

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, April 2, 1931.

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

Prayer by the Rev. Mr. Bryant of Gardiner.

Journal of the previous session read and approved.

ORDERS

Mr. JACOBS of Auburn: Mr. Speaker, I have an order and move its passage. In explanation of the order, four years ago an order was introduced into the House by Representative Roy of Lewiston asking for furnishings for the Recreation Room of the House members. At that time the young ladies' rest room on the fourth floor of this building was depleted in order that the members of the House might have the benefit of the Recreation Room by furnishings from the Rest Room. I believe it nothing more than fair and right that these young ladies should now have the privilege of furnishings in their room which they do not now have, and this order covers the situation and I move its adoption, as follows:

Ordered, that the Superintendent of Public Buildings be and hereby is authorized and directed to refurnish and suitably furnish Room 82, the Girls' Rest Room, all expense of so doing to be charged to the contingent expenses of the 85th Legislature.

The order received passage.

On motion by Mr. Lancaster of Canaan, it was

Ordered, the Senate concurring, that House Paper 8, L. D. 15, bill an act relating to closed time on deer be recalled to the House from the files of the 85th Legislature.

Reports of Committees

Majority report of the Committee on Public Health reporting ought not to pass on bill an act to regulate the occupation of hairdressers and cosmetologists to register and license persons engaged in such occupations and to create a Board of Hairdressers and Cosmetologists. (H. P. No. 1021) (L. D. No. 594)

Report was signed by the following members:

Messrs. Greenleaf of Androscoggin
Small of Waldo
Story of Aroostook
of the Senate
Bennett of Presque Isle
Wright of Bath
Worthen of Corinth
Andrews of Brunswick
Hathaway of Milo
Webster of Buxton

—of the House

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

Report was signed by the following member:

Mrs. Day of Gorham

—of the House

On motion by Mrs. Day of Gorham, a viva voce vote being taken, it was voted to accept the majority report, ought not to pass.

Mr. Allen of Sanford from the Committee on Education reported ought not to pass on bill an act in favor of Pennell Institute for maintenance. (H. P. No. 162)

Mr. Owen from same Committee reported same on Resolve in favor of the Corinna Union Academy. (H. P. No. 530) as it is covered by other legislation.

Reports read and accepted and sent up for concurrence.

(At this point Mrs. Morey of Lewiston assumed the Chair, the members rising and applauding).

First Reading of Printed Bills and Resolves

(H. P. 674) An act relating to a road in the town of Mariaville.

(Under suspension of the rules the bill received its third reading and was passed to be engrossed)

(H. P. 1442) An act in regard to the practice of any healing art or science.

(Tabled by Mr. Farris of Augusta pending second reading)

Passed to be Engrossed

(S. P. 35) (L. D. 8) An act relating to registration of motor vehicles.

(H. P. 538) (L. D. 171) An act to establish a Game Preserve in the city of Lewiston, Androscoggin County, and Monmouth, Kennebec County.

(H. P. 836) (L. D. 318) An act to permit the City of Auburn to pension present and former members of its fire department.

(H. P. 1015) (L. D. 548) An act relating to retired employees of the State.

(H. P. 1090) (L. D. 664) An act relating to the weights of commercial vehicles.

(H. P. 1435) (L. D. 1033) An act relating to the control of the State Department of Health over plumbing.

Passed To Be Enacted

(S. P. 83) (L. D. 95) An act relative to trapping licenses.

(At this point Speaker Merrill resumed the Chair) Mrs. Morey, retiring, amid the applause of the House, the members rising.

(S. P. 588) (L. D. 954) An act relating to the administration of the State.

(S. P. 599) (L. D. 1010) An act relating to the abolishment or alteration of grade crossings.

(S. P. 616) (L. D. 1022) An act to establish a general highway fund, and relating to the construction and maintenance of State, State aid and third class highways.

(H. P. 1035) (L. D. 567) An act providing for the completion of the vital records of the State.

(H. P. 1405) (L. D. 999) An act relating to the Gray Game Preserve.

(H. P. 1407) (L. D. 1001) An act authorizing and empowering the town of Islesboro to raise money to provide and maintain transportation facilities by boat for passengers and freight.

Finally Passed

(H. P. 1410) (L. D. 1006) Resolve in favor of the town of Arrowsic.

Mr. SMITH of Bangor: Mr. Speaker, I would like to take from the table the eighth unassigned matter, resolve to provide a commission to study the problems of taxation, majority and minority reports, tabled by me yesterday, for the purpose of making a statement. A viva voce vote being taken, the motion prevailed.

Mr. SMITH: Mr. Speaker in my motion to table yesterday afternoon I find by the Record that I said "I will move to renew Mr. Potter's motion that this lie on the table and that we get the act before us in the morning." That did not accomplish what I wished and they did not print it. I would like this to remain on the table until afternoon in order that it may be printed.

The SPEAKER: Does the gentleman move printing?

Mr. SMITH: Yes, Mr. Speaker. Thereupon it was voted that the matter be retabled until the afternoon session, pending printing.

REPORTS OF COMMITTEES

(Out of order and under suspension of the rules)

Mr. Towne from the Committee on Maine Publicity reported ought not to pass on bill an act relating to descriptive roadside signs indicating names of rivers, lakes, etc., (H. P. 1168) (L. D. 797)

Mr. Quint from the Committee on Ways and Bridges reported same on bill an act relating to the town of Sedgwick. (H. P. 32)

Same gentleman from same Committee reported same on bill an act to aid unimproved rural roads traversed by rural letter-carriers. (H. P. 673)

Same gentleman from same Committee reported same on bill an act relating to railroad underpasses, at North Kennebunkport and Saco. (H. P. 870)

Reports read and accepted and sent up for concurrence.

Mr. Towne from the Committee on Maine Publicity on bill an act to designate the State Highway leading from Brunswick through Jackman to the Canadian Line as The Arnold Trail. (H. P. 217) (L. D. 126) reported same in a new draft (H. P. 1443) under title of an act to designate the State Highway leading from Brunswick through Jackman to the Canadian line as The Arnold Highway and that it ought to pass.

Report read and accepted and under suspension of the rules the bill received its two several readings and this afternoon assigned.

Mr. Quint from the Committee on Ways and Bridges on Resolve in favor of the Polly Clark Bridge in Wiscasset (H. P. 776) reported same in a new draft (H. P. 1444) under title of Resolve in favor of the town of Wiscasset and that it ought to pass.

Report read and accepted and under suspension of the rules the resolve received its first reading and this afternoon assigned.

Orders of the Day

On motion by Mr. Goudy of

South Portland, it was voted to take from the table the fourth unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act legalizing recreational sports and games and certain other activities on Sunday, H. P. 916, L. D. 369, tabled March 31 by that gentleman pending acceptance of the report.

Mr. GOUDY: Mr. Speaker, I would like to yield the floor to the gentleman from Paris, Mr. Perham.

Mr. PERHAM: Mr. Speaker and members of the House: This is a House report, ought not to pass, and I move that it be accepted. The bill that I am interested in is the amendment that was placed on your desks yesterday.

Thereupon, a viva voce vote being taken, the House voted to accept the report, ought not to pass.

On motion by Mr. Perham of Paris, it was voted to take from the table the seventh unassigned matter, House Amendment A to bill an act permitting outdoor recreation on Sunday, H. P. 1441, L. D. 1052, tabled on April 1 by Mr. Perham of Paris, pending adoption.

Mr. PERHAM: Mr. Speaker, I move the adoption of the amendment, and when the vote is taken, I ask that it be taken by a rising vote the same as two years ago.

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

Mr. TOMPKINS of Bridgewater: Mr. Speaker—

Mr. PERHAM: I have the floor, Mr. Speaker?

The SPEAKER: You had made a motion, had you not? Did you wish to speak on the motion?

Mr. PERHAM: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Paris, Mr. Perham, has the floor.

Mr. PERHAM: Members of the House of Representatives: Two years ago I was interested in a reasonable revision of the Sunday Laws. My opinion has changed very little from that time. I believe that our present laws that we have on the statutes are obsolete and very much in need of revision. When we consider that the present Sunday Law specifically states concerning recreation that no games, sports or recreation whatsoever can be had on Sunday, we all realize

that we must all be law-breakers in some sense of the word.

In order to discuss the Sunday Law properly, we must consider the background and the underlying principles of the present Sunday Law. The Sunday Laws, better known as the Sunday Blue Laws, are absolutely nothing more nor less than religious laws instituted not by the Maine Legislature, but taken from our Puritan forefathers of centuries ago and merely passed down from generation to generation and left on the statutes regardless of the fact that they are absolutely ignored in the practice of the people of the State.

(At this point Congressman John E. Nelson was ushered to a chair at the left of the Speaker, amid the applause of the House, the members rising)

Mr. PERHAM continuing: I have no adverse comments to make concerning our Puritan forefathers who really established the United States of America in the early days. These Puritans were a stern, rugged group of people, highly religious, who broke away from the old church in England and came to these shores where they could establish a place to worship God according to the dictates of their own hearts, yet, like a great many other large groups who break from their original church, they went to some extremes that may have prevailed in the group they broke away from, and they placed these laws on the statutes, which were extreme laws.

In order that we might understand further, it would be well to consider that even Christmas in the Puritan days was a day not for enjoyment and gladness, but a day when one was subject to the stocks and pillories if they were seen on the streets with any show of outward joy and mirth. It is useless for me to continue and state the many obsolete laws that were brought about in that day, but in order that we may consider the Sunday laws, it is absolutely necessary to step back and consider the background from which these laws originated.

Today we do not believe that we have a right to come here and institute religious laws or statutes.

We are all religious to more or less of an extent, but yet we feel there is a separation between the State and the religion of the State. Yet over the many generations in which attempts to modify or change the Blue Laws of centuries ago we have met opposition, and the opposition that has come to this attempted change has come from groups of people who I feel should be in favor of modification. If religion is the greatest power in the world—and I sincerely believe that it is—why should we turn to our State statutes to bolster that religion? I cannot understand why we should do it. I believe it is unnecessary. The only thing we can legislate is to legislate to protect the constitutional right of all classes, and protect each class from undue interference and annoyance by the other classes as they enjoy their day of recreation set aside by the majority of the people.

I wonder if we do not have the same right that our forefathers had! They had the right to place laws on the statute books, and although we believe—or a great many believe—that they made a mistake when they incorporated the religious Blue Laws on the books, we feel that we have the same right that they did, when we attempt to modify those laws. We are living in a different era today. We are up against different things than our forefathers ever dreamed could ever come to pass. No one knows what lies ahead in the future. We are all willing to guess that most anything can happen after seeing what has happened during the past twenty-five years. We are faced with different problems. The mass of indoor workers in office and factory need the blessing of the great outdoors. The automobile has opened the way, and people are taking advantage of it.

As we go out over the countryside, we look on a State blest on every side with outdoor recreational facilities. We have but to step in one direction, and we have the rock-bound coasts of Maine with its wonderful scenery. We step in another direction and we stand on the hills and view the wonders of

nature. We step again to the forests, fields and streams and become imbued as all men have in ages past. With the coming of the automobile, the same young people who go out in the back pastures and play a game of baseball and come home tired and ready to go to bed, that same group of young people, when they go out over the countryside in automobiles because they are not allowed their games and recreations Sunday afternoon, drive all over the countryside in their cars, and we know what they are up against. Youth will try anything once; we all agree with that. Also youth craves activity of all sorts. It is a case of one or two things, either a case of giving them healthy recreation or bottling it up and getting deviltry. There is one difference between healthy recreation and bottling up youthful activities and getting deviltry, some to a lesser degree and some more so.

I feel today that a great many people are thinking of a modification of the Sunday laws in a way that possibly they never have thought before. Many people feel today it would be much better to have our young people enjoy healthy recreation under restrictions around home than it is to send them away in cars to the seashore and other places. Does it not seem strange it is necessary to come here urging a law to permit healthy outdoor recreation and be strongly opposed by many religious votes whom I believe should be the ones to say go ahead with the good work? Actually, I believe the majority of the same votes are in favor of outdoor recreation but I think they feel somehow it is an entering wedge and a blow at religion. Gentlemen, I cannot see it. In all my work with young people, church work and other things, I absolutely cannot see it, and I never expect to see the day when I can stand before the House of Representatives and do anything but what I am doing now.

I feel that we must encourage every bit of healthy outdoor recreation possible to the young people of the land, to say nothing about the countless thousands of indoor workers to whom Sunday afternoon means an afternoon of

recreation to get ready for the next week, not an afternoon of penance. I feel I am here merely fighting for a right that is rightly ours regardless of the dictates of either religion or State.

We would not place the present Sunday Blue Laws concerning recreation on our statute books today if we had to do it now, therefore why is it not proper that we endeavor to modify it and change it? I realize that we cannot wipe the Sunday Law from our books. I have never advocated that we should do it. I believe the only way we can get at this matter in a reasonable way is to do this thing one piece at a time in order that we shall not perform an injustice by giving too many jumps ahead of the wishes of the people of the State.

This amendment which I presented yesterday and which I requested yesterday and then brought up to a vote this morning, will allow outdoor sports and games on Sunday afternoon left to the local option vote of the different towns. If they wish to take it up, the towns may do so at their town meetings, or the cities at a meeting called for that purpose. If they do not wish to, they can throw it down. I hope that this amendment will receive passage by the House.

Mr. TOMPKINS of Bridgewater: Mr. Speaker and members of the House: It is my intention to make a motion that this amendment be indefinitely postponed. I want to tell you, in as short time as possible, why I want to move for this postponement.

First, to the members of the Associated Press I want to say that the first time and the last time I spoke on this bill before the House they got me all mixed up, and today what I have to say I want charged up to Harvey A. Tompkins, of Bridgewater, Maine.

First, I want to say to you that I think the laws we have on our statute books are plenty liberal enough for any fair minded man or woman, and in order that we may bring ourselves up to date I want to read the law as it is now: "Whoever, on the Lord's Day, keeps open his shop, workhouse, warehouse, or place of business, travels,

or does any work, labor or business on that day, except works of necessity or charity; uses any sport, game, or recreation; or is present at any dancing, public diversion, show, or entertainment, encouraging the same, shall be punished by a fine of not more than ten dollars; provided, however, that this section shall not apply to the operation of common carriers; to the driving of taxi cabs and public carriages in attendance upon the arrival or departure of such carriers; to the driving of private automobiles or other vehicles; to the printing and selling of Sunday newspapers; to the keeping open of hotels, restaurants, garages and drug stores; to the selling of gasoline; or the giving of scientific, philosophical, religious or educational lectures where no admission is charged."

I say to you, ladies and gentlemen, that is broad enough and deep enough for any fair minded man or woman. Now I could have had petitions enough remonstrating against the Perham Sunday Bill to have filled the Honorable Clyde Chapman's office if I had wanted to. Now I am not a preacher, but I believe in the Bible, and I believe in our Sabbath as it is now. I am not going to stand here this morning and argue which is the proper day to keep, the first day of the week or the seventh day, because the great majority of the people now keep the first day of the week; that is good enough.

I love my country, and I want my country to be first among all the nations of the world. I want it to be first spiritually, morally, intellectually and materially. This great country of ours occupies that unique position today, and I believe that one of the leading factors which has brought our country up to that high degree of efficiency is that our people, or at least the majority of them, all down through the ages, have been strict Sabbath observers. All governments have memorial days. We have in our own country the Fourth of July and no real, sincere American citizen would dare not to observe that day as it should be, because it stands for liberty and independence. If we go down through the six days of creation, in Genesis,

we find that the seventh day is a day to worship the Divine Creator of the Universe, and if it is important that we should keep our country's memorial day, and it is, how much more important, men and women of this Legislature, that we should keep a memorial day and keep it in a reverend way to the great Divine Architect of the Universe.

If we had no Sunday at all, if we had no divine sanction, if we had no Bible, if we had no Fourth Commandment, still I believe that men should have one day of real rest for their bodies and their souls.

