \$15,000 for that property. I do not believe the members of this House at this time would inflict upon the citizens of Maine anything of this nature, and I trust the report of the committee will be accepted.

Mr. PLUMMER of Portland: Mr. Speaker, the gentleman from Waterboro (Mr. Smith) has stated the matter correctly. The bill comes here from the insurance committee with a unanimous report. I won't take much of your time. I never have so far, have I? But I would like to say just a few words in regard to the representation that we had there on it, people who came miles to oppose this bill. Further, I will say that Mr. Rogers of Cathance, who represents the Androscoggin Mutual Fire Insurance Company, was present. He represents thousands of policy holders and millions of dollars worth of insurance. There was also present Mr. McLaughlin, who represents the Grange Mutual, in northern Maine, and is recognized as one of the best

insurance men in the State; Mr. Stiles of Portland—Mr. Stiles is executive manager of the Dirigo Mutual; Mr. Nutter of Saco, representing the Mutual Fire Insurance Company of Saco, one of the oldest companies in New England. Mr. Jack of Lisbon, representing the Maine Mutual; Mr. Lang of Waterville, formerly a deputy insurance commissioner, and acting insurance commissioner for quite a long time; Mr. Dwinal, Ex-Senator Dwinal, of Camden, representing the stock companies, and the insurance commissioner, representing the State.

Every one of these men testified that this policy would cause a loss of many thousands of dollars in the State of Maine. The Maine Standard Policy was enacted in 1895, and one remarkable thing in regard to that policy is that although they have appeared here at almost every legislature and tried to amend this policy, that policy, except one word, stands on the statute books today just as it was enacted. I think that shows it is made of pretty good stuff. There was one amendment made in the year 1905, and they changed just one word; they changed the word "forthwith" and made it read "within a reasonable time." It is one of the best policies in the United States. As the gentleman says, it is supported by decisions of the court. I won't take any more of your time.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Waterboro, Mr. Smith, that the bill be substituted for the report. Is the House ready for the question? As many as are in favor of substituting the bill for the report will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the report failed of passage.

On motion of Mr. Sturtevant of Livermore, the report ought not to pass was accepted.

The SPEAKER pro tem: The Chair lays before the House the 24th unassigned matter, Senate report ought not to pass of the committee on Inland Fisheries and Game on bill an act to amend Chapter 331 of the Public Laws of 1929, relating to annual fishing licenses and closed season on part-

ridge, S. P. 11, tabled March 20 by Mr. Jackson of Bath, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Jackson, the report ought not to pass was accepted.

(At this point Mr. Blaisdell retired from the Chair, amid the applause of the House, Speaker Merrill resuming the Chair.)

The SPEAKER: The Chair lays before the House the 25th unassigned matter Joint Order relative to investigating methods employed in State Assessors' Department, L. D. 107, which was indefinitely postponed in the House in non-concurrence, and which came from the Senate, that body insisting on its former action whereby the order was passed as amended by Senate Amendment A asking for a committee of conference. This order was tabled in the House March 20 by Mr. Allen of Sanford, pending reconsideration; and the Chair recognizes that gentleman.

Mr. ALLEN of Sanford: Mr. Speaker and members of the House: This is the Joint Order to investigate the State Assessors. The last action of the House on this matter was its indefinite postponement. It came back from the Senate that body insisting on its former action and asking for a committee of conference. This seems to me to be a reasonable request, and I think that the ethics of parliamentary procedure demand that we accede to it. Therefore, I move that we insist and join in the committee of conference.

A viva voce vote being taken, the motion prevailed, and the Chair appointed as conferees on the part of the House, Messrs. Allen of Sanford, Boody of Windham and Friend of Skowhegan.

The SPEAKER: The Chair lays before the House the 26th unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act to change the fiscal year for the registration of motor vehicles and the licensing

of motor vehicle operators to July 1st, H. P. 1084, L. D. 660, tabled by Mr. Boody of Windham, March 20, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BOODY: Will the Speaker please inform me of the standing of the bill in regard to the registration of automobiles on April 1st? How far has it got along in the proceedings, if the Chair recalls?

The SPEAKER: The Chair has not the bill before it. Can anyone from the floor answer that question?