Now who is it that is agitating for this change for a greater liberalized sabbath? It is not the working man today, because every man who is working six days in succession knows that one day of rest is needed. Again, a great many people who are working today in our industrial centers have Saturday afternoon off for recreation. Again, you all know that it will only be a short time before we have the five-day work week, and then we shall have all day Saturday for recreational activities. So it is not the working men who are asking for this, it is not the public in general who are asking for this, because last year we had our recess committee, and they held four meetings, and no one took advantage of the meetings.

Again they say that our children need recreation—they need baseball. Bless your souls, our boys and girls today always have played, and always will play, in the front yard, in the back yard and out in the field, and anywhere they want to. We expect them to, and we want them to. It is perfectly natural, so it is not they that are asking for it. Some say that we need a more liberal sabbath for amusement. Lord bless you! We are amused to death as it is now. Then they say that our sabbath laws are being broken; why not repeal them so you will have nothing to break? I know our sabbath laws are being broken; they are being broken badly, but there would be no more sense in repealing our sabbath laws than to repeal the laws on theft and murder. When you get right down to brass tacks,

ladies and gentlemen, with a few exceptions, I will tell you who it is who want a more liberal sabbath. It is the gang or crowd of people who want to commercial our sabbath, the crowd of people who want to make money on our sabbath; it is nothing more nor less than an entering wedge to get started.

I know this bill says there shall be no fees charged, but listen: How many baseball players do you suppose are going to play all Sunday afternoon, Sunday after Sunday, and do it for fun? You know better than that, and so do I. They tell us that the sabbath was made for man and not man for the sabbath. I agree with you but let us be very careful how we interpret that passage of the scripture. The sabbath was made for man, but it was not made to smash, bend and twist as he wants to. It was not made for man to play baseball on, or to go to theatres, or to hunt or fish or get drunk on; the sabbath was made for man's bodily rest, for development of man's mind, and for his spiritual edification, just the same as grain was made for man, but it was made to be made into bread, and not into liquor.

I honestly believe, my friends, that there never has been a time since that long period way back on the Nile in Egypt, or since the dawn of the history of man in the Valley of Euphrates in old Mesopotamia when we needed to observe the sabbath as we do today. The railroad crossing is not the only place where we should stop, look and listen. In time of war there are people who are conscientious objectors who stay at home while the rest are fighting for our flag. In times of disease and pestilence there are people who will not cooperate with the health and welfare department, and there are, today, and always will be parents who will not have their children educated. I say to you, in all of these times the State and the Federal Government must step in and say thou shalt do so and so in order not to imperil our country.

Today there are groups of men who say that God's Law does not suit them. It is not man's law we are talking about today; it is

God's law, and they say it must be changed to suit us. I say to you, in that case, our State and our Federal Government should step in and say to them, and especially today our State Government, "Thou shalt remember the sabbath day to keep it holy." I do not claim, my friends, that we can make people good by law; I do not claim that we should compel morality by law; I do not claim that we can send people to heaven by law; but I do say that we can create conditions whereby these things can be developed.

This thing, I tell you, calls for patriotism. I do not mean war patriotism. God forbid this country should ever again be thrust into war. This is what I mean: It is just as necessary, just as important and patriotic for you and me to make living conditions better for our families and our neighbors' families as it is for us to fight on land and sea. I say to you, my friends, that we cannot do this by giving half a day to religious activities on the sabbath and the rest of the day to hilarity, baseball games and recreational activities.

On the floor of the House here March 4th, we had a hearing on this bill. Many of the religious leaders from all over the state came here and I have heard them criticised, but I say they did right because they are citizens of the State of Maine.

Some say that there are similar days to the old Hebrew Sabbath in the time of Moses. Others have said that Moses, even, copied the Hebrew Sabbath but I say to you that there is no doubt in my mind that, from the days of creation, God put it into men's hearts to keep a day for Him. I do believe sincerely that God gave Moses the Ten Commandments or the Law or the Decalogue, whatever you may call it, and I believe God wrote them with his own finger on tablets of stone and gave them to Moses, and He gave them to Moses for His people, and they have lasted all down through the ages.

I say to you, if Sunday should be opened to sports at this time that all the Bible teaching concerning the sabbath is wrong, and I say

to you that if the sabbath should be opened to recreational activities now, all the teachings and all the men who have attempted to enforce the law down through the ages are wrong. I further say to you that if we should have recreational activities now, all the teachings you and I have received at our mother's knee were wrong, and if it is right today that we should have recreational activities on Sunday, it has always been right.

The greatest difficulty with us today is that we refrain against restraint. In many homes children are independent of parents and parents are independent of God, and I again say that if we ever needed a reverential, sincere, holy sabbath, it is today.

Two or three years ago a man gave a lecture in the city of Bangor. He took for his subject "What flag will float over this nation a hundred years from today?" I thought it was only a joke, but there have been nations in other days that have been just as strong as our nation. I refer to Ninevah, Carthage, Babylon, Greece, Rome, Spain and Germany. What has become of those countries? You know ancient history as well as I, and where are they? They are where they are simply because they forgot God; they refused to do as God wanted them to.

For a long time our papers have been filled with investigation, and are today, in regard to the Communistic element in our country. With all due respect to those high-minded gentlemen who say there is nothing to this, I refer you to this morning's paper, and I also refer you to the fact that in our last election they appeared on the ballots from sixteen states of our country. They threw 82,000 votes. There were 16,000,000 votes for Al Smith and 21,000,000 for President Hoover, but my point is this: They do not believe in our God; they hate our God; they do not believe in our Sabbath; they hate our Sabbath; and I say to you that this cancerous growth, this damnable crowd, are worming their way into our civic government and nothing would please this crowd any better than to have us adopt this

amendment that we are speaking about at this time.

I say we are Americans and we cannot be overcharged with too much Americanism. The people of this country should be proud of America and its institutions. It is the richest country on earth today and it is our home. What has made it so? Not by devoting one-half of the sabbath to our Creator and religious activities, and the rest to recreation.

George Washington, in that terrible winter at Valley Forge, said "Place no one but Americans on guard." We, the representatives of something like 800,000 people, are here to represent them, and I say "Let us not betray the trust and confidence of the great majority of those 800,000 people. Law makers, there is a great responsibility resting upon us today, because as we go today, so will go the youth of America. As goes the child, so goes the home, as goes the home, so goes the nation.

The author of this bill and amendment has told us this morning that he is a Sunday School man. I am glad of that. So am I. I know something about Sunday Schools. For six years I have been President of the Aroostook County Sunday School Association, comprising about one hundred Sunday Schools of various denominations, and I will say to you that I would be mighty reluctant to take my boys and girls in Aroostook County out Sunday afternoon and let them play ball and carry on other hilarious activities. What profits a man if he gains the whole world and loses his own soul! I say to you, what will it profit this grand old Pine Tree State if we commercialize and recreationalize our sabbath and ruin the youth of our State? I know the laws of our Puritan forefathers were strict, but they were not foolish, and we may wake up to the fact some day that they, with all their strictness, were right, and we were wrong. Remember this, that God gave this country to us. He did not give it to the bull-fighting, blood-thirsty Spaniards; He gave it to our Pilgrim Fathers. He gave it to our people because they were the only people fit for it spiritually, men-

tally and physically. They kept the laws strictly and so have the great majority of our people down through the ages, as a result of which we have this great country today and the greatest Constitution of any country in the world. I say let us all bear in mind that this is God's law, that it is not Moses' law, not Abraham's law, and not our law—it is God's law. The Fourth Commandment reads: "Remember the sabbath day and keep it holy. Six days shalt thou labor and do all thy work but the seventh day is the sabbath."

Mr. Speaker, I now move you the indefinite postponement of this Amendment A.

Mr. THOMAS of Harpswell: Mr. Speaker, I have not the education of the gentleman who preceded me, but I can read, and I submit to you that it is not God's law—I submit to you members of the House of Representatives that the tables of stone that were handed down, as he mentioned—there was nothing on these tables that said that Sunday was the Sabbath Day.

Now I say to you, Mr. Speaker and members of the House of Representatives, that it is a wise guy that always speaks his mind and still retains his friends. (Laughter) Now that is exactly what I intend to do in this House of Representatives. I came up here with no strings tied to me, and I intend to speak my mind, and I want to retain my friends, and I want to be a friend to every member of this Legislature.

The remarks of the gentleman who has preceded me, to my mind, hardly touches the question. He has made an extended argument. It has been said, Mr. Speaker, about letting down the bars on the Sabbath. Now I submit to you that there are no bars to let down. These bars have been taken down, broken up and burned, and the smoke has faded away in the far distance, and there are no bars to let down. (Laughter)

Now in regard to the Sabbath, the gentleman who has preceded me has made an exhaustive argument about the Sabbath. Perhaps I am not as well educated as he is, but I know how to read. My friend says when I read the Fourth Commandment, it says

there "Remember the sabbath day to keep it holy. Six days shalt thou labor, and do all thy work; but the seventh day is the sabbath. . . ." and I look at the calendar on the wall that came over here with the Mayflower, and I read that Sunday is the first day of the week, and I say to myself "If Sunday is the first day of the week and the Commandment says 'Six days shalt thou labor and do all thy work and rest on the seventh', isn't there a confliction?" Yet the gentleman who preceded me has got up and made an exhaustive argument about keeping the sabbath.

Now I am not wedded to any group. I think, if you will look under my profile which came out in the paper, you will see I am a free thinker, and, Mr. Speaker, I am. Now I say to you, let us drop the fact that Saturday is the sabbath day. Someone comes to me and says "Yes, Mr. Thomas, but the day has been changed." Changed by whom and when? Is there anything in the annals of history where you can see that Christ changed the sabbath day? Didn't He plainly say "I came not to destroy but to fulfil the law"? And do you think you know more than Christ did? (Laughter) I say to you that when He said he came to fulfil the law he meant what he said, although the gentleman who has preceded me doubts Him. I believe he came to fulfil the law, and there is proof enough he had no thought of changing the sabbath day. I am not a Seventh Day Adventist; I am just a common laboring man, getting my living by the sweat of my brow. I always work on Sunday, always have, and am always going to work on Sunday, and I stand four square seven days out of the week, and don't you forget it.

Now, Mr. Speaker, doesn't the sun rise on Sunday morning, don't the birds sing and the leaves grow on the trees, and the flowers bloom and grow, and doesn't nature shine forth on Sunday just the same as all the week, and yet we poor fools think we are doing something great when we try to compel people to keep Sunday against their will.

Mr. Speaker, I say to you that I am strictly honest in this matter, and I came up here with no strings tied to me. Even the Deacon in the Church down there signed this petition for Sunday sports. Why not have Sunday sports? For instance, when Sunday morning breaks and the man who has to work in the shop the six days of the week, and he takes his family in his car and wants to go out for a picnic, and goes out there and sits down under the shade of the cedar trees and listens to the little birds sitting on a topmost branch, isn't he doing what is right? Didn't Christ say that it was lawful to do right on the sabbath day, and this is Sunday.

Mr. Speaker, as to the man who lives down by the salt water, who goes on the salt water six days of the week, is he doing anything wrong when he takes his family in the country to view the beauties of nature? Is the man who lives in the country doing anything wrong when he takes his family and goes down to the seashore and looks out at the broad expanse of ocean? I do not believe so, although the gentleman who preceded me evidently does.

Now, Mr. Speaker, I had the fortune of building a house down on Orr's Island, and I want to tell you a little story in connection with that. I was building that house for a gentleman from Philadelphia and a minister lived across the way, and he kept a cow, and that cow gave milk on Sunday. (Laughter) And the preacher used to milk her on Sunday, and my friend, Mr. Bridgham, went over there Sunday morning to buy some milk for breakfast, and the preacher would not sell it to him because it was Sunday, and on Monday morning Mr. Bridgham came to me and he told me the story and he said "Mr. Thomas, couldn't you give us a little poem on that?" I said "Perhaps so, in broken English." I am not an educated man by any means; I guess you all know it, but on Tuesday morning I handed him this poem, and it read like this:

"I'm going to try and see if I know how
 To make up a poem about a minister's cow.
 Now this old cow with her hide of silk
 They say that on Sunday she gave the most milk.
 But what is going to give us the greatest surprise,
 Is to know what becomes of this cow when she dies.
 I will confess that I stand here and shiver,
 When I think of that old cow crossing the river.
 She stands on the bank nibbling clover,
 Gives her last moo and then crosses over.
 Saint Peter stands at the pearly gate
 And says 'Come in, old cow, if you're not too late.
 Come in, old cow, with your silken hide,
 And see what you can see inside.'
 The Great Judge was sitting on the throne
 When the old cow came walking in alone.
 He says, 'Come in, old cow, you poor old creature,
 I see you very well, but where is the preacher?'
 'I left the preacher down on the beach,
 I've entered in—he's gone back to preach.'
 (Prolonged laughter and applause)

Now, Mr. Speaker, shortly after that the people down there became dissatisfied with the preacher, and they called on the presiding elder, and the presiding elder came down and he said "Mr. Preacher, you are not preaching to suit the people," and the preacher said "Well, if I cannot preach the gospel as I understand it, I will resign, and the presiding elder said "I accept your resignation." A day or two after that I had occasion to meet the preacher on the road, and he told me about it. I said "What is the trouble, elder?" He said "I would like to stay here a little while longer." I replied "Come and work for me, and when Saturday night comes I will pay you for it just as I have always done." He said "I haven't any tools." I

said "Never mind, elder, I will let you have some of mine." And he did come to work for me, and I took the steel square and showed the preacher what I did with the steel square, and how I did everything on the square with that steel square. I showed the preacher what to do, and when Saturday night came I paid him, and I hired him another week, and I never said anything to that preacher about his religious principles and he never said anything to me about mine—and it is just as well for him that he didn't, because if he did, he would have handed in another resignation. (Laughter)

That is exactly where I stand. Now Mr. Speaker and members of the House of Representatives, I extend to every one of you an invitation to come down to Bailey's Island next summer—and come on Sunday—every one of you, and the gentleman who has preceded me—you come down on Sunday too. (Laughter) And bring your lunches with you—every one of you, because we haven't got anything down there to eat any more than we want ourselves, but just come down and bring your lunch with you. (Laughter) And Mr. Smith and his followers, tell them to come down too, and be sure to come on Sunday, and let Mr. Smith go to Church in the little meetinghouse by the roadside, if he wishes—I am sure I want him to have the same privilege that I want to enjoy as long as I live, and that is to do what I have a mind to do on Sunday as long as it is within the bounds of reason.

Now I do not agree with my friend, Mr. Perham. I believe that every Blue Law on the statute books should be abolished. I say to you, Mr. Speaker, that after Mr. Smith and his followers have gone to the little church, let them go down and sit on the cliff and listen to the waves of old ocean as they echo and re-echo on the shores of my little island home, and let the others, including the ladies, go down on the beach and bathe in the incoming tide, and let others, if they wish, stop by the roadside and go to the ball game and listen to the crack of the bat as it meets the ball and

a winning run crosses the home plate. Then after all is said and done, we of all religious faiths will meet together and extend to each other the grasp of friendship and promise to meet each other in the sweet bye and bye.

Now Mr. Speaker, I say to you that I hope and pray that the minority report will be accepted, although "the prayers of the wicked prevail not." (Laughter and applause)

Mr. JACOBS of Auburn: Mr. Speaker, I hope that every member of this House will remember that you are representing 800,000 people of the State of Maine, not yourselves individually, whatever you might think, but what your constituents sent you here for and what they believe. I will not attempt any oratory this morning; I will be brief, but I just want to call the attention of the members of this House to the fact that this bill is practically the same as the bill that was presented here two years ago by the same gentleman from Paris, and voted down. He then offered an order which I opposed, and which I did not believe the people of this State wanted at that time, but the House carried it, appointing a commission to be appointed by the governor of five people to determine, if possible, the sentiment as to whether the people wanted the Sunday sports law enacted upon the statute books of the State of Maine. The gentleman from Paris was chairman of this committee. They had five regional meetings throughout this state. Three of this commission, before they started out, were in favor of this Sunday Law, but after holding five regional meetings throughout this State to find out the sentiment for and against, two of these men decided with the other two, making four on this commission against any change in the Sunday Law, and the report was so recorded. The minority report was reported by the chairman, Mr. Perham. All he wanted, as I understand, two years ago was to find out the sentiment in regard to this change of our Sunday Law. It seems to me, Mr. Speaker and members of the House, that he did find out, when he went all over this State, the sentiment for

and against, and, so far as I can understand, the evidence was preponderantly against any change, and after hearing the evidence the two who were in favor of the Sunday change voted against it in the final analysis.

We stand here today representing 800 churches in our State, over 150,000 members of the churches, over 90,000 Sunday school members, notwithstanding the Y. M. C. A. and Y. W. C. A. and Christian organizations. I say that with all due respect to these people and to the hundreds of thousands not connected with churches I believe it is not the proper time to change our Sunday Law, and I sincerely hope this amendment will not be adopted.

Mr. BREWSTER of Wells: Mr. Speaker, I do not feel I should entail the proper respect of the power that served in these halls sixty-two years ago under the Hon. James G. Blaine, if I did not rise to protest against this change in the Sunday Law. As the gentleman from Harpswell has said, he did not have much education; neither have I; but the best education that I ever had I received at that mother's knee who taught me the principles of upholding God's law, and I certainly hope that the motion to indefinitely postpone will prevail.

My constituents, I know, back home, the rank and file of them, do not want this Sunday Law tampered with, because it means the commercialization of the sabbath day or the Sunday Law, as you call it. I would not for a moment argue with any member on the floor on the Bible. Perhaps I could, but my father taught me to have the greatest respect for old age, therefore I would not reply to another gentleman who is older than myself. I sincerely hope that the motion to indefinitely postpone will prevail.

Mr. TOMPKINS: Mr. Speaker, I would like to second the motion of the gentleman from Paris, Mr. Perham.

Mr. ASHBY of Fort Fairfield: Mr. Speaker, I am not taking sides on this question either way, but I do hate hypocrisy. If we have a law against Sunday recreation, let us have it impartially enforced.

Let us not ignore the wealthy golfer who goes out and hires a caddy, and sends fifty dollars to the church in the morning, and then spends the rest of the day playing golf, and pick upon the street urchin playing baseball in someone's pasture. If we are going to enforce the law, let us enforce it to the letter. If we are going to ignore one law, let us ignore the whole.

The SPEAKER: The question before the House is on the motion of the gentleman from Bridgewater, Mr. Tompkins.

Mr. TOMPKINS: Mr. Speaker, I ask for a roll call.

The SPEAKER: As many as are in favor of the vote being by roll call will rise and remain standing until —

Mr. THOMAS of Harpswell: Mr. Speaker, is there not a motion before the House?

The SPEAKER: All those in favor of the vote being taken by a roll call will rise and remain standing until counted and the monitors have returned the count.

An insufficient number having arisen the roll call was not ordered.

Mr. PERHAM: Mr. Speaker, I move that the vote be taken by a rising vote.

The SPEAKER: All those in favor of the indefinite postponement will rise and remain standing until counted and the count has been returned by the monitors.

Fifty-eight voting in the affirmative and 64 in the negative, the motion to indefinitely postpone failed of passage.

Mr. JACK of Lisbon: Mr. Speaker, I wish to offer an amendment.

The SPEAKER: The gentleman is not in order in offering an amendment at the present time. I will ask the gentleman if it is an amendment to the amendment?

Mr. JACK: Yes, Mr. Speaker, I just as soon make it an amendment to the amendment.

The SPEAKER: The gentleman may offer this amendment.

Mr. PERHAM: Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER: The gentleman may state his point.

Mr. PERHAM: I would like to

ask if the vote on the amendment as presented does not have precedence of this one.

The SPEAKER: Not if this is an amendment to your amendment. The Chair will rule that, from a careful scrutiny of the proposed amendment, it does not seem to be in form as an amendment to the amendment.

Mr. JACK: Mr. Speaker, that amendment was passed to be by Mr. Sargent, who has been called home by the illness of his mother. Now I would like the assistance of the Clerk to get that in proper form so it can be put on at this time.

The SPEAKER: The Chair will state to the gentleman from Lisbon that the only motion before the House which is in order for action is the motion of the gentleman from Paris, Mr. Perham.

Mr. JACK: I wish to withdraw the amendment and I will present it later.

Mr. PERHAM: I now move that House Amendment A, offered by me yesterday, be adopted.

Mr. BURKETT of Portland: I rise, Mr. Speaker, just for the purpose of calling the attention of the members to the fact that this amendment does not take down any bars at all. It simply allows each town or city to vote on the question whether or not outdoor recreational competitive games and sports shall be permitted in those localities and with that limitation I second the motion of the gentleman from Paris, Mr. Perham.

The SPEAKER: The question before the House is on the motion of the gentleman from Paris, Mr. Perham, that Amendment A be adopted.

Mrs. CARTER of Fairfield: Mr. Speaker, I wish to second the motion.

The SPEAKER: All those in favor of the adoption of the amendment will rise and remain standing until counted and the monitors have returned the count.

A division being had, Seventy-two voting in the affirmative and 52 in the negative, the motion to adopt the amendment prevailed.

Thereupon, on further motion by

Mr. Perham, the bill as amended had its third reading and was passed to be engrossed.

Mr. JACK: Mr. Speaker, if in order, I move that the matter be tabled as I wish to offer this amendment.

The SPEAKER: The gentleman from Lisbon, Mr. Jack, moves that the House reconsider its action whereby this bill was passed to be engrossed.

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

Mr. BREWSTER of Wells: Mr. Speaker, it seems rather unfair that the gentleman (Mr. Perham) should hold the floor when there is an amendment or two amendments to be offered which did not affect his part of it at all. I do not know whether the people of the State realize that we have about a hundred village corporations. I happen to be one of the officials in mine and we would like to have a chance to insert the words "village corporations" in the amendment.

The SPEAKER: Will the gentleman state to what question he is speaking?

Mr. BREWSTER: The question on this amendment. I may be out of order but I would like to raise a question of personal privilege and explain something to the House.

A viva voce vote being taken, the gentleman from Wells, Mr. Brewster, was granted permission to speak on the amendment out of order.

Mr. BREWSTER. I thank you. The only thing I wish to talk about is that in the amendment after the word "towns" insert the words "village corporations." I want the corporations to have a chance to regulate their own territory. I went to the gentleman from Paris (Mr. Perham) yesterday and asked him in regard to this. I have just been over and asked him about it but he did not seem disposed to allow it to go on. Now we think there ought to be some way to do this, and I should have had an amendment prepared, but I did not get here in time this morning. We think, we people who live in these village corporations, that the town has no jurisdiction in regard to our regulations. All we ask is a chance to add on the words "village corporations." As I have said it af-

fects about a hundred corporations in the State of Maine and we think it no more than fair that the gentleman should yield the floor so that we might have this opportunity.

Mr. PERHAM: Mr. Speaker, I rise to a point of personal privilege on the same matter.

A viva voce vote being taken, the gentleman from Paris, Mr. Perham, was granted permission to speak on this same matter, out of order.

Mr. PERHAM: Mr. Speaker, I take no exception to Mr. Brewster's statement. I would merely like to ask if he has the amendment ready.

The SPEAKER: The gentleman may answer, if he wishes.

Mr. BREWSTER: I will say, through the Chair, that I have not the amendment with me. I intended to get here in time to prepare it but I did not.

Permission was granted Mr. Perham to again speak on this matter.

Mr. PERHAM: In this present bill each town has the right to vote at its annual town meeting on this matter, and the cities have the same right. I have no objection if the gentleman wishes to include the village corporations which are within the towns. I did not want to hold up the procedure and I advised Mr. Brewster to have it placed on in the Senate. I see no objection to anything of that sort. I do not wish to stand here and try to stop anybody coming in. I have waited until the last end of the Legislature before bringing this matter up. I have not gone to the committees and bothered them and I feel that now we should transact our business; so I move that this lie on the table temporarily for the gentleman to produce the amendment.

Mr. BREWSTER: Mr. Speaker, I would like to speak again on the question of a parliamentary ruling as to article seventeen. I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. BREWSTER: "No member shall be allowed to stand up to the interruption of another while any member is speaking." Now the gentleman did stand and barred everyone out.

The SPEAKER: The Chair rules

that the gentleman should have made his point at the time of its occurrence. The Chair will state further that it has been lenient throughout this session, and rather than to appear czaristic,—this thing having occurred very many times through this session,—and rather than appear to be a dictator, the Chair has permitted it to go on.

Mr. CHURCH of Hallowell: Mr. Speaker, I wish to ask an opinion on a matter of parliamentary procedure. Having refused to reconsider the last vote there can it be brought up again without the bill going into the other body?

The SPEAKER: It is out of order, but it is within the power of the House to do anything under suspension of the rules.

Mr. GOUDY of South Portland: I would like to move that the House be allowed to smoke. (Laughter)

Thereupon the rules were suspended and the motion prevailed.

Papers from the Senate, out of order and under suspension of the rules.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the committee on

Joint Select Committee on Administrative Code

Education

Inland Fisheries and Game

Maine Publicity

Public Health

Salaries and Fees

State Prison

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Bills in First Reading

(Out of order and under suspension of the rules.)

S. P. 633, L. D. 1056: Resolve in favor of several academies, institutes and seminaries.

(The rules were further suspended and the bill received its third reading and was passed to be engrossed in concurrence.)

S. P. 630, L. D. 1054: Resolve dividing the State into senatorial districts.

(The rules were further suspended and the resolve received its second reading and was passed to be engrossed in concurrence.)

S. P. 614, L. D. 1021: An act relating to the support of dependents of Soldiers, Sailors and Marines of the World War.

(The rules were further suspended and the bill received its third reading and was passed to be engrossed in concurrence.)

On motion by Mr. Burkett of Portland, a viva voce vote being taken, it was voted that when the House has completed its work this forenoon it recess until two o'clock this afternoon.

From the Senate: Report of the Joint Select Committee on Reapportionment reporting a resolve proposing an amendment to the Constitution, to provide for the number of Senators. S. P. 629, L. D. 1055.

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

In the House, report read and accepted in concurrence.

The resolve had its first reading. Senate Amendment A read.

A viva voce vote being taken Senate Amendment A adopted in concurrence.

Thereupon under suspension of the rules, the resolve received its second reading and was passed to be engrossed as amended by Senate Amendment A in concurrence.

Mr. FRIEND of Skowhegan: I would like to take from the table, Mr. Speaker, the first unassigned matter, bill an act relative to the powers of the Commissioner of Inland Fisheries and Game, S. P. 593, L. D. 990, tabled March 30, pending third reading, and I yield to the gentleman from Calais, Mr. Eaton.

Mr. Eaton offered House Amendment A and moved its adoption as follows:

House Amendment A

Amend by striking out in lines three and four of section two thereof the words "with the advice and consent of the Advisory Council"

and by striking out in line seven of said section two the words "with the advice and consent of the Advisory Council."

Mr. EATON: Mr. Speaker and members of the House: Just a word of explanation in connection with this amendment. As each county is not represented on the Advisory Council, it seems only fair that this matter should be left to the Commissioner of Inland Fisheries and Game. The expense of the Council traveling about the State to hold hearings, as provided for in the bill, would amount to several thousand dollars a year. Personally, I have nothing against any member of the Council. I think they are all well fitted for the positions that they hold, but I believe that this amendment would simplify the matter. We will all agree. I am sure, that the Commissioner of Inland Fisheries and Game is well qualified to pass on such matters. I believe that the members of the Advisory Council would agree with me on this matter. I also wish to state that the gentleman who presented the bill approved of this amendment.

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

Mr. ASHBY of Fort Fairfield: Mr. Speaker, we are proceeding under orders of the day, are we not?

The SPEAKER: We are.

Mr. ASHBY: As one of the members who voted for the indefinite postponement of House Paper 631, L. D. 538, an act relating to insurance agents and brokers, I now move that the House reconsider its action.

Mr. BOWERS of Portland: Mr. Speaker, I would like to speak to that motion. This bill has had such a crooked path through the House that it seems to me that yesterday's action was very inconsistent and that a great injustice has been done to one of our leading Maine institutions. The bill came over from the Senate yesterday with the report of the committee accepted. We moved to recede and concur with them by a satisfactory vote. An amend-

ment was offered and killed and then the House moved to indefinitely postpone.

Now, frankly, I do not believe any of you here, if you knew the merits of this bill and had gone into it, would oppose this measure. It was sliding along beautifully in the routine of business up to its third reading when somebody gets up and says it will take the bread and butter out of his mouth, and chaos developed. I wish that everyone of you would have taken the time to have gone into this measure a little more carefully. This is simply a company which has been doing business here for seventy-eight years and has been doing business in all the States of the Union. They have run up against a snag because a piece of legislation in another State prohibits their agents from doing business there and they come up here and ask you to correct it. Now that institution certainly deserves your help and support and should not be upset by one outsider. For instance, that institution, which is the Union Mutual Life Insurance Company of Portland, has \$327,500 invested in Maine securities, \$100,000 in Maine State highway bonds, \$39,000 in Portland Bridge bonds, \$26,000 in the town of Rumford, \$100,000 in the Bangor and Aroostook, \$200,000 in the Boston and Maine, \$30,000 in the Portland Terminal, \$15,000 in the Biddeford and Saco Water Company, \$260,000 in the Central Maine Power Company, \$22,000 in Eastport Water Company, \$223,000 in Rumford Falls, \$35,000 in Kennebunk. It has in real estate mortgages in this State, \$654,000; it has in the North Anson Water Company, \$15,000. Now this is not money from the people of the State of Maine, it is money from people outside of the State of Maine. The one purpose of the State is trying to get industries into it, to get money to come into the State, and this institution asks you for this piece of legislation. Similar legislation is in vogue in twenty-five other states, and we should have it here. I hope the motion to reconsider will prevail, and I would move that it be taken by a yea and nay vote.

Mr. FENLASON of Anson: Mr.

Speaker, this bill has been in the House twice and has been killed in the House twice. I read letters into the record yesterday from different companies opposing it strongly and only three letters which were solicited. I do not care to debate this question because it has already been debated and plenty of time has been put on it. Now this bill having been killed twice in the House, unless I am an outlaw I do not know why it should be brought up again. I do not believe there is a member in this House who would want to say that I am an outlaw. It never would have been brought up again had it not been for the powerful lobby against that rail which is trying to railroad a piece of legislation through here today. I hope that the motion will not prevail.

The SPEAKER: The Chair would inquire of the gentleman from Fort Fairfield, Mr. Ashby, to make certain in his own mind if the gentleman yesterday voted to indefinitely postpone.

Mr. ASHBY: I did, and I intend to vote the same way again today.

Mr. STURTEVANT of Livermore: Mr. Speaker, I have no personal interest whatsoever in the Union Mutual Life Insurance Company and I am not a policy holder in that company. My only desire is to see this bill pass is that a large Maine corporation, the only large life insurance company in Maine, should have an opportunity to compete in other States on an equal basis with other companies. As has already been said, that company is working today under a severe handicap, and it is only justice on our part to grant it this privilege. I further believe that our action yesterday in indefinitely postponing the bill was rather from a hasty impulse than the sound judgment of the members of the House. I hope that the motion to reconsider will prevail.

Mr. JACK of Lisbon: Mr. Speaker, so far as I know, the Union Mutual can appoint agents in any State of the Union that it wants to and I presume it does. That clears up that situation somewhat, but we are facing a

situation now that is somewhat new. There is something new every day to consider and perhaps that is well as it keeps interest alive. The proposition confronting us here now is this: Yesterday we argued the thing out and we had the facts all before us and the membership of this Legislature decided the proposition; but their decision apparently did not meet the favor of the lobby and the test now is whether the lobby is going to legislate on this question or the Legislature. We will see what the result will be.