Mr. BURKETT of Portland: Mr. Speaker, there were several of those bills of similar tenor before the Judiciary Committee asking for a change in the fiscal year of the registration of motor vehicles. The committee heard them all and voted ought not to pass on all except one, which, as I remember, was a Senate bill, and that one, that was reported favorably, as I recall it now, simply provided that a registration of motor vehicles if secured in any one year would be good until March 1st of the succeeding year; in other words, that the registration secured in one year would be good until two months of the next year had gone by. I do not know where that bill is at present, but it is coming in. All these other bills suggesting changes—March 1st, April 1st, June 1st and July 1st—were reported ought not to pass. Does that answer the gentleman's inquiry?

Mr. BOODY: I would ask the gentleman from Portland (Mr. Burkett) if this bill was submitted to the same committee as the others?

The SPEAKER: The gentleman may answer if he wishes.

Mr. BURKETT: I will say that I have not looked it up but according to the calendar the report came out from the committee on Judiciary, ought not to pass, and was considered with the others. They were all referred to a sub-committee of the Judiciary committee, which committee decided that they did not desire to make any change

in the fiscal year other than I have explained.

The SPEAKER: Does that answer the gentleman's question?

Mr. BOODY: Mr. Speaker, I will say that if the gentleman from Portland, Mr. Burkett, is correct, so far as I am concerned I am willing to withdraw and accept the report.

On motion by Mr. Boody, the report, ought not to pass, was accepted.

The SPEAKER: The Chair lays before the House the 27th unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act to grant a new charter to the city of Portland, H. P. 748, L. D. 349, tabled on March 20 by Mr. Burkett of Portland, pending the acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Burkett, the report ought not to pass was accepted.

The SPEAKER: The Chair lays before the House the 28th unassigned matter, House report ought not to pass of the committee on Ways and Bridges on bill an act to transfer to maintenance of highways the funds now appropriated by special road resolves (H. P. 1003) (L. D. 611) tabled March 20 by Mr. Scates of Westbrook, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. SCATES: Mr. Speaker, I think we have had trouble enough and discussion enough and oratory enough today, and I would move to have it retabled.

A viva voce vote being taken, the report was retabled, pending acceptance.

The SPEAKER: The chair lays before the House the 29th unassigned matter, House report ought to pass in new draft of the committee on Ways and Bridges on bill an act in relation to the tax on gasoline, H. P. 1002, L. D. 442, new draft 1376, tabled March 20 by Mr. Scates of Westbrook, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. SCATES: Mr. Speaker, I will say that I have not had time to read the new draft. I know nothing

about it and perhaps care less, and I do not care to make a motion. I leave it to some of the committee to dispose of the bill.

The SPEAKER: The pending question is the acceptance of the report. All those in favor of acceptance of the report will say aye; those opposed no.

A viva voce vote being taken, the report was accepted; and under suspension of the rules the new draft had its two several readings and tomorrow assigned.

The SPEAKER: The Chair lays before the House the 31st unassigned matter, bill an act relating to city committees, S. P. 473, L. D. 715, tabled March 20 by Mr. Stern of Biddeford, pending third reading.

Mr. DUQUETTE of Biddeford: Mr. Speaker, owing to the absence of Mr. Stern I move that that be retabled.

A viva voce vote being taken, the bill was retabled pending third reading.

The SPEAKER: The Chair lays before the House the 32nd unassigned matter, bill an act relating to insurance agents and brokers, H. P. 631, L. D. 539, tabled March 20 by Mr. Fenlason of Anson, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Fenlason, the bill was retabled and specially assigned for tomorrow.

The SPEAKER: The Chair lays before the House the 33rd unassigned matter, resolve to preserve the early vital records of the city of Westbrook, H. P. 628, L. D. 879, tabled March 20 by Mr. Carleton of Portland, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Carleton, the resolve had its second reading under suspension of the rules and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the 34th unassigned matter, resolve for the purchase of Bibliography of Maine Imprints, H. P. 1266, L. D. 880 tabled March 20 by Mr. Carleton, of

Portland pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Carleton the resolve had its second reading under suspension of the rules, and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the 35th unassigned matter House report ought not to pass of the committee on Public Utilities on bill an act to provide adequate rural electric service at just and reasonable rates throughout the State of Maine, H. P. 991, L. D. 434, tabled March 20 by Mr. Jack of Lisbon, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. JACK: Mr. Speaker, I move to substitute the bill for the report for the purpose of offering an amendment.

A viva voce vote being taken, the motion to substitute the bill for the report failed of passage.

The SPEAKER: The pending question is the acceptance of the report.

Mr. JACK: Mr. Speaker, perhaps I may just as well speak here as anywhere. (Laughter). I doubt if the members thoroughly understand the proposition at issue. It has to do with nearly sixty per cent of the population of Maine. It has been said that "truth crushed to earth will rise again." It may be that even this generation will see that the farmer crushed to earth may rise again.

The proposition before us is relative to an act to provide adequate rural electric service at just and reasonable rates throughout the State of Maine. Two years ago Mr. Wyman stated in his report that he was perfectly willing that that should be done, or words to that effect, and in answer to his suggestion this bill was prepared and presented and reads as follows:

"Whenever, any electric light and power company does not supply reasonable adequate electric service throughout all the territory in which it is authorized to furnish service, any three or more persons not receiving service, in the said territory, at the regular filed rates for that territory free from any obligations, whatsoever, as to minimum guarantees, or, allocated costs for service facilities, may them-

selves, form a corporation for the transmission, use and sale of electricity and the electric light and power company authorized to furnish service throughout all such territory shall furnish the newly organized corporation with electric current sufficient for their needs, at one-half cent per K.W.H. Said current to be furnished from the transmission lines of said public utility most conveniently located for the purposes of the new corporation.

The certificate of the new corporation, shall be in the form provided in revised statutes, chapter fifty-six, section ten and the methods of organization of said corporation shall be in harmony with the requirements of chapter fifty-six revised statutes of Maine, except that the duties to be paid to the state and the county in which the certificate is recorded shall not exceed ten dollars; two dollars to be paid to the register of the county for recording certificate; three dollars to be paid to the attorney general of the state for approving certificate of organization and five dollars to be paid to the treasurer of state for the use of the state when the certificate is filed with the secretary of state."

The vital question at issue here seemed to interest the representatives of the so-called electrical octopus. The whole controversy before the committee seemed to hinge on the proposition of one-half cent per kilowatt hour, and while Mr. Wyman two years ago, said he would be willing to furnish the power, later he retracted that somewhat, he and his attorneys, and it also developed at the hearing that even if Mr. Wyman had made the statement that he would be willing to sell at one-half cent per kilowatt hour, in view of the fact that this bill covered the State of Maine, there were other companies which have not made the promise and therefore it perhaps would not apply equitably to them.

The amendment which I was about to offer was this: I am not trying to take advantage of anybody but I was trying to get it so that it would satisfy the various companies. "Amend said bill by striking out in the first sentence of said bill the following words 'one-half cent per kilowatt hour', and inserting in place thereof the following words: 'at a price to be fix-

ed by the Public Utilities Commission of the State of Maine' ". Well, now, that looks fairly reasonable—at a price to be fixed by the Public Utilities Commission of the State of Maine. That would be at a price which would be fair to both parties. Now the bill was reported out ought not to pass. That is the usual thing which happens to bills concerning the so-called electrical octopi of the State of Maine, and you will notice that this bill is included in the list.

Let us look at the proposition! At the beginning the citizens of the State of Maine gave to the various companies the franchise right,—gave it to them. Nevertheless, while they are willing to skim the cream, they are willing that there shall be some skimmed milk left. Perhaps when the citizenship of the State of Maine discover what the action of this Legislature has been, if we continue the step that we have just taken, there may be new faces in this hall when the Legislature meets two years from now.

Now they have got the idea into their head that they have a surplus and they want to dispose of that surplus, but apparently they do not care or intend to dispose of that surplus to the citizenship of Maine. When that citizenship tries to prepare itself to take that current at rates to be set up by the Public Utilities Commission of the State of Maine, they say no. I will take up the other feature of that a little later.