Mr. BOWERS: Mr. Speaker, I heard one man who voted for indefinite postponement of this bill say that he voted that way because he did not like one of the fellows on the other side who killed one of his measures. Now if that is the policy of this body, I think we had better do a little house cleaning. I heard another man say that he was in favor of the bill, but he voted the way he did because three of his friends voted that way. I do not feel that we have any right to criticize the lobby too severely when we hear such things as these. If you will read your House rules, I think you will see that the gentleman who is so much interested in this matter had no right to even vote on the question. The rules say "No member shall be permitted to vote on any question in either branch of the legislature, nor in committee, whose private right, distinct from public interest, is immediately involved." Not that that is not all right, but I think his attack is unfair, and I think that if you do not reconsider this measure, you will certainly render an institution in Maine a severe injury.

The SPEAKER: Is the House ready for the question?

Mr. ASHBY: Mr. Speaker, I want to set the House clear on one point, and that is that I am subject to no lobby. I shall vote exactly as I did yesterday for indefinite postponement. I asked to have this matter reconsidered in a spirit of fairness that further facts might be brought out; but I want it distinctly understood that I am not working with the lobby in any way whatever.

Mr. MacPHERSON of Easton: Mr. Speaker, I am not interested in this question from the same point of view as is Mr. Fenlason, although I supported his motion. I voted against the bill every time and I shall vote against it again. I am not going to have a change of heart as has my friend from Fort Fairfield (Mr. Ashby). It seems to me that this is a political issue, and that there is a very large and powerful political lobby interested in a little insurance bill. Why this is is more than I can understand. I have been in the insurance business thirty years, and I do not know why the Union Mutual cannot be admitted into any State in the Union provided it has the money. Yesterday it was argued that the directors of the New York Life Insurance Company favored this bill. Why do they favor it? I presume it is because the business has got to go through these large agencies. I believe that we should not tear down the business of the State of Maine through any preference for any one company.

Mr. BRIGGS of Caribou: Mr. Speaker, I am one of those old line Republicans and I am proud of it. There seems to be a great misapprehension regarding this matter. The difficulty with the Union Mutual Life Insurance Company is the fact that that company is estopped from doing business in other states because agents of other companies are not allowed to do business in this State. This is simply pucker brush in the way of the free flow of business in the State of Maine, and I believe that the motion to reconsider should prevail.

Mr. JACK: Mr. Speaker, I would like to ask the gentleman from Portland, Mr. Bowers, how many states in the Union is the Union Mutual permitted to write insurance in?

The SPEAKER: The gentleman from Portland (Mr. Bowers) may answer if he wishes.

Mr. BOWERS: Mr. Speaker, I will say this that I am not sure but I think 34 states.

The SPEAKER: Does that answer the gentleman?

Mr. JACK: Yes. That shows that they are permitted to write

in other states just as I pointed out.

The SPEAKER: Is the House ready for the question?

Mr. McPHERSON: Mr. Speaker, I would like to ask the gentleman from Caribou (Mr. Briggs) if he took the same attitude in regard to the hunting bill as he has in regard to this insurance bill?

The SPEAKER: The Chair thinks this question hardly consistent but the gentleman may answer if he wishes. Is the House ready for the question?

Mr. BOWERS: Mr. Speaker, I ask for a yea and nay vote.

The SPEAKER: The gentleman asks for a yea and nay vote. All those in favor will rise and remain standing and the monitors have returned the count.

A division of the House being had, An insufficient number arose, and the motion for a yea and nay vote failed of passage.

A viva voce vote being taken on the motion to reconsider, that motion failed of passage.

The SPEAKER: The Chair lays before the House Senate Paper 576, L. D. 912, an act to increase the salary of the sheriff of Somerset county; and the Chair recognizes the gentleman from Caratunk, Mr. Sterling.

Mr. STERLING: This bill was brought in yesterday and it was moved to indefinitely postpone it. This morning I wish to ask the House to reconsider its action whereby this measure was indefinitely postponed.

The SPEAKER: Did the gentleman vote yesterday for indefinite postponement?

Mr. STERLING: I will say that I was absent yesterday when the vote was taken.

The SPEAKER: The Chair will have to rule the gentleman is out of order in making the motion for reconsideration.

Mr. MORSE of Oakland: Mr. Speaker, having voted to indefinitely postpone this bill, I will make the motion to reconsider.

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

On motion by Mr. Friend of Skowhegan, a viva voce vote being

taken, the bill had its third reading and was passed to be engrossed.

The SPEAKER: The Chair now lays before the House, House Paper 943, L. D. 996, resolve in favor of the Augusta State Hospital for new construction, recalled by Legislative joint order.

On motion by Mr. Morse of Oakland, the House voted to reconsider its action whereby this resolve was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby it was passed to be engrossed.

Mr. MORSE: Mr. Speaker, I now offer House Amendment B and move its adoption, as follows:

Amend said resolve by striking out the words "one hundred forty-four" in the second line and substituting in place thereof the words "seventy-two"; and further amend by striking out the words "two additions" in the fourth line and substituting in place thereof the words "one additional wing."

Mr. FARRIS of Augusta: Mr. Speaker, I will say that I presented this resolve and it went through for \$144,000. I supposed it had been amended by the gentleman from Portland, Mr. Carleton, but it was overlooked and this amendment is agreeable to the proponents of the bill and corrects an error in it. I am in favor of adopting this amendment.

Mr. CARLETON of Portland: Mr. Speaker, I beg that the House excuse me, but I think this is the first thing that has got by me. (Laughter)

A viva voce vote being taken, the amendment was adopted and the bill as amended was passed to be engrossed.

The SPEAKER: The Chair lays before the House, House Paper 9, L. D. 15, an act relating to closed time on deer, recalled by Joint Order.

Mr. FARRIS of Augusta: Mr. Speaker, I move that the House reconsider its action whereby it accepted the ought not to pass report on this bill on March 27th.

I will say in connection with this motion that there was another bill pending at that time which we supposed would take care of this matter. It died in conference yesterday afternoon, and it was agreed that this bill would be postponed

or reported out from the committee ought not to pass. The purpose of reconsideration is to offer an amendment to take care of the situation.

Mr. BRIGGS of Caribou: Mr. Speaker, I simply wish to make an explanation at this time. I have an amendment prepared to this bill which I believe will satisfy Aroostook county and the other northern counties regarding the open season on deer. We have gotten together on the proposition and I think it will be satisfactory to everybody concerned.

Thereupon a viva voce vote being taken, the House voted to reconsider its action whereby it voted to accept the ought not to pass report.

Mr. FARRIS: Mr. Speaker, I move that the bill be substituted for the report.

A viva voce vote being taken, the motion prevailed; and on further motion by the same gentleman the bill had its two several readings.

Thereupon Mr. Briggs of Caribou offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 8, L. D. 15, entitled: "An act relating to closed time on deer."

Amend said bill by striking out all of said bill after the enacting clause and inserting in place thereof of the following:

"R. S., c. 38, s. 61, amended, relating to closed time on deer. Section sixty-one of chapter thirty-eight of the revised statutes is hereby amended by striking out all of the first paragraph of said section and inserting in place thereof the following:

"Sec 61. Closed time on deer in certain counties. There shall be an annual closed season on deer in the county of Aroostook from December first of each year to October fifteenth of the following year, both days inclusive; and in the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York, from the first day of December of each year to the thirty-first day of October of the following year, both days inclusive, and in the counties of Washington, Hancock, Penobscot, Somerset, Piscataquis, Franklin and Oxford from December sixteenth of each year to October thirty-first of the following year, both days inclusive, except in game sanctuaries as established by law, where closed season is perpetual, during which said closed sea-

sons, except as hereinafter provided, it shall be unlawful to hunt any deer or have in possession any part thereof; and no person shall during the open seasons above named, except as hereinafter provided, kill or have in possession, more than one deer or part thereof. A person lawfully killing a deer in open season, shall have a reasonable time in which to transport the same to his home and may have the same in possession at his home in closed season."

A viva voce vote being taken House Amendment A was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Burkett of Portland, the House recessed until two P. M.

AFTER RECESS (2 P. M.)

The following resolves were received, out of order and under suspension of the rules:

Appropriations and Financial Affairs

By Mr. Burkett of Portland: Resolve in favor of the House of the Eighty-fifth Legislature. (H. P. 1445)

By Mr. Davis of Oldtown: Resolve in favor of James P. Lewis, representative of the Penobscot Tribe of Indians. (H. P. 1446)

By Mr. McCart of Eastport: Resolve in favor of Peter Moore, representative of the Passamaquoddy Tribe of Indians. (H. P. 1447)

Passed to be Engrossed

(H. P. 1443) An act to designate the State Highway leading from Brunswick through Jackman to the Canadian Line as The Arnold Highway.

(H. P. 1444) Resolve in favor of the town of Wiscasset.

(At this point Congressman Beedy of the First District was escorted to a seat beside the Speaker, amid the applause of the House, the members rising).

The SPEAKER: The House is now proceeding under orders of the day.

Mr. Morrill of Gray presented the following order, out of order, and moved its passage.

Whereas, the distinguished veteran legislator, Edgar Rounds, is

detained at home by illness, it is

Ordered, that a committee of three be appointed by the Speaker to purchase flowers suitable for Easter Sunday, and to see to it that they are delivered to the Hon. Edgar Rounds on that day, as a token of the esteem and regard of this Eighty-fifth legislature, and to express its hope that he will have a speedy recovery, such message to be conveyed to him from the House in a message signed by the Speaker.

And be it further ordered that the pages proceed to pass among the members with suitable containers to collect contributions for flowers or other comforts.

The order was adopted by a unanimous rising vote, and the House was declared at ease for the pages to perform their duty.

REPORTS OF COMMITTEES

(Out of order and under suspension of the rules)

Mr. Burkett from the Committee on Rules and Procedure on the order relative to the Committee on Motor Vehicles reports that the same ought not to pass.

Report read and accepted and sent up for concurrence.

Mr. Jacobs from the same committee on order relative to the committee on Insane Hospitals reported that the same ought to pass.

Report accepted and the order read and passed and sent up for concurrence.

The SPEAKER: The Chair will state to the members that, if expedition is used, there is every possibility of being able to adjourn without day some time during the day Saturday, if not before. Again the Chair does not wish to be understood as attempting in any way to hurry any necessary deliberation.

On motion by Mr. Farris of Augusta, it was voted to take from the table House Paper 1442, L. D. 1058, an act in regard to the practice of any healing art or science, which was tabled earlier in the day, pending second reading.

On motion by Mr. Farris of Augusta, the bill was given its second reading.

That gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to bill, an act in regard to the practice of any healing art or science.

Amend said bill by striking out the words "exempted under the foregoing paragraph and" in the second line of section two.

A viva voce vote being taken, the amendment was adopted, the bill was given its third reading, under suspension of the rules, passed to be engrossed, and sent up for concurrence.

On motion by Mr. Allen of Sanford, it was voted to take from the table the fifth unassigned matter, an act relating to trial terms in York county, S. P. 418, L. D. 525, tabled March 31 by that gentleman, pending the motion of Mr. Angell of Saco that the bill be indefinitely postponed.

Mr. ALLEN: Mr. Speaker, I now yield the floor to the gentleman from Berwick, Mr. Varney.

Mr. VARNEY: Mr. Speaker and members of the Legislature: We have in York county a large, convenient, nice court house, and that court house is situated in the town of Alfred. It has been there for a great many years, and was there prior to my birth. Connected with that court house and really part of it, are two brick fireproof wings. In one of those wings the Registry of Deeds is down stairs, and the Registry of Probate up stairs. All the probate records, except such as are needed for the terms of court, are kept in the other wing down stairs. The clerk of the Superior Court occupies the rooms down stairs and the vault is there where all the records of the superior court are kept. Upstairs is a place for the presiding justice of the Superior Court. The court room is convenient for the purpose of trying cases, and for every purpose; we have a nice law library up stairs, a convenient room for witnesses,—in fact a court house well adapted for the trial of cases. Twelve miles from there, in the city of Saco, there is the Saco City Hall, erected for the usual purposes of a city hall.

When the court house was first constructed in Alfred, as I under-

stand it, though of course my memory does not go back that far, it was necessary for everyone going to court to go there by team or on foot. During the spring and fall terms of court that was satisfactory to everyone, and Alfred being the geographical center of the county was where we built our court house. During the winter term it was impossible for many people to get there either by team or on foot, and in order that we might try some cases during the winter term, we began holding that term in the city hall in Saco. In order to hold court there we had to construct temporary scenery along in front of the stage, a temporary room for the attorneys, a temporary room for the judge and a temporary rail to divide the jury from the people and get along the best we could. Saco was selected at that time, as I understand it, because Saco and Biddeford were fairly large communities as Maine towns go. Alfred is a small town. Also in Saco they had two branches of the railroad which went through there, the Eastern and the Western running between Portland and Boston.

Now the situation has changed entirely and we have a nice State road to Alfred and practically everybody who goes to court today go in their automobiles and very few use the train. In fact the train service to Saco has gradually been taken away by the railroad, and, if I am correct, no tickets are being sold in one Saco station at the present time.

When I came down to this Legislature I had no interest in taking our January term of court back to Alfred. That was farthest from my mind. After I had been here some time I learned that such a bill had been introduced. The weekend that I was home I saw one of the principal proponents of this bill and he notified me that the bill had been introduced and had been sent to my committee which happened to be the Judiciary committee. The gentleman told me himself that he knew it was coming to my committee, that he had been down here and had done some gum chewing with that end in view, whatever that might mean. We gave the opponents and the proponents a full hearing, which lasted

over two hours as I remember. My good friend from Saco, Mr. Angell, was present but did not speak. I felt that there might be some feeling on the part of some of the Saco lawyers if I signed the report without previously telling them why I signed it; so I stood up before that committee and told them my position.

There has been a question as to whether the most of my practice was in Maine or New Hampshire, and I said perhaps a little more of it was in New Hampshire. I might say that I try my cases wherever they are and that I am a member of the York Bar and live in Berwick, Maine and always have.

The chief reason why I did believe and always will believe that the court should be held in the court house is this: We have every convenience there for trying cases and there are practically none in Saco. Secondly, the conditions have now changed so that Alfred is more accessible to a greater number in the county than is Saco. Thirdly, as a citizen of York county I have an interest in our financial affairs, and it certainly costs us \$2,000 extra to hold a session of court in Saco. The actual expense of this last term of court was brought out before my committee and the figures were some twenty-one hundred odd dollars; I cannot tell you the exact amount.

I did not hear the argument the other day of my good friend Mr. Angell because I was absent; but I understand that he suggested that I might have some interest either in the hotel, the court house or in some property in Alfred. Along that line I just want to say that my residence is approximately twenty-three miles from Alfred and approximately thirty-two or three miles from Saco; so that I am practically as near one as the other and the State road goes to both from my place. I have no interest in the hotel or in any property at Alfred. Neither have I any interest in any property in the city of Saco, and I think that I can look at this matter from an unbiased standpoint as a citizen of York county. We gave this matter a full hearing and I think the other members of the committee

will bear me out that I did not take any part in the discussion. I told the committee that they knew how I stood and they could vote as they saw fit. My good friend, Mr. Authier of Sanford, told the committee likewise and the vote was unanimous ought to pass, as you know. The bill went back into the Senate and it came in here by special messenger one day and was sent to the York county delegation. That was the first time it had ever been suggested to me that anybody wanted an expression of the York county delegation. Had I known that, I would have been more than pleased to have had this matter decided by the York county delegation. One of the House members placed it on the table and that evening we had a meeting of the York county delegation. The topic under discussion at that meeting was whether the members of the York county delegation were required to hold another hearing on this bill. If they were, I was against it. If not, I was perfectly willing that we should take the expression of the York county delegation. Before the meeting broke up we took an informal vote, a secret ballot, and there were sixteen members present, who voted ten to six in favor of the bill.

That is all I want to say except this: There may be an impression in the minds of some members that this bill moves the court house. It does not move any court house, but merely provides that we should hold court in our own court house rather than in Saco City Hall where we have been holding it. All we have got to do is to open the court house door in Alfred.