Now they will tell you that there is plenty of law on the statute book to take care of this proportion already. Now let's examine that proposition a little. I am sorry to have to put your suppers off but this is a fairly important proposition in the State of Maine. Now down in Durham they attempted to form a corporation under the statute as it now exists, and what was the result? Mr. Skelton appeared, and Mr. Maxcy for the power company, and this is what the court or the Public Utilities Commission have to say relative to the law as it now stands on the book: "Although the provision of law has been upon our statutes since 1915, the latter portion thereof has never been invoked prior to the filing with this Commission of the recent series of petitions, including the one now under consideration."

Now while the law has been on the Statute book since 1915, up to the date of this hearing, which was July 6, 1929, it had never been invoked, and when it was tried to be invoked who should appear but the attorneys of the electrical companies to prevent those who were bound by law to serve or sacrifice the territory, to prevent those who were trying to form a company to serve themselves.

Now let me show you how the law works out. The report says. "The latter part of this section contains the particular provision with which we are here concerned since it is the portion thereof under which the petitioners are proceeding and suggests the elements involved in this case. As we interpret the Statute those elements are as follows:

"First—Satisfactory evidence that ten or more individuals contemplate in good faith the organization of a corporation for the purpose of distributing electricity to be purchased from a generating company." Notice it says "ten or more individuals." This new bill says three. For this reason: It might be that there would be a community where you could find three people who were willing to finance a proposition when you could not find ten. Is there anything unreasonable about that?

"Second—Appropriate designation of the territory to be served by said distributing company." Now to your laymen all these things must be proven and it is not fair to assume that every farming community has knowledge of the law to perfect their petition, and as a matter of fact this one fell by the wayside.

"Third—Adequate evidence that public convenience and necessity require the service proposed.

"Fourth—Sufficient evidence from which a determination of reasonable rates, terms and conditions may be made by the Commission to apply between the existing generating and the proposed distributing companies.

The Statute plainly requires that at least ten persons or individuals must indicate their interest in the project by signing a petition; they must at least contemplate the organization of such a corporation as is provided for in the first part of this section; good faith is obviously essential in that

if it be lacking the entire proceeding would be but an idle gesture and the determination of a rate, wasted effort. The territory to be served must be designated with sufficient definiteness to appraise the Commission of the locality where the lines will run, since the question of whether or not another utility is already serving the same territory can only thereby be determined. If the territory is already being served or if some company has the prior right to serve in that locality, we see no good reason why the provisions of sections three, four and five of said Chapter 60 should not apply.

"Under these sections an electrical company formed under the provisions of Chapter 51 (the General Law) is not permitted without the consent of this Commission.

"It becomes the duty of this Commission under the provisions of sections three, four and five, above referred to, to determine, after a public hearing of all parties interested, whether or not public convenience and necessity require a second public utility to furnish its electrical service in a territory in which another utility is furnishing or is authorized to furnish a similar service. Consequently we are of the opinion that under the provisions of said section six, when a petition is filed with us containing the names of ten individuals who contemplate the organization of a corporation as therein provided, we must, after a public hearing, determine whether or not any other corporation, person or association is furnishing or is authorized to furnish a similar service in the territory which the contemplated corporation proposes to serve and whether public convenience and necessity require such second public utility to enter and serve this territory.

"Counsel for the defendant companies raise the question as to whether this is a proceeding under a petition which seeks to have a rate established by the Commission at which some company to be formed in the future may be furnished electricity under the provisions of the State above referred to.

"We agree with counsel that the petition is not drawn with a degree

or accuracy and precision most desirable."

Now that is what happened to that petition. I realize that there is an old adage or statement that when you meet a farmer take his crop, but we have got them down now where they haven't any crop to take. You will find out more about that later. Let me show you how this works out. I will quote from the evidence of Mr. Jackson, who I assume was one of the witnesses of the Central Maine Power Company and whom I assume was under oath when he was making the statement. He was asked: "Mr. Jackson, have you made up an estimate of costs of this extension? A. Yes sir. Q. What is the total cost of the extension as prayed for by the petitioners and as estimated by you? A. \$29,496.58." * * * "Q. What do you consider to be the return the company should receive from this extension? A. This would be no different from other extensions, and I understand the company lines up with the policy or thought of the Utilities Commission that 20 per cent return on the investment is a fair return." * * * "Q. What would be in figures the return you believe necessary for the company to have on this extension. How much money? A. \$5899."