Mr. AUTHIER of Sanford: Mr. Speaker and members of the House: I was slightly amused the other day when my good friend Angell told about the little dog going through the streets with a tin can attached to his tail. Now let me rid your minds of the idea that green horns like Varney and myself in matters of legislation could influence the minds of these old lawyers and legislators, and let me state right here that Brother Varney and myself had no interest whatsoever to influence the minds of our companions. He has told you the facts about the January

term of court held in the city of Saco, and I wish to state that at the last session it cost the county of York \$2172.50 in the operation of that particular term. I will say as one of the various arguments that were given to the members of the committee by one of our county commissioners, that there is an item here of an extra deputy which cost the county \$133. If the term had been held in the shire town, Alfred, there would have been no need of an extra deputy.

Now the transportation of prisoners from Saco to the county jail cost \$163. The expense of our Clerk and county attorney for board and room at the Hotel Thacher in Biddeford amounts to \$468.79. I could go on here with other items, for instance we bought twenty-one tons of coal at sixteen dollars a ton, making a total of \$236 for fuel, and I could enumerate other items, but I believe those are the main items I desire to bring to your attention.

It was said day before yesterday that 75 per cent of the cases were tried at the January term in Saco. I believe that my good friend Angell is in error and I will state that 75 per cent of the cases are tried in the shire town of Alfred, and that 75 per cent of the entire population of the county of York must go through the town of Alfred to reach Saco at the January term of court.

In closing I want to say that in no way, as brother Varney and I think, as young as we may be, and it is not a crime to be young—we are starting in life and if brother Varney has only tried four cases at the January term at Saco, it is because the lawyers on the other side won their cases from him.

Mr. ANGELL of Saco: Mr. Speaker and members of the House: It is rather unfortunate that I am put in the position of the fellow who had to sell his cabbages twice. Had I known that the proponent of this proposed bill from York county was to be Mr. Varney, I most assuredly would have not entered into any debate whatsoever in his absence, and he has assured me of his firm belief to that effect.

I understood from the testimony of Mr. Varney at the hearing before the Judiciary committee that he

had said all he had to say on the matter and I sincerely expected the proponents to produce their evidence from some other source. But, in justification, my people being absolutely opposed to this, I have got to inflict upon you folks a repetition of some of the evidence I presented to you the other day, and I will try and be as brief as possible.

In order that you may get a picture of just what this situation is, I will say that every year in York county there are held three trial terms of court, one in the month of May, one in the month of October and one in the winter month of January. The May and October terms of court are held at this beautiful court house, with all of the paraphernalia and fixtures that go to make a most excellent court house. We are not minimizing what there is there for it is perfect; but for the past seventy-two years, for the convenience of the people who have to do with this January term of court, and for the convenience of the officers of that court from the judge down, that January winter term has been held in the city of Saco. It is rather interesting, and I might say amusing, that for seventy-two years the keenest and ablest legal minds in York county have appeared in the so-called City Hall in Saco at the January term of court, and, up to the present time, have yet to go on record as finding any objection whatsoever with that arrangement; but we must wait until this moment until a young man, my colleague and personal friend, the half of whose practice is admittedly in the State of New Hampshire and who has tried but two cases in that court, appears before this Legislature and says that that Saco court house is not a fit place to hold the court and that it should be moved to Alfred.

Now, gentlemen and ladies, the people most vitally concerned in the first place are those to be considered; but the trial judge of the court goes on record as being perfectly willing that the court be held in Saco in January and not in Alfred. The Judge of the Probate Court takes his time to come down here and use his best effort to see that it stays where it is, in Saco

in January. The county attorneys, past and present, and the Clerk of Courts,—and I cannot remember when he began to be Clerk of Courts—takes his time and energy to come down here and appear before certain members of this Legislature, to prevent if it be a physical possibility the movement of that court from Saco back to Alfred, appreciating that Saco in January is a desirable place to have that court held.

These are the people who are interested. Now where does the public come into this picture? The public appear as jurors, as those interested in the cases, and yet there appeared before this committee on behalf of the public not a single person other than the citizens representing the town of Alfred who would be glad to see something more come into that little town. Referring to various representatives who in our so-called straw ballot voted in favor of moving this term, we produced letters from the leading attorneys asking for the court in January to be left in Saco and there were no letters from the public praying that it be moved to Alfred for their convenience.

Now why do these people who do the business of the court insist and go so far as to take their time and energy to come down here to Augusta and appear against moving this term of court? Every lawyer who takes witnesses to that January term of court knows what it means to go there with no accommodations of any kind, neither restaurant or otherwise. He must take them five miles up to an adjoining town to a grocery store and seat them at a counter to have their lunch at noon; and if the jury is out after supper and the supper has got to be sent for, somebody has got to take them in the middle of the winter up to that country store to get their supper or they must be lugged over to the town of Sanford where my colleague, Mr. Authier, comes from. They all know what it means and that is why they are so anxious to have this court held in Saco where they have the various conveniences to make it possible to take care of them comfortably.

Now there appeared behind all

this thing, according to the testimony of the chief proponent of the bill, evidence to the effect that if this term of court was moved to Alfred, a hotel now vacant, the mortgage on which is now held by a local bank, would find it possible to get a tenant to take over that hotel, put it in operation and take care of the so-called winter business that might come in January. But right now there are no facilities of that sort, and in order to get them, we must move this term of court. The people want to move the trial term of court in order that a bank with a defunct hotel on its hands may have an opportunity to dispose of it to somebody else.

Now the cost of the court, which is one of the strongest points that the proponents of this bill had to offer—they stated that it cost \$2,100, and they stuck onto that list every conceivable item of expense that could be possibly fastened onto it. They did not tell you how long that term of court was; they did not show you fellows that the January term of court is in most cases as long as the combined May and October term. That testimony was not given to you. They did not tell you that 75 per cent of the cases tried at the January term of court come from that little area along the seashore of York county, namely within approximately ten miles of the city of Saco. They did not tell you that, and they did not tell you that the cost of that court was borne by that little section within that same radius that pays better than half of the total tax of York county—and who under the sun has got a better right to get a run for their money than the people that put it up? And, by the same token, they did not tell you that nearly one-half of the population of the county comes from that same territory served by that Saco term of court.

Now there is nothing unreasonable in the condition that now exists that one out of three terms of court be held where the people are—where the business is, and where the people concerned with that term of court want it held. There is nothing unreasonable about that, and there has been no question for 72 years, until these young men

stand up here before this body in opposition to men senior by years and years and standing at the top of their profession and propose to tell you that for some reason the court should be moved to Alfred.

Now we have three Senators representing York county, one Senator in the southern end of the county, who went on record and spoke in favor of having this court where it was; another Senator from the northern and eastern end of the county who wants the court left where it was—those two men represent the citizens not of any particular locality or condition—and the other Senator is the proponent of this bill.

Now I won't argue about the cost of the court. I told you the other day they stated the last term of court cost \$2,100, one of the highest terms ever held, one of the longest terms, by virtue of a reason, but he did not tell you that in order to get the fair cost of that court to York county that you might take the past ten years and strike an average. Just do that, and your average cost of that court is \$835, over a period of ten years.

Now, members of this House, it seems to me there is one thing for you folks to look at in this measure: Three terms of court, only one of them going into the community in question, the other two in Alfred, giving service to people in that section of the county, one term down here where it has been satisfactorily held for 72 years.

These proponents are speaking in direct opposition to the majority of the attorneys doing business in that court, and in direct opposition to the officers of the court itself and, back of it all—if you will only move the term of court—we will accommodate the public by unloading this hotel on somebody and by having them run it and take care of the people when we get the court there.

Now, if you can find one shred of evidence where anybody in York county, or, I will say, even in the city of Portland where your varicous firms of attorneys are who try cases in Saco—if you can find anyone among the lawyers who can in any way offset the 48 out of 63 members of the York County Bar that want that court to stay in Saco, then I will ask you to vote

no against indefinitely postponing this bill, but if you believe that an institution which has officiated for 72 years, has satisfied the men doing business there, has satisfied the officers of the court and with which the public is apparently absolutely satisfied, because there is no evidence of a public demand for a change, and if you believe with me that we never should move a term of court which has such a historical background for the sake of taking care of a vacant hotel, then I will ask you to vote yes with me to indefinitely postpone this bill. I thank you.

Mr. GOODRICH of York: Mr. Speaker, I would like to second Mr. Angell's motion, and in doing so I want to say that I was unfortunately the one member of the York delegation that was unable to attend the meeting which was held and at which the expression of opinion about which he informed you was voted. I do know the lawyers in the town of York, one of the towns I represent, are very much interested in having the court left where it is.

Mr. ALLEN of Sanford: Mr. Speaker and members of the Eighty-fifth Legislature: I have listened with a great deal of interest to the gentleman from Saco, Mr. Angell, the gentleman who moved to indefinitely postpone this matter.

Now when my father died he left me the State of Maine to get a living in, and I have got it ever since, and a good one, and before he died he told me to always go square, and I have tried it and I have found that it works well. I have been in the Legislature, excepting two years, since 1917, and no man has ever pointed his finger at Harmon Allen and ever said that he double-crossed them, and in speaking to you about this matter I want to impress upon your minds that whatever I say here is absolutely true in every respect. I want you to know the case just as it is, not as it might be, but just exactly as it is.

Now my Brother Angell told you that the attorneys of York County are all against this measure. Now there are 74 attorneys in York County. 42, he says, voted against this—simply a mistake, that is all

—there were 41 who met in a place between his place and Saco and 14 voted to leave the court in Saco, 2 of them voted not to, some of them left the room, and the rest of them never voted at all.

He says that the people of York County are not behind this measure. He knows better than that. The people of York County, 75 per cent of them that live the other side of Saco and Biddeford, even practically beyond Alfred itself, 75 per cent of those people have to come down through the town of Alfred to get to the January term of court in Saco. Now that is a fact. And the other 25 per cent, they got them right into a corner, and I tell you fairly and squarely that some of them in Saco, two I think, wished that the court house would go up to Alfred because they wanted the town hall to use for their own accommodation. He says that the city of Saco can accommodate them; he tells you that the people who go to the court at Alfred have to come down over a country road, and he knows better than that. It is as good a road as that which goes from Alfred to Saco, and it isn't any farther from Alfred to Saco, than it is from Saco to Alfred, not a bit farther, just exactly the same, twelve miles; and the road from Alfred down to where he says they get dinner—they don't have to go down there if they don't want to—but where they do go down, that road is just exactly as good a road as from Alfred down to Biddeford. You might as well, and you know it just as well as I do, go over to Waterboro and get your dinner as go over to the city of Portland, eighteen miles, when you are down to Saco, and get your supper. That is where they go. They do not stop in Saco; the lawyers go to Portland and come back the next day. You know as well as I do that in this day of the automobile they do not stop anywhere over night; they go home, the jurors and everybody else go home and get their supper—and stay there over night. That is a fact that cannot be denied.

Not only that, but when they had the meeting out here before the committee he says the lawyers appeared, and so they did, but where did the lawyers come from? The

lawyers came from the cities of Saco and Biddeford. That is where they came from, and they had their paid lobbyists right here in this hall, the cities of Biddeford and Saco had their paid lawyers right here to bolster up their case. I claim, and I think I am right, that when you have got a case that is absolutely open and above board, you do not need anybody down here to lobby the case through for you. All you have got to do is go fair and square and you are absolutely all right, and everything will be all right.

Now I have listened to some of the evidence here. They say that when we had the committee meeting, by 10 to 6 they voted to leave it to the York County delegation. That was a fair proposition. We were satisfied. They left it to the York County delegation and we voted 10 to 6 to carry this court up to Alfred, where it belongs, in a court house that cost the county of York \$300,000. He says right here that the cost of the court was \$836,51 a year on an average of ten years. Let me see if I can count. I know I have not much of an education, but I know how much two and two is.

In 1921 the expense of the court at Saco, ten years ago, was \$1,128, 1922, \$1,007.30; 1923, \$1,431.48; 1924, \$1,650.29; 1925, \$1,082.48; 1926, \$1,439.75—and, get this next one—1927, \$2,376.86—more than it cost this past year. In 1928, \$2,516 and some odd cents; 1929, \$1,304.90; 1930, \$2,243.81—I think that is wrong—I think it is twenty-one hundred and some odd dollars. Now if you can make an average of \$836.51, make it, and leave the court down to Saco.

The County Commissioners appeared for this bill right here before the Judiciary Committee, they all appeared—not all, but Mr. Roberts appeared here. The gentleman said the figures were not right. Mr. Clarence L. Hussey, in a letter to the committee says: "This is to certify that the statement made at the Judiciary Committee hearing on March 11th of the present month by Mr. Elmer M. Roberts, Chairman of the Commission, to the best of my knowledge and belief are correct. (Signed) Clarence

L. Hussey." Those are the figures that appeared before.

That would cover that case where they had to go by horse and team, but for the last twenty-five years, anybody who knows anything about the situation will admit that for the last twenty-five years, or twenty anyway, it should be up to Alfred. That road is only twelve miles long. They say why have that court down to Alfred? Why not have the Legislature go up to Bangor to accommodate those people over there? We have done it once or twice over to Portland to keep in better touch with things; a committee went over there once or twice and had one or two hearings. The place to have the Legislature is right here in this State House where we are this minute. Where do you hold your court? You hold it in your court house, right where the facilities are, right in the middle of the county. There is the place to hold the court. Once in a great while you may have an occasion where it demands it, or it would be all right to go down to Saco, perhaps, and hear a case, but when you are talking about courts, the place for the court is in Alfred, that is where it belongs.

When terms of the Supreme Judicial Court were first held in Saco, that was a city of 3,219 people while Sanford was a town of 2,357 inhabitants. Now since then Saco has grown to be a city of 7,233. Sanford has grown, in the meantime, to be 13,392. Now Sanford, and that is where I come from, is five miles the other side of Alfred from Biddeford. These people have got to go through the town of Alfred to go to this court house down there, to please who? To please a few lawyers who would like to have it right down there, so they themselves can come home and get their dinner, and they do not give a hoorah whether the rest of the people go over to Portland and get theirs or not. He named the County Attorney, and he named others. They did not appear at the hearing and say that stuff. They voted to bring it up to Alfred by a vote of 10 to 6. Four of those who voted to keep it in Alfred were from the cities of Biddeford and Saco; the other ten were scattered around over the county,

which reflected what the people thought back home in the other towns. Now Saco and Biddeford, taken together, are quite a big place, but put them together and they are not much bigger than Sanford. Why should we go to all this expense when it is not necessary? The farmers in Acton, Shapleigh, Newfield, Limerick, Cornish—all those places—all through the Berwicks, have got to come right by Alfred to get down there. Why not stop here and save all that money? That is the way it looks to me.

The court house cost us some \$300,000, and we think we have got a good court house over there. There is no reason in the world why we should not have that court at Alfred. Every farmer that has come to my place in the last four or five weeks, since this thing came up in the Legislature, has said "I understand they are talking of taking the court back to Alfred. I said "I understand it is before the Legislature." They said "I hope they do; that is where it belongs." Some of the delegation that voted against moving that court told me in private conversation that they really and truly thought that it belonged up to Alfred. These attorneys that would like to have it down there in Saco, every one of them belongs down there in Saco. As I said before, the chairman of the County Commissioners came up and appeared for it. Mr. Angell came before the committee, but he never said a word. This bill went through the Senate and came over here. They had a little query on it in the Senate as to which way it should go, but when they found out, it came back here for third reading before it was stopped by him. Why, I don't know. He speaks about these two young men coming in here, Mr. Varney coming from Berwick, George Varney, a good friend of mine—we are all friends down there—and I hated awfully to have this thing come up because the York County delegation, as everybody knows, have been just like a lot of kittens, and we are going to be after this thing is all over—but this thing came up and for a moment it looked as if we were all stove to pieces. This man Varney is a young man, and

I am going to tell you now that if this man Varney has tried two cases in the court of the county of York, he has done it because the other lawyers down in Biddeford were good to him and let him. That is the only reason. If they had their way, they would not let anybody but just those people down there do that work. Not only that, but the principal trial cases in York County today are tried by two lawyers over in the town of Sanford, and both of them are for moving the court house. I hope that this motion to indefinitely postpone this bill will not prevail.