Then Mr. Winter, acting for the petitioners, speaks: "Mr. Chairman, if I had time, I would be glad to demonstrate these figures as submitted are more than twice too high. Owing to lateness of the hour, I am going to refrain from asking any more questions, but I know absolutely I could prove to your satisfaction, if I had the time, if you want to adjourn this hearing, that their figures are more than double the fair and adequate figures for building this line." Then after some debate between the parties the hearing was adjourned.

At the next meeting—I am sorry to have to bother you with these records, but I want to give you the facts as they appear in the record; I do not care for you to rely on my statement. A lot of this I will run over because I think I can get the proposition before you without bothering you or taking your time with a lot of the rest of it. It seems to me that the electrical companies and railroads have one price from the parties who sell

wire and equipment to render this service and they have a decidedly different price for the general public, and this is Mr. Winter's explanation. It seems he bought a narrow-gauge railroad down at Wiscasset and his inquiries came to him in answer to a letter written him by the railroad. He says: "I might explain that on account of my position with the railroad company I took the opportunity of seeking quotations in their name. On account of this mythical trust which Mr. Insull told us about the other day on the radio, there is a series of prices, and it so happens that steam railways are entitled to contract prices, in other words, they buy on the same price as the utilities. That is why I used that method of obtaining prices. If I had gone out as an individual, they would have given me retail prices."

Now the next proposition! The Central Maine submitted prices as to the cost of that extension, and I have already explained to you that they were allowed by the Public Utilities Commission twenty per cent on gross cost, and the price which they submitted was \$29,496.58. Now the price that Mr. Winter submits, and I presume under oath, and which he claims he would be willing to put the line in for is in that sheet. (indicating). Mr. Winter's price was \$12,689.05, a difference of \$16,807.53. Never before, up to this time, has anyone been able to get at the actual cost of putting this stuff in. Now let us see what happened! We will assume that the costs as presented by the Central Maine Power Company are correct. We will assume that the prices as presented by Mr. Winter are correct. We have both their estimates on file. Now if the Central Maine Power was entitled to twenty per cent on \$29,000, the income would be \$5899.32, or in other words, that would be the income on that investment. If Mr. Winter's figures are correct, it would be twenty per cent on \$12,689.65, and the income would be \$2537.81, a difference of \$3,615.00. Now instead of making twenty per cent on the job as they are understood to have done by the Public Utilities Commission of Maine, if their proposition had gone through and if Mr. Winter's statement is

correct, instead of making twenty per cent, they would make 46½ per cent.

Now I assume, gentleman, that you want to be fair. I assume that there is manhood enough in you or you would not be here or should not be here, to see that everybody else is fair concerning contracts in which the State is interested. Now how long has this proposition been going on? How many times has the Public Utilities Commission of the State of Maine been fooled,—and it was only by accident that this was found out. It may be that you are willing that a corporation, or a set of corporations, shall become so great in the State of Maine that they cannot be taxed nor controlled but let me tell you this, if it ever comes to this it will be a sad day for the State of Maine.

Mr. HATHAWAY of Milo: Mr. Speaker and members of the House: As a very humble member of the Public Utilities Committee I would like to say a few words in defense of our action wherein we reported this bill ought not to pass.

This bill was fully heard by the committee on Public Utilities which committee has made a unanimous report that the same ought not to pass. In the hearing before the committee which was conducted for the proponents of the bill by the gentleman from Lisbon, we heard all the arguments both in favor of and against the measure. At the hearing it was shown that under the law as it now is, the Public Utilities Commission can compel electric companies to furnish service at reasonable rates in the territory which they are authorized by law to serve. It further appeared that under the present statutes of the State that if companies now authorized to do business in a territory in the State unreasonably refuse to furnish such service at reasonable rates, then the Public Utilities Commission can give new companies which may be formed for that purpose, the right to do business in such territory. If this situation arises and the Utilities Commission authorizes such new companies to do business in the territory of another company, on the ground that the other company would not furnish service at reasonable rates, the Public Utilities Commission can go further and order

the old company to furnish electricity to the new company at reasonable rates and allow such new company to connect with the lines of the old company. The present bill provides that whenever an electric company does not furnish service throughout all the territory in which it is authorized to furnish service at the regular rates for that territory, free from any obligations whatsoever as to minimum guarantee or allocated costs for service facilities, then the new corporation may be formed and the old company will have to furnish the new company current at one-half cent per kilowatt-hour.