Mr. ANGELL: Mr. Speaker, it seems rather foolish for me to stand up here and talk back to my esteemed senior who has seen all the years of service he has put in. I have the highest regard for his integrity, and I value his friendship second to that of no man, but as to some of these statements, gentlemen, I can only say that Mr. Allen was misinformed or uninformed.

Now as to the number of attorneys he referred to as supporting this measure, the so-called bar association, when this vote was taken there were a lot of barristers in the hall, a lot of lawyers. You probably know that a lawyers' bar dinner is more or less of a hilarious affair, and the judgment, perhaps of some of the members, may not be as keen at such times as it is generally, but that is without any aspersion at all. But a poll was taken of the entire bar association, 63 members, and 48 of the 63 went on record as favoring the retaining of that term of court in Saco. Now that is that.

Now the second assertion that I take exception to is that the opponents of this bill who appeared in this hearing came from Biddeford and Saco. I will say this, for your information, and for Mr. Allen's information: That the senior member and the junior member of the biggest firm of attorneys in the town of Sanford appeared and testified at that hearing in favor of retaining the court house in Saco, and so interested were they that they stayed over and slept in my room for two nights. (Laughter) Now that is that. That is kept on

the register of the Augusta House and on the records of the Judiciary Committee.

Now I have not got a reputation established by years of service for unimpeachable integrity in this body, but I can stand on my feet in the time that I have been here and defy you to ask if I have not played square with them, and that is all I ask you to do now.

When you get down to the so-called golden text of the cost of that court, the statement I made was that over a period of ten years the average cost of holding that court in Saco was \$835, and those figures were compiled by the clerk of courts, the man who makes them up, submits the bills and has them made, written by him and handed to me, and that same committee knew that to be a fact.

The next thing I take exception to is the fact that everyone in attendance at court in Saco goes to Portland. With your own ears you heard evidence here where they pay hotel bills in our adjoining town of Biddeford for meals and lodging, and there are three restaurants on the street and the street is full of automobiles at every session of the court, and you have to wait to get into these restaurants to get served. They don't go to Portland, as the accommodations are there for them.

Now I can only reiterate, gentlemen, that it seems to me that if there had been this tremendous demand which now suddenly has developed for the movement of this court from Saco to somewhere else, that some evidence in person would have been produced at that committee hearing. There certainly was material evidence enough by those opposed, to such an extent that after two hours of hearing I would not testify, feeling that the committee must have had enough evidence. Those in favor of moving that court were represented by one man, the proponent of the bill, one man on the committee, who got up and stated his position and said that he would have nothing more to say about it, that he wanted them simply to know his position, and three individuals from the town of Alfred, city fathers, who wanted it moved up to their town.

Now I have given you the facts, gentlemen, and I can back up every one of them. While I question no man's integrity, I simply cannot sit here and hear statements made I know absolutely are not so. Now as far as the vote taken in our delegation is concerned, the matter was referred to our delegation by the Senate, and I stood and argued before that delegation and asked them to recede the matter and let us wash our own linen. And who was the chief opponent? My esteemed friend from Sanford said "No, it does not belong to this delegation." And having polled the vote, the delegation recommended that we did not, and the vote was taken not to consider it, then, right on top of the wave, in order to show how the delegation felt, a straw vote was taken, which it was agreed by all should never be talked about, in fact the members insisted on it being a secret ballot because they did not want anybody to know where they stood on the matter. It came out, as you have heard. Now my friend says that a certain number of them came to him and said that certain people asked for this, that or the other. I can say that certain members have come to me and wished to glory they didn't have to vote in their own county on it. That is how they feel about it. They would give their own shoes if they did not have to go on record as to how they are going to vote. I ask that you members here vote yes, to indefinitely postpone this bill, if there is the slightest doubt in your mind as to which way you should vote.

Mr. VARNEY of Berwick: If my good friend from Saco, Mr. Angell, could have seen the senior and junior members of the biggest firm in Sanford the other night, I think he would have found there must have been something wet there too, as well as at the bar supper. I want to explain to the House what firm he no doubt had reference to, the firm of Emery, Waterhouse and Sidel, of Biddeford, or rather, Emery, Titcomb and Sidel—I am wrong again—it is Waterhouse, Titcomb and Sidel, formerly the firm of Emery and Waterhouse of Biddeford, Maine. Mr. Sidel, it is true, comes from Sanford, and so does Mr. Titcomb come from San-

ford, and I believe they still have an office in Sanford, but I take exception when he says they are the biggest firm in Sanford. He has talked in generalities. He has told you it cost \$800 to hold this term of court on an average, but as far as I know, not one actual figure of expense has been produced either to you or to the committee. The proponents of this bill did bring actual figures from the county commissioner's books, showing what that term of court cost.

Now they have made a lot of mis-statements of facts. We seem to be agreed on the law, but we are a long way off on the facts. This is purely personal. He says I admitted I had only tried two cases before that term. I don't know when I ever admitted that. As a matter of fact, in my three short years of practice I have actually tried five, that is, before a jury, although I only won two—perhaps that is what he meant.

He speaks about the circle around Saco, and how the greater per cent of the people live around the city of Saco, and that a circle with a radius of ten miles took in the great per cent of the people of York county. If you would extend that circle two more miles, you would find, probably, a quarter of that circle would be over the Atlantic ocean, and another quarter in Cumberland county; a third quarter would be up on some of the seacoast towns, along by Wells, and the fourth quarter would take in the Alfred Court House. I cannot see any argument there.

Now I talked with the clerk of courts and he told me at the last term, as near as he could remember, there were five jurymen who stayed over night in Saco, and when I looked up the residences of those five jurymen I found four of them had to come through the town of Alfred to get to Saco, and the fifth one lived in Kittery, so if the term had been in Alfred, every one of those who had to stay over could have gone to their homes.

I am not going to take much more of your time. I do want to say, although I am only twenty-six years old, I have always stood on my feet and stood for what I

thought was right; I may be right, I may be wrong, but I think I have a right to stand here and tell you what my views are, and have you pass upon them.

Mr. ALLEN: Mr. Speaker, I would like to sum this case up as I see it in a very few words. This bill came before the Legislature and went before the Judiciary Committee, had its regular hearing, and that committee reported it out unanimously; ten lawyers out of nineteen in the Legislature voted to change this court; it came out of there and was reported into the House or Senate—the Senate I guess is where it originated—and they left it up to the York County delegation, which was a fair proposition. The York County delegation voted 10 to 6 to change it, and I, for the life of me, can see no reason why, as it is a York County proposition, it should not be left up to the people of York County, meaning the people who represent York County right down here.

The SPEAKER: Is the House ready for the question?

Mr. ANGELL: Mr. Speaker, I ask for a rising vote, if we might have it.

The SPEAKER: All those in favor of the motion of the gentleman from Saco, Mr. Angell, that the bill be indefinitely postponed will rise and remain standing until counted, and the count returned by the monitors.

A division of the House was had,

Forty-two having voted in the affirmative and 68 in the negative, the motion to indefinitely postpone failed of passage.

Mr. ALLEN: Mr. Speaker, in just what condition is the bill on the calendar now?

The SPEAKER: Pending passage to be enacted.

Mr. ALLEN: I move that the bill be passed to be enacted.

Thereupon, the bill was passed to be enacted.

Mr. McLoon of Rockland, presented the following order out of order and moved its passage.

Ordered, the Senate concurring, that bill an act relating to descriptive roadside signs indicating names of rivers, lakes, etc., H. P.

1168, L. D. 797, be recalled from the legislative files to the House.

A viva voce vote being doubted,

A division of the House was had.

Mr. BLAISDELL of Franklin: Mr. Speaker, I am quite sure that the members were not paying sufficient attention to the Speaker to know what that order said. Will the Clerk be kind enough to read it again.

The SPEAKER: The Clerk will read the order once more. The House will be in order and pay attention.

The order was read the second time by the Clerk.

Mr. McLOON of Rockland: Mr. Speaker, I would like to explain that I wanted to ask for a reconsideration. Before I could get this, it had gone to the Senate. That is why this order is introduced.

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

Mr. SMITH of Bangor: Mr. Speaker, if it be in order, I would like to take up the matter tabled by me this morning, which is resolve to provide a commission to study the problems of taxation.

The SPEAKER: The gentleman from Bangor, Mr. Smith, moves to take from the table the 8th unassigned matter, tabled by him this morning, majority report ought not to pass, minority report ought to pass in new draft, committee on Taxation on resolve proposing an amendment to the Constitution relative to the authority of the Legislature to impose a tax on incomes, H. P. 998, L. D. 440, the new draft being entitled resolve to provide a commission to study the problems of taxation, H. P. 1431.

Thereupon, the matter was taken from the table.

Mr. SMITH: Mr. Speaker, I now yield to the gentleman from Bangor, Mr. Potter.

Mr. POTTER of Bangor: Mr. Speaker and members of the House, if you will go back to when this matter was before us yesterday, I want to just briefly refer to three or four matters I neglected to speak on which might be of some interest to this House. First, I want to state that this is not the original

bill. This bill that is now presented for a commission was the matter which was presented by the gentleman from Patten, Mr. Harrington. I might say also that there are approximately fifty Grange members in this House who have served here this winter. We have met once a week during the session and we have talked over various matters, including this bill, or the original bill. There are also 54,000 Grange members in the State who are interested in this bill—anyway, the large majority of them are. They had expected, or do expect this Legislature to take action on such measures as other states have taken, other neighboring states, for taxation.

As I stated yesterday, all of our neighboring states have taken some steps to relieve the taxation situation, and it was hoped that we might make some progress along that line here in this House. The gentleman upon our right yesterday mentioned that possibly if we enacted any change in our taxation system, we might lose many of our summer visitors, or at least they would hesitate about coming here as they have. Now, as a matter of fact, wherever people come from they are paying some sort of an income tax, some sort of an extra tax besides what we have here in the State, and they would only have to do the same here if we changed our tax system. I do not see why that necessarily would keep them out.

I think perhaps this brings the matter to our attention and that we understand the situation at this time. Now I move, Mr. Speaker, that the minority report pass, and that when the vote is taken, it be taken by a yea and nay vote.

The SPEAKER: The gentleman from Bangor, Mr. Potter, moves the acceptance of the minority report.

Mr. FARRIS of Augusta: Mr. Speaker, the original draft of this resolve was Legislative Document 440, which proposed an amendment to the Constitution relative to the authority of the Legislature to impose a tax on incomes. That bill was advertised for hearing, the committee did not agree, the report was signed by the majority of the committee ought not to pass, and the minority of the committee

signed another report which made a new draft which has no application to the resolve originally proposed and advertised for hearing, and did not appear on our desks until this morning, in fact it was never printed. It provides for a Commission to study the problems of taxation.

Now the question before this House is the acceptance of the majority report on the original resolve; that is the question which should properly be before this House. Now we have the question of the minority report on another matter altogether, and I do not believe that we can accomplish anything by appointing a commission to study this matter and spend \$2,000 in recess. What do we accomplish by these commissions or committees in recess, studying matters? We do not have any power to take any action; the matter rests within the power of the local boards of assessors of the various towns and cities.

Now we have been trying to get people to come here to Maine in the summer time, and we have succeeded. We have many people who come here in the summer who own valuable summer property and pay a local tax. We do not want to start now to study problems and stir up anything that will drive these people away. As the gentleman from Bar Harbor stated yesterday, we have had many wealthy residents of Maine die here and leave large inheritance taxes, large estates. The State of Maine has collected recently nearly a million dollars in inheritance tax from one estate only down in Bar Harbor, Hancock County. Now do we want to start in and appoint a commission to study the proposition and spent \$2,000 on a recess committee? How could they go to these different towns and get any information that would be valuable to the next Legislature? I hope and trust that when we come to vote, you will not accept the minority report on this new proposition.

Mr. BLAISDELL of Franklin: Mr. Speaker, I want to join with the sentiment of the gentleman from Augusta, Mr. Farris. If you will look at the new draft of this bill, 1059, you will find that it

specifically states, six or seven lines down "to provide, if possible, for a more equal, just and equitable system of taxation on all kinds of property in this State."

There is no doubt in my mind but what there has been an impression go out through the State that this Legislature is giving some serious consideration to the matter of an income tax. I thoroughly believe, or I would not stand here and say this to you, that we are spreading fear throughout the State when we discuss an income tax insofar as it affects our very wealthy visitors who come to our summer resorts. It is true, as the gentleman from Bangor, Mr. Potter, says, that visitors will continue to come to Maine. I do not deny that; none of us do; but what I do say is that those visitors who do come to Maine and who would take up their residence in Maine and so declare it will move with caution, because the only reason why these wealthy visitors are taking a residence in Maine is because they can avoid such types of taxes as are in the state from which they came.

Now we have an inheritance tax in this state this year that will approximate \$1,700,000. Think it over! One million, seven hundred thousand dollars of inheritance tax, probably, in the State of Maine, for this year, and every cent of that inheritance tax is brought into the State from non-residents who have established a residence. If we set up the idea of throwing a scare into their minds of an income tax in the State, there would be nothing gained. When these people come here they set up to the local tax collector a blanket statement of their intangible estate, and they pay on it, then they pay their personal tax, then they pay their real estate tax, and then they establish a residence and leave us their inheritance tax. I do not believe, with the information that I have in mind from some very prominent attorneys' offices who are writing day after day or week after week the wills of very, very wealthy men up and down the Maine state coast, that anything would be gained by this action.

The inheritance tax in Maine has been on an upward growth. It did decline a few years back, but it

now is growing upward, and I believe the thing that will bring it to a dead stop is the possibility of throwing fear in their minds that we, in the Legislature, are considering the possibility of originating an income tax. I think that idea exists throughout the State, and I think we should drop it, so these people will come into the State of Maine with no fear of receiving here the same tax that they have in the state from which they come.

Mr. HARRINGTON of Patten: Mr. Speaker, I had not intended to say anything on this matter, and I won't say much now. The income tax seems to be much discussed, and I will say this, that if I had felt certain the income tax was what we wanted, I would have signed a minority report for an income tax, but I felt that the tax situation in this State was such that it would do no harm to the State to have an investigation, and that is what this order calls for.

Mr. ELLIS of Rangeley: Mr. Speaker and members of the Eighty-fifth Legislature: I want to back up the statement of the gentleman from Augusta, Mr. Farris, and the gentleman from Franklin, Mr. Blaisdell, that we are getting people here. We know we are. In our little hamlet of Rangeley we have a dozen or fifteen non-residents who have come into the State of Maine and claimed this as their residence, and in some long distant day will die here and leave us their inheritance tax. I believe, in fact I know, some of them come here to escape the income tax. I know they have told me that they do not care so much about the cost of it as the nuisance of everybody knowing their private business. I believe the State of Maine would be very short-sighted at this time or any time in the near future in passing any income tax bill.

Mr. WRIGHT of Bath: Mr. Speaker, I had not expected to say anything about this matter at all. I am not on the Taxation Committee, but I am unqualifiedly against an income tax for Maine. I think it is one of the most dangerous we could possibly pass. Now the original draft, or House Paper 998, Section 2, states: "All taxes upon real and personal estate assessed by authority of this State shall be

apportioned and assessed equally, according to the just value thereof; but the Legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property," etc.

Now after that matter was discussed, the new draft came up. This new draft is certainly colored by what went before. It appears to me to be an attempt to investigate the taxable resources of the residents of the State of Maine with special attention to the income tax. I hope the motion of the gentleman from Augusta, Mr. Farris, will prevail.

The SPEAKER: The Chair will state that the pending motion is the motion of the gentleman from Augusta, Mr. Hussey, on the acceptance of the majority report.

Mrs. MOREY of Lewiston: I move the previous question, Mr. Speaker.

The SPEAKER: The member from Lewiston, Mrs. Morey, moves the previous question. All those in favor of the Chair entertaining the previous question will rise and remain standing until counted and the monitors have returned the count.

A sufficient number arose.

The SPEAKER: The question now before the House is shall the main question be now put. As many as are in favor of the Chair putting the main question now, which is on the motion of the gentleman from Augusta, Mr. Hussey, that the majority report ought not to pass be accepted, will say aye; those opposed no.

The gentleman from Bangor, in making his motion for acceptance of the minority report, which was not in order, moved for the yeas and nays. Does he desire the yeas vote on the motion for the acceptance of the majority report?

Mr. POTTER: I do not, Mr. Speaker.

Thereupon, a viva voce vote being taken, the motion to accept the majority report ought not to pass prevailed.

Mrs. MOREY of Lewiston: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The member may state her question.

Mrs. MOREY: It is just a small matter, perhaps, but you have treated the members of the minority party wonderfully, and we appreciate it, and as just a little token of respect for our Floor Leader, Mr. Scates, on behalf of the Democrats, I wish to present him with these flowers, just to show our esteem and loyalty.

(At this point the Messenger placed on the desk of Mr. Scates a basket of roses, amid the applause of the House, the members rising.)

Mr. SCATES: Mr. Speaker, I appreciate very highly this beautiful bouquet, and I shall remember it as long as I live. (Applause)

Passed to be Enacted

(Out of order, and under suspension of the rules)

(S. P. 570) (L. D. 986) An act relating to hawkers and peddlers.

(S. P. 575) (L. D. 913) An act increasing the salary of the Judge of the Rockland Municipal Court.

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

(S. P. 601) (L. D. 1011) An act to provide for the reconstruction or enlargement of the International Bridge at Calais, in the county of Washington, known as the Ferry Point Bridge.

(S. P. 615) (L. D. 1025) An act relating to the excise tax on motor vehicles.

(H. P. 236) (L. D. 994) An act relating to the Dixfield-Peru Bridge.

(H. P. 1397) (L. D. 970) An act to Create a Commission on Uniform Motor Vehicles Legislation.

(H. P. 1404) (L. D. 998) An act requiring Civil Service examinations for all wardens and hatchery employees in permanent service with the Department of Inland Fisheries and Game.

Finally Passed

(S. P. 613) (L. D. 1024) Resolve in favor of procuring testimonials for the purpose of marking the un-

marked graves of the soldiers of the Revolutionary War.

(H. P. 46) Resolve in favor of Department of Maine Grand Army of the Republic.

(H. P. 470) (L. D. 1004) Resolve in favor of C. A. Boynton.

(H. P. 805) (L. D. 1019) Resolve appropriating money to remodel, rebuild and repair the fish ways in the St. Croix River in Calais, county of Washington.

(H. P. 1076) (L. D. 1020) Resolve in favor of the town of Hampden for a fishway.

(H. P. 1426) (L. D. 1040) Resolve appropriating money for the completion of the statue of General Howard.

REPORTS OF COMMITTEES

(Out of order and under suspension of the rules)

Mr. Goodrich from the Committee on Appropriations and Financial Affairs on bill an act to establish a Bureau of Safety in the State Department of Labor and Industry (H. P. 26) (L. D. 37) reported ought not to pass as it is taken care of in the supplemental appropriation act.

Mr. Lowell from the Committee on Ways and Bridges reported ought not to pass on resolve in favor of the town of Solon (H. P. 1138)

Mr. Friend from same Committee on Resolve appropriating money to build a highway from Wilson's Mills in Lincoln Plantation, Oxford County, to Oquosoc in Rangeley, Franklin County (H. P. 283) (L. D. 697) with accompanying petitions reported that same be referred to the State Highway Commission.

Reports read and accepted and sent up for concurrence.

Mr. Friend from the Committee on Ways and Bridges on resolve in favor of the town of Castle Hill (H. P. 352) reported same in a new draft (H. P. 1448) under same title and that it ought to pass.

Same gentleman from same Committee on Resolve in favor of the town of Phippsburg (H. P. 327) reported same in a new draft (H. P. 1449) under same title and that it ought to pass.

Same gentleman from same Committee on bill an act in favor

of the Jackman-Rockwood Road (S. P. 23) with accompanying petitions reported same in a new draft (H. P. 1450) under title of resolve in favor of the Jackman-Rockwood Road and that it ought to pass.

Mr. Lowell from same Committee on resolve in favor of the Jackman-Greenville Road (H. P. 403) and accompanying petitions reported same in a new draft (H. P. 1451) under title of resolve in favor of a road leading from Greenville to Rockwood and that it ought to pass.

Same gentleman from same Committee on Resolve in favor of the Townships of Township 1, Range 9, Township 2, Range 9, Township 2, Range 10, and Township 3, Range 10, Piscataquis County (H. P. 883) (L. D. 541) reported same in a new draft (H. P. 1452) under same title and that it ought to pass.

Reports read and accepted, the bill read three times under suspension of the rules, the resolves read twice, all passed to be engrossed and sent to the Senate.

Mr. Briggs from the Committee on Appropriations and Financial Affairs on Resolve providing for a statue of Hannibal Hamlin to be placed in the National Statuary Hall at Washington, (H. P. 1420) reported same in a new draft (H. P. 1453) under same title and that it ought to pass.

Reports read and accepted, the bill read three times under suspension of the rules, the Resolves read twice, all passed to be engrossed and sent to the Senate.

Papers from the Senate, out of order, and under suspension of the rules.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the

Joint Select Committee on Rules and Procedure
Aeronautics and Radio Control
Federal Relations
Military Affairs
Come from the Senate, reports read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Bill an act

permitting outdoor recreation on Sunday, H. P. 1441, L. D. 1052, which was passed to be engrossed in the House earlier in the day as amended by House Amendment A.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Perham of Paris, it was voted to insist and ask for a committee of conference, and the Chair appointed as conferees on the part of the House, Messrs. Perham of Paris, Jack of Lisbon and Thompson of Belfast.

Mr. JACK: Mr. Speaker, I signed the majority report, ought not to pass.

The SPEAKER: The member is excused and the Chair appoints the gentleman from South Portland, Mr. Goudy.

Mr. JACK: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman may state his point.

Mr. JACK: I wish to announce to the membership that the controversy between myself and the Kennebec Journal has been cleared up, and, as Woodrow Wilson said, we are now as one. (Applause)

Papers from the Senate

(Out of order and under suspension of the rules)

From the Senate: Report of the Committee on Ways and Bridges on Resolve in favor of Township No. 10, Hancock County (S. P. 155) reporting same in a new draft (S. P. 637) under same title and that it ought to pass.

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

Report read and accepted in concurrence and the resolve given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the Senate: 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)

Which was passed to be engrossed in the House March 25th as amended by House Amendment "A".

Comes from the Senate with

House Amendment "A" indefinitely postponed and the bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by Mr. Jack, a viva voce vote being taken, tabled pending reconsideration.

From the Senate: Bill an act relating to the removal of snow from highways (H. P. 1429) (L. D. 1046)

Which was passed to be engrossed in the House March 31st.

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

In the House, that body voted to reconsider its action whereby the bill was passed to be engrossed.

Senate Amendment A to Senate Amendment A was read and adopted in concurrence.

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

Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the legislature on bill an act for the taxation of billboards and the regulation and control of outdoor advertising reporting that they are unable to agree. (H. P. 29) (L. D. 44) (Signed)

Messrs. SOUTHARD of Kennebec
WEEKS of Somerset
WEYMOUTH of Penobscot
—Committee on
part of Senate.

ALLEN of Sanford
Mrs. DAY of Gorham
Mr. TOMPKINS of Houlton
—Committee on
part of House.

Report read and accepted and sent up for concurrence.

REPORTS OF COMMITTEES

(Out of order and under suspension of the rules)

Mr. Briggs from the Committee on Appropriations and Financial Affairs reported ought to pass on resolve in favor of James P. Lewis,

Representative of the Penobscot Tribe of Indians (H. P. 1446)

Same gentleman from same Committee reported same on resolve in favor of Peter Moore, Representative of the Passamaquoddy Tribe of Indians (H. P. 1447)

Same gentleman from same Committee reported same on resolve in favor of the Chaplains of the House of the Eighty-fifth Legislature (H. P. 1445)

Reports were read and accepted and the Resolves read twice under suspension of the rules, passed to be engrossed and sent up for concurrence.

The SPEAKER: There are still several matters on the calendar.

On motion by Mr. Jack of Lisbon it was voted to take from the table House Paper 991, L. D. 434, an act to provide rural electric service at just and reasonable rates throughout the State of Maine; and on further motion by the same gentleman the House voted to reconsider its former action whereby the bill was passed to be engrossed.

House Amendment A was indefinitely postponed in concurrence.

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

Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the legislature on 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) reporting that they are unable to agree.

(Signed)

Messrs. GOUDY of So. Portland

JACOBS of Auburn

McLOON of Rockland

—Committee on
part of House

GREENLEAF of Androscoggin

CROSBY of Penobscot

SMALL of Waldo

—Committee on
part of Senate

Report read and accepted and sent up for concurrence.

The SPEAKER: We are still proceeding under orders of the day. Are there any matters that can be removed from the table?

On motion by Mr. Bennett of Presque Isle, it was voted to take from the table the 6th unassigned matter, majority report ought to pass and minority report, ought not to pass of the committee on Judiciary on bill an act to amend the primary election law providing for the nomination of candidates for county offices by convention, S. P. 72, L. D. 49, which came from the Senate majority report accepted and the bill passed to be engrossed; and which on April 1 was tabled by that gentleman, pending the acceptance of either report.

Mr. BENNETT: Now, Mr. Speaker, I ask the page to bring Mr. Jack a glass of water because I am going to yield the floor to the gentleman from Lisbon, Mr. Jack.

Mr. JACK: Mr. Speaker, on this proposition I move the indefinite postponement of the bill and I would like to speak before the motion is put.

This bill was introduced in the Senate by Senator Murchie. Knowing the gentleman, I have faith to believe that he is very sincere in what he is trying to do. Nevertheless, I do not agree with him, strange as it may seem.

Now in order to lead up to this proposition, I would like to read a little from William R. Pattangall's Meddybemps' Letters concerning the situation, or a similar situation. It seems Stephen A. D. Smith, in one of his stories relative to selling ploughs, called on General Seiders, who was the manufacturer at that time of the so-called Uno beer; and here is where we start to quote:

"This," says General Seiders, waving the bottle gently toward me, after having partially emptied it, "Is the true solution of the temperance question. Years after Neal Dow is forgotten, men will stand at the lunch counters of Maine drinking Uno beer and calling the name of George M. Seiders blessed, for having placed an appetizer on the market which is not contrary to law to sell.

"This health giving beverage," he went on, "contains no alcohol, or none to speak of. It contains no malt. It is principally composed of sparkling water, with some slight mixture of other ingredients that act as a mild tonic. It is not intoxicating unless used in excessive quantities, and properly analyzed by carefully selected chemists it is not an illegal beverage to sell, especially if the bottles to be analyzed are taken from our stock of samples, put up for that purpose."

"Do you sell it?" says I, thinking that I might strike up a trade with him and exchange a plow for some to take home to the boys.

"No," says he, "I only advertise it and I do that free of charge. I do not desire filthy lucre to be in any way mixed up in my crusade for Uno.

"Uno, Mr. Smith," he said solemnly and impressively, and with a sort of heavenly smile lighting up his countenance, "Uno is its own reward. Would you like another bottle?"

"No," says I, "I'm obliged, but I've got some business to do and I'm afraid that last bottle wasn't put up for analysis. I think I can feel it a little."

"Of course you can," says he, "And ain't it a glorious feeling? Not the sodden weariness that overtakes a man who drinks prohibition whiskey, but rather the mild exhilaration that follows the draining of a glass of Mumm's and at a much reduced price."

I saw it was a hobby with him and I turned the subject.

"Have you tried Terrio for murder lately?" I asked.

"Not since the last time," says he.

"We only try him, when business is dull. Mine is a busy office, what with booming Uno, signing corporation papers, hunting up investments for the surplus money I am earning and trying to keep account of it, I don't get much spare time and whenever I think I've got a few days to spare to go fishing, this man Terrio pops up and wants to be tried for murder again. If he ain't careful, some day, when the court gets careless, I'll convict him."

We had lunch together and at lunch he introduced me to George P. Wescott, who kindly invited me

to spend the afternoon with him at his office, which I did.

You remember Wescott. He's one of the men who didn't build the Washington County Railroad.

He signed a contract to build it but he was sick and the County Commissioners heard of it and for fear he might die with the job half done they cancelled the contract which was humane and proper and business-like too, compared with a good many other things they have done.

Mr. Wescott is a fine man.

He looks something like a pocket edition of Eugene Hale.

Not so large but the same kind and in finer print with gilt edges and a morocco binding.

He knows more about practical politics than any man in Maine and makes them pay better.

When he sat down at his desk I see a lot of pigeon holes marked "Governor," "Attorney General," "Speaker of House," etc., embracing every office you could think of down to gaugers at Custom houses.

"Who is going to be Governor, Mr. Wescott?" I asked him when we got comfortably seated.

"When?" says he.

"Next time," says I.

"Jo Manley," he answered promptly and then he opened his pigeon hole and he took out some papers and he says.

"1905 to 1907, Manley; 1907 to 1911, Charles Prescott; 1911 to 1915, Wm. T. Cobb, 1915 to 1919, Seth Larrabee; 1919 to 1923, William T. Haines; 1923 to 1927."

"Hold on," says I, "My grandchildren may be interested in the rest of it but you've gone far enough to last me out all right, I'm an older man than I look and I doubt if I live more than another century or two, but ain't you set Cobb pretty well ahead?"

Now probably if there is any man acquainted with the old convention day system as it existed at that time, it was William R. Pattangall, and without any question he portrayed in that letter—perhaps it was not written for that particular purpose, but it certainly has a value for posterity anyway because it reflects what was being done at that time. Now to get away from that proposition, we adopted the primary law. I have days now and then

when I have my doubts about the primary law; but when I get into a political fight, and especially while I am in the Legislature, I am weaned back to the primary law for this reason: The convention system means a political dictator. The dictator dictates who shall be in office, who shall be nominated. Well, Maine, is somewhat differently situated and organized than other states. We are a one party state, and that means that politicians can be about as loose as they care to be and still be safe. We have reached the point in our political career where we spend as high as \$200,000 on referendums, and I have seen it estimated recently \$100,000 or \$150,000 on our elections. Now with a one party state, certainly it is not for the interest of the citizenship of this state to have any men or set of men—and they would be few in number—to select the officials in this state. Of course this body has 151 members, but take the Senate! If that thing can be controlled, and I feel that it would be, because even under this system we have seen it controlled, all you would have to do would be to get a grip on sixteen men and the Legislature of Maine would be powerless.

Some one will probably argue before this thing is over that we do not get good results under the primary system; but every man here is a product of the primary system, and certainly we know if nobody else does that they could not have shown better judgment in their selection. (Laughter) Therefore, I am not in favor of the bill and move its indefinite postponement.

Mr. BRIGGS of Caribou: Mr. Speaker. I am also familiar with the Meddybemps' letters. This matter does not in any way concern the operation of the direct primary law as regards such offices. I read for your information the meat of this bill: "All nominations of candidates for governor, state auditor, United States senator, members of congress and representative to the Legislature shall hereafter be made at and by primary elections to be held in accordance with the provisions of this chapter."

"All nominations of candidates for county offices, including State

senator shall be made in county conventions to be held by the political parties entitled by law by representation upon the official ballot at State elections in accordance with the provisions of this chapter."

This matter concerns not officers of state-wide importance, it is purely a county matter. I wish to draw from the store of practical experience and relate to you what has occurred in my own county under the primary system. Our county is approximately 200 miles long. We have at the present time three senators. Assume, gentlemen, that all came from a radius of ten miles from one another. This, I submit, creates great cause for dissatisfaction in our county and is not a fair proposition, for the people of Aroostook county. Can you conceive in a convention giving matters of this kind careful consideration that any such condition could ever arise?