It is an elementary fact that no Public Utility can be compelled to furnish service at a loss. In other words, the law guarantees to a public utility a rate equal to the cost of furnishing service plus a fair profit on its investment. In making rural extensions the companies have had to demand a higher rate than that received in the thickly populated districts. Under the present law the Public Utilities Commission can force the utilities to make these extensions and fix a rate for the service which will pay the cost of the same plus a fair profit. Of course, the cost to the customer will be larger if there are a small number of customers per mile of line. It seemed to the committee that the present law was entirely adequate to cover the situation. No one can expect service at less than cost. The Public Utilities Commission under the present law can order the companies to furnish service at reasonable rates and if the companies are failing to do so, they can order the rates reduced. Furthermore, if the companies are unreasonably neglecting to serve territories as before stated, the Public Utilities Commission can authorize competing companies to do business in their territory and make the old companies furnish electricity at reasonable rates to the new companies. The present bill entirely disregarded the rights of the existing companies to reasonable rates for service rendered and arbitrarily fixed a rate of one-half cent per kilowatt-hour for the current furnished to new companies. No bill which requires a company to furnish service irrespective of the cost of such service or at a rate which will not pay the cost of service and a fair return on the in-

vestment, can be justified or sustained. The present bill violates these elementary principles applicable to public service corporations and the present law is entirely sufficient to protect the customers. People who do not have electric service cannot expect to get the same for less than it costs and the bill under consideration sought to bring about that result.

For these reasons I trust that you will sustain the unanimous report of our committee which was ought not to pass.

Speaking about the Durham matter, I will say that there is a petition now before the Public Utilities Commission that has not been reported on, and about what Mr. Wyman said as to furnishing service at one cent a kilowatt hour, he said that if the bill would take over all of his rural electrification throughout the territory that he served he would be very glad to furnish them at one-half cent per kilowatt hour if they would take it all off his hands. I thank you.

Mr. JACK: Mr. Speaker, what he has read hasn't anything to do with what I am amending. There is no injustice there. I attended a hearing once where the redoubtable Honorable Enoch Foster was presiding or officiating as one of the attorneys of the proponents, and to bolster up his proposition he had a letter read. It had something to do with the Maine Central Railroad and they had various attorneys here, among whom was a gentleman by the name of Bisbee from Rumford Falls. After the letter was read, it helped Mr. Foster's case considerably, but Uncle Bisbee walked down the center aisle and said, "Enoch, who writ that letter?" Now I would like to ask the gentleman from Milo, Mr. Hathaway, through the Chair, if he is willing to answer the question "Who writ that statement".

Mr. HATHAWAY: Mr. Speaker, why does the gentleman from Lisbon assume that I did not write it? (Laughter).

The SPEAKER: Does that answer the gentleman's question?

Mr. JACK: Yes. (Laughter). I can see the earmarks of an attorney in that letter but they have shot very wide of the mark. Evidently they did not know that I was going to offer an amendment. They

were complaining because of those rates or in other words the one-half cent per kilowatt-hour was not enough. Well, I tried to take care of that by inserting in the amendment at a price to be furnished—

Mr. SMITH of Bangor: Is there a motion before the House?

The SPEAKER: There is no motion before the House. The question before the House is on the acceptance of the report.

Mr. JACK: I was speaking of what I had in it. I hope I did not irritate my friend from Bangor. (Laughter) So far as I am concerned, ladies and gentlemen, I am perfectly willing that the facts concerning this proposition should all come out, and if I have not brought them out, it is no fault of mine. I hope that this proposition, when we get to it,—I presume they will make a motion pretty soon to accept the majority report, ought not to pass, but even the committee itself might change its findings with this bill as amended. I think it only fair that if the farmers of Maine are willing to invest their money to build up a line to serve themselves, certainly the Central Maine or any other corporation in Maine should not object.

Mr. FORD of Brooklin: Mr. Speaker, I move that the House adjourn.

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

Mr. CLEMENT of Durham: Mr. Speaker, as Durham has been brought into this matter I feel that it is only fair to say that the majority of the people of Durham would be very pleased to have the Central Maine Power Company put the service in and that whereas the House may be led to believe that the people of Durham are very much in favor of putting in their own system, I would like to correct that error and say that in order for the people of Durham to get adequate rural electrification at reasonable rates we hope that the majority report will prevail.

Mr. Jack was granted permission to speak a third time.

Mr. JACK: Mr. Speaker, this Durham proposition was only an incident in this matter. I simply pointed out what happened there as something that might happen to

any other section of the State of Maine where they ask for service and cannot get it.

The SPEAKER: All those in favor of the acceptance of the ought not to pass report will say aye; those opposed no.

A viva voce vote being taken, the motion to accept the ought not to pass report failed of passage.

Mr. JACK: I move to substitute the bill for the report.

A viva voce vote being taken, the motion prevailed, and the bill was substituted for the report.

On further motion by Mr. Jack the bill had its two several readings under suspension of the rules.

Mr. JACK: Mr. Speaker, I offer House Amendment A and move its adoption.

House Amendment A to House Paper 991, bill an act to provide rural electric service at just and reasonable rates throughout the State of Maine.

Amend said bill by striking out in the first sentence of said bill, the following words "one-half cent per kilowatt hour" and inserting in place thereof the following words "at a price to be fixed by the Public Utilities Commission of the State of Maine."

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

Mr. JACK: Mr. Speaker, I move that the rules be suspended and the bill be given its third reading.

Mr. ROBIE of Westbrook: Mr. Speaker, I move that the bill and amendment be indefinitely postponed and that when the vote is taken, it be taken by a division.

The SPEAKER: The gentleman from Westbrook, Mr. Robie, moves that the bill be indefinitely postponed and asks for a division. All those in favor of the motion to indefinitely postpone will rise and remain standing until counted, and the monitors have returned the count.

A division being had,

Three votes in the affirmative and 74 in the negative, the motion to indefinitely postpone failed of passage.

On motion by Mr. Jack, the rules

were suspended and the bill as amended had its third reading and was passed to be engrossed.

Mr. WRIGHT of Bath: Mr. Speaker, I move that we adjourn.

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

Papers from the Senate, out of order.

From the Senate: Report of the committee on State Sanatoriums on resolve in favor of the Central Maine Sanatorium for maintenance reporting that the same ought to pass.

Comes from the Senate recommended to the committee on State Sanatoriums.

In the House, that body concurred in the recommitment.

From the Senate: Report of the committee on State Sanatoriums on resolve in favor of the Northern Maine Sanatorium to provide for adequate water supply reporting that the same ought to pass.

Comes from the Senate report recommended to the committee on State Sanatoriums.

In the House that body concurred in the recommitment.

The SPEAKER: The Chair lays before the House the 36th unassigned matter, House report ought not to pass of the committee on Public Utilities on bill an act relating to excess earnings of public utilities, H. P. 1169, L. D. 750, tabled March 20 by Mr. Boody of Windham, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. BOODY: Mr. Speaker and members of the House. This bill was misplaced by me and I had four bills at two o'clock that afternoon on which I had to attend the hearing, and in some way unknown to me this bill was lost in the shuffle. No one appeared in its favor and no one appeared against it. It was brought up twice under the same conditions. No one notified me thereof. Therefore when this bill came over, reported ought not to pass, I tabled it. This bill is of great importance to this State and for your information I will

read it: "Whenever the common stock of any public utility, on an average for five years, shall earn in excess of five per cent interest all such excess interest shall be paid into the contingent fund of the state. Such excess earnings shall be considered by the public utilities commission as sufficient grounds upon which to order a reduction in price to the consumers."

In order to satisfy myself as to whether it was workable or of value, not wanting to trespass upon the House unless I was sure of the fact I asked the Attorney General for his opinion. Judge Fogg told me that the Attorney General of the State had just been severely criticised by the Senate for giving his opinion to private individuals. For that reason, Mr. Speaker, I present the following order and move its passage:

Whereas, an act entitled an act relating to excess earnings of public utilities, H. P. 1169, L. D. 750, is before the House;

And whereas, it has been questioned whether or no the act is workable or constitutional;

It is hereby ordered, that the Attorney General shall give to the House of Representatives his opinion in writing,

First, as to the constitutionality of House Paper 1169.