I wish to speak at this time in regard to one of the most disgraceful episodes which ever occurred in the State of Maine, and it occurred in Aroostook county. At that time I was chairman of the State committee.

A candidate was placed upon the Republican ballot in Aroostook county, and, if the State of Maine is a one-party state, Aroostook county is doubly a one-party county. This man did not meet with the approval of myself and other leaders because we knew something of his character. He was forced upon us by interests who nominally are not interested in politics.

His misdeeds were discovered and he spent time in the State prison for malfeasance in office, and justly so. I will speak to you of a sheriff of Aroostook county, a man of sterling character, who was nominated in the Republican primary; but because he was of the wrong religious faith, a Democrat was elected sheriff of Aroostook county in a county which was nominally 75 to 80 per cent Republican. Only within a short time another sheriff in Aroostook county elected under the primary system was forced upon the Republican leaders of Aroostook county by a faction which I believe has passed out of existence

with the former Governor of the State of Maine. This gentleman we knew was unfit for that high position. Within eighteen months after his election, to save the country from disgrace, he was asked to resign by the Chief Executive of the State of Maine and another man was placed in his position.

This, gentlemen and ladies of the 85th Legislature, is a matter which I bring to your attention. I am telling you the absolute truth of conditions as they exist and incidents as they occur. I sincerely hope that this motion will not prevail.

Mr. FARRIS of Augusta: Mr. Speaker, as a member of the Judiciary Committee who signed the minority report, ought not to pass, I want to make a few remarks in regard to this bill. In my opinion we should not go back in any way to the old convention system. The primary law in Maine has been working very well in most counties. If the Republican party in Aroostook county cannot find the right man for the primaries, that is their own fault because they do not go out and work for the proper candidate. I believe that our present primary law could be improved upon, but I am opposed to going back to the old convention system.

This bill provides for the election of State senators at the county convention. Representatives of the House have to go to the primary. This is rather a split bill and I do not believe it would be good legislation. I believe we should stick to our primary law and try to improve it.

No one appeared for the proponents at the hearing before the Judiciary committee in support of this bill. The only opponent was a woman who represented the women voters here in the Legislature. She said she was the Legislative Agent of the Maine League of Women Voters and she went on record as opposed to this piece of legislation.

I do not believe the people of Maine want to go back to any system of conventions such as we had in the old days, and I believe that this is but an opening wedge to get it State-wide and I am opposed to it. I hope the motion of the gentleman from Lisbon, Mr. Jack,

that this bill be indefinitely postponed will prevail.

Mr. SMITH of Vinalhaven: Mr. Speaker and members of the Legislature: I hesitate to speak after listening to some who, I consider the most brilliant members of the House; but I feel that I would be unfaithful to my oath and to my duty should I go home from this Legislature without raising my voice against any such piece of legislation as this. We have been here three months, and it seems to me we have passed legislation enough without adding any such pernicious bill as this. I hope I shall not be forced to go home from the Eighty-fifth Legislature with a bill like this passed.

Mr. ADDITON of Auburn: Mr. Speaker, I do not think that the argument of the gentleman from Caribou (Mr. Briggs) should have any weight whatever for the reason that there was a sheriff in Androscoggin county who was elected under the old convention system and who resigned in order not to be impeached. I want to go on record as opposing this legislation.

Mr. TOMPKINS of Houlton: Mr. Speaker, there are things in this primary law which should be eradicated, among them the bullet ballot. In county offices where there are three county commissioners to be elected and three State senators, and there are nine candidates, usually one or more has what is known as the bullet ballot. He prevails upon his friends and they upon their friends to cast one ballot for one candidate only when that ballot should be cast for all three candidates. That pertains to the State senators and to the county commissioners particularly.

There is another matter that is of importance to the people of this State. With a primary ballot as long as the moral law, and with the names of everybody on it, the voters are confused, and if you have ever counted those ballots you will have noticed that a great many voters will mark their ballot for Governor, United States Senator and Representative to Congress and then they will get tired and stop. They are really denied their franchise by the intricate ballot that is put before them. If these county officers were nominated under a

convention system you would be only voting for a Governor, a Senator and a Representative to Congress. I signed the report, ought to pass, and I hope it will pass.

Mr. McCART of Eastport: Mr. Speaker, as one of those who signed the majority report, ought to pass, I think there are one or two features which has not been presented here. Perhaps the last feature of the bill I will speak of first and that is the fact that we shall vote here today as to whether or not the people will decide this matter at the regular State election held I think in September, 1932. We are not voting as to whether or not we will abolish the primary. We are offering it to the people. The people did vote on the abolishment of the primary a few years ago, but what was wrong? Naturally they would not vote to abolish the primary because the primary was always far better than the old convention system; but this bill does not propose to go back to the old convention system. One or two of the effects of the old convention system was the fact that the politicians could hold their offices, elect their own delegates, and then perhaps one of them would attend the convention with a box full of credentials, and I believe the usual procedure was to authorize the chairmen of the various county commissioners to fill vacancies, and they would fill them as they wanted to. Now this bill would not permit that.

(At this point Mrs. Day was escorted to the Speaker's Chair, amid the applause of the House, the members rising)

Mr. McCART continuing: Under this bill, caucuses in the different towns must be held on a certain definite date, in a certain definite place. Every man in the town knows where the caucus is going to be and has a right to attend. Another feature of the bill is we would have no more packed conventions, because no man may sit and vote in these county conventions unless he is a duly elected delegate or alternate. I think these two features will cure most of the ills of the old convention system, and I think that the county con-

vention will help cure some of the ills of the present primary.

Now there is one more feature: There is some discontent with the primary situation as it faces us; we have got to admit it. Now why not start and try to cure that in a gradual way instead of waiting for a wave of discontent to come and abolish it? Lastly, I will come back to my first point. I want to impress on the members of the House that we are simply fighting on this matter as to whether or not we will send the people of this State a substitute for the present primary and tell them to decide what they want.

Mr. BOWERS of Portland: Madam Speaker, I consider this bill the most vicious document that has ever been presented to this House this year. Its purpose is directly inconsistent with the principles of democracy. Our government is not set up on a basis to take care of this. If our county representation of Senators were two in each county, it might be a different matter, but when we have five counties which control the Senate, I am telling you if you put this thing through, you are putting in the hands of five counties the power to curb any legislation that might be put up to this legislative body. I am directly opposed to it, and I hope the motion of the gentleman from Lisbon, Mr. Jack, prevails.

Mr. FARRIS of Augusta: Madam Speaker, I am glad to hear the proponents of this bill refer to the referendum, because a few days ago, when I offered a referendum on the code bill, they threw up their hands in horror and said they didn't think the people knew enough to vote on changes in our State government. The people have already voted, two years ago, three to one against going back on the primary system, and I say we do not want to go back to the people again with any referendum on something they voted on, and I hope the motion for indefinite postponement prevails.

Mr. ASHBY of Fort Fairfield: Madam Speaker, I am not a political leader in my county, although I noted that Mr. Briggs was willing to acknowledge that he was. In regard to the rascals we have had there, I think the pro-

ponents of this measure feel a good deal like the old Jew who hung out the sign "Don't go down the street and get cheated; come in here." You all know that under the old convention system that the Legislature looked a good deal like a meeting of the Bar Association—they were mostly lawyers. Today we have a fair representation of the people. Like the gentleman over there, I think this would be the crime of the generation to go back to the old convention system, a system that is antiquated, and that the people have discarded, and I do not believe the people of Maine want it again.

Mr. HILLS of Northport: Madam Speaker, I want to say I am very much opposed to this bill. I believe the people of Maine should have every right to decide who they want to come here.

Mr. MORSE of Oakland: Madam Speaker, this bill has been somewhat discussed, but one point in this bill perhaps has not been brought before the Legislature today. We have at this moment a lady presiding over this body. When the women were given the right of suffrage in the State of Maine, they took a great interest in politics. In my town they have taken a great interest in politics. They take great interest in State Conventions and we find them present in goodly numbers.

What has been the situation at the last two conventions? There have been but few ladies present. Brother McCart spoke about the men. He did not say anything about the ladies. You would find the caucus would be made up of men; the ladies would not be present. You would find our county convention would be made up of men—the ladies would not be present.

Speaking of the old convention system, I have attended every State Convention for the past thirty-five years. I am an old-timer; I am older than I look. What were the conditions in my town in Kennebec County thirty-five years ago? I guess that is before the time of Brother Farris of Augusta. Our County Convention was a disgrace to our county, our caucuses were made up the night before, and at our regular caucus there would be

about fifteen or twenty present; tickets would be made up and we would elect a Chairman of our caucus. Some gentleman would get up and go down in his vest pocket and pull out a ticket: "Mr. Chairman, I recommend that the following delegates go to the State Convention; I recommend that the following delegates attend the County Convention; I recommend that the following delegates go to the District Convention." "Is there any further business to come before the meeting? If not, we will adjourn."

Now what are the conditions under the primary law? In my town, when we had the caucus we had about sixteen or eighteen present unless it was a contest over a Representative. We have in the primary over three or four hundred votes, and half of those are ladies, in my town, right thinking ladies and gentlemen. Under your caucus system you would not get the vote out. In regard to those lower down on the ticket, I have had the honor of having my name placed on that ticket for Representative to the Legislature three times. My name has been the last name on the ticket. I will say that I received the largest vote of any name on the ticket, although I was on the lower end of the ticket. I am not stating this as a matter of pride; the people in my town vote the ticket through. I think this legislation is unjust, and I do not want it to pass.

Mr. McCART: Madam Speaker, while my friend was talking I thought of one or two more features I omitted from my discussion. Representatives to the Legislature would still be elected under the primary law if this bill became a law. This bill does not affect the Representatives to the Legislature. There is one other feature of the bill: This bill does not prevent any person from petitioning their name on the ballot, and when it goes on the ballot, it has equal prestige and privilege with the man nominated in the convention. They are simply placed side by side or one above the other.

Mr. ADDITON of Auburn: Madam Speaker, when I was a comparatively young man, under the convention system, there was a gentleman in our county who was a candidate for sheriff, and he came

to my house and said "I am a stranger in your town, and I don't know all the people. I wonder if you would be willing to ride around with me and introduce me to the people." I told him I would. I knew him to be a worthy man, and so we started out. Of course I knew who the real leaders were, or had been. We called on a certain gentleman, and I introduced him to the man, and told him he was a candidate for sheriff. He said "Young man, I have no objection to this man, but you might as well turn around and go home. I have carried the names of the delegates for sheriff I wanted in my vest pocket for fifteen years, and I have got them all regulated now." (Laughter)

Mr. SCATES of Westbrook: Madam Speaker, I can smooth out all of your troubles. Just come over to the Democratic Party and leave all the rascals in the Republican Party. (Laughter and applause)

Mr. BOODY of Windham: Madam Speaker, undoubtedly there has never been a person in the State of Maine who has given closer attention and who can give you the inside history of the workings of the convention system better than I can. In 1884, I remember the first vote I cast. I was on the streets of Portland and accepted an invitation to meet a gentleman who was candidate for Governor of the State. I remember it well. It was W. W. Thomas, of Portland. The gentleman, when he introduced me as a young Republican, followed it up by making a declaration to Mr. Thomas that if he wished to carry the election in Cumberland County, and especially in the town of Windham, it would be necessary for him to send in quite a sum of money to carry it. I looked him in the eye, wondering what his answer would be. This is what he said: "If I buy my nomination and my election with the use of money, what kind of a Governor will I be for the State of Maine?" And his opponent, the night before the day of the caucus, sent 400 one dollar bills into the town of Windham and bought every bit of humanity of the lowest degree who was to be bought, and carried the nomination of the delegates of that town. And

in every Cumberland County town the same methods were used, and they swept the man into office, and he became Governor. That had a tremendous bearing on me, and I said "I hope to live to see the day when such things shall cease."

Now Cumberland County is a very pious county because we usually keep our secrets, but I well remember in 1894 that a candidate for sheriff in Cumberland County and his friends expended \$52,000 to secure the nomination, and the night before the Convention was held, when the delegates had been chosen, in the Hotel Falmouth, this man said he had secured a hundred delegates, bought, paid for, controlled by money. Seventeen were swept out from under him, and, requiring seventy-one, he only had sixty-two, and he said "My hair stood up for three days." Politics of such a low degree should make any man ashamed that the human family had become nothing more nor less than cattle. It was followed up by this same type of politics, as my friend has said,—that this low type of politics was followed up until his party secured it on the same methods.

I hope and pray today that I have lived to see the time when we will not see men being bought up like cattle and loaded into carriages and hauled to the voting precincts in an intoxicated condition of the lowest type.

Today what do we see? Absolute purity—not a dollar, not a penny expended. We give freely of our automobiles to those who are unable to get there, the older people, but not one penny is ever used in a dishonorable way, and we have absolute purity, and I pray in my old age that you will stand firm for that which is right, the freedom of the people of Maine. (Applause)

Mr. PERHAM of Paris: Madam Speaker and members of the House: I would like to open in a little different tone than I have sometimes. I would like to open by stating that I know the author of this bill, Harold W. Murchie, to be one of the squarest and ablest men in the State of Maine. I know it, and I feel it, and I believe it. I believe him absolutely sincere in his endeavors to eliminate the

evils of the direct primary, yet I am absolutely opposed to this bill.

Had this bill come in with the right to designate and not nominate, it would have had my support, because I believe then we could have had a little county co-operation and yet keep our primary system intact as a check against cut and dried politics in county matters. I am opposed to the bill.

Mr. BRIGGS of Caribou: Madam Speaker, in answer to the gentleman from Augusta as to my statement the other day that submitting a certain matter to the people would cost \$50,000, that statement was made after a careful check of the figures. I would call your attention, however, to this fact: That section 7 provides "This act shall be submitted for approval or rejection to the duly qualified voters of the State of Maine at the biennial state election to be held on the second Monday of September in the year 1932," so the question of expense need not be considered in this matter, as it goes along in the regular way.

Mr. JACK of Lisbon: Madam Speaker, I think there is a little joker in this whole proposition. I called your attention to the fact that sixteen men in the Senate might control the Legislature. The act says: "All nominations of candidates for governor, state auditor, United States Senator, member of congress, of representative to the Legislature shall hereafter be made at and by primary election to be held in accordance with the provisions of this chapter."

"All nominations of candidates for county offices, including state senators, shall be made in county conventions to be held by the political parties entitled by law to representation upon the official ballot at state elections in accordance with the provisions of this chapter."

Now I am not so old as Mr. Boody, nor as Mr. Morse over there—he says he is older than he looks—perhaps I am, but I am not ready to admit it yet. I am old enough to know that under that set-up a powerful financial interest in Maine or in any other state can control every item of legislation that is tried to be put through

either House. I am not in favor of that proposition.

In politics and in other things I intend to be fair. As a matter of fact, I try to study out what is justice between man and man and between men and the State. I am not prepared today, and I hope I never will be, to turn the destiny of the State of Maine and its citizenship over to any group of men who are selfish enough to want to legislate all the time and continuously for themselves and nobody else.

Mr. SNOW of Bluehill: Madam Speaker, I have no doubt that this matter has been sufficiently debated, and I feel like apologizing for speaking at this time, but certain statements have been made that I think should be refuted to a certain extent. In the first place, I resent the implication that the electorate of Maine is for sale at a dollar apiece or two dollars. I do not believe, under any system, whether caucus, convention, primary or otherwise, that the voters of the State of Maine, in any large numbers, are for sale.

Now there is one thing that we should not lose sight of in this bill. In the first place, this bill was drafted with great care, after mature deliberation and thought, by one of the most sincere friends of the primary law that we have in the State of Maine. This same gentleman had experience in conventions. He is, as I know, opposed to going back to any convention system. This bill, if you will notice, is not offered as a substitute for the primary law; it is simply to supplement the primary law and correct