Second, as to whether or no the provisions of the bill are practical and workable.

Mr. BURKETT of Portland: Mr. Speaker, I move that the order be tabled.

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

Thereupon, a viva voce vote being taken, the order received passage.

Mr. BOODY: Mr. Speaker, I now move that this bill lie on the table.

A viva voce vote was doubted,

A division of the House was had.

Seventy-eight voting in the affirmative and none in the negative, the motion to table the bill prevailed.

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

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

The SPEAKER: Are there any matters that can be taken from the table? We have exhausted the matter that came off automatically.

On motion by Mr. Carleton of Portland, it was voted to take from the table the 39th unassigned matter resolve in favor of State Reformatory for Men, S. P. 154, L. D. 886, tabled March 23 by that gentleman, pending assignment for second reading; and on further motion by the same gentleman the resolve had its second reading and was passed to be engrossed.

On motion by Mr. Perham of Paris, it was voted to take from the table the 12th unassigned matter, resolve in favor of the State School for Boys (H. P. 867) (L. D. 755), tabled by that gentleman at the morning session.

Mr. PERHAM: Mr. Speaker, as this matter had been taken care of in another set-up, I move that the resolve be indefinitely postponed.

A viva voce vote being taken, the motion prevailed.

On motion by Mr. Perham of Paris, it was voted to take from the table the 13th unassigned matter, resolve in favor of the State School for Girls, (H. P. 1181) (L. D. 757), tabled by that gentleman at the morning session; and on further motion by the same gentleman, a viva voce vote being taken, the resolve was indefinitely postponed.

Mr. PERHAM: I would like to speak just about two minutes in regard to this matter.

The SPEAKER: If there is no objection the gentleman may proceed.

Mr. PERHAM: I would like to say that these matters that were tabled were not tabled for any political reason but only in order that the committee on Appropriations and Financial Affairs may get the set-up straightened out satisfactorily. We have been working in co-operation with Mr. Carleton and not in opposition.

On motion by Mr. Clement of Durham, it was voted to take from the table the 44th unassigned matter bill an act to provide for registration of two and one-half ton trucks, H. P. 1375, L. D. 939, tabled.

by that gentleman March 23, pending assignment for third reading; and on further motion by the same gentleman the bill had its third reading and was passed to be engrossed.

On motion by Mr. Biddle of Portland, it was voted to take from the table the 42nd unassigned matter House report ought not to pass of the committee on Public Health on bill an act regarding the practice of any healing art or science, H. P. 1105, L. D. 683, tabled by that gentleman March 23, pending acceptance of the report.

Mr. BIDDLE: Mr. Speaker, I move that this bill and report be referred to a special committee, the same one that was appointed to consider the 17th unassigned matter.

The SPEAKER: The Chair will have to inform the gentleman that the motion is not in order.

Mr. BIDDLE: Not in order, Mr. Speaker, to assign a matter to a special committee?

The SPEAKER: That is absolutely true; but the Chair adopts the Clerk's suggestion that a reference in that manner is not parliamentarily possible. Does the gentleman wish that this be recommitted to the committee on Public Health?

Mr. BIDDLE: If that would help the matter. My understanding of it was, Mr. Speaker, that we could assign this to the special committee and I am simply endeavoring to have the Chair facilitate the matter and make it the same committee that is considering a similar matter. I might say in explanation that I am doing this with the understanding and at the suggestion of the opponents of this bill.

The SPEAKER: The opinion is given that the difficulty of referring it to the committee which the gentleman asks it be referred to is that it is not a joint committee.

Mr. BIDDLE: Then I move, Mr. Speaker, that it be recommitted to the committee from which it came.

The SPEAKER: The gentleman moves that this bill be recommitted to the committee on Public Health.

A viva voce vote being doubted,

A division of the House was had, Thirty-five voting in the affirmative and 14 in the negative, the motion to recommit to the committee on Public Health prevailed.

On motion by Mr. Scates of Westbrook,

Adjourned until tomorrow morning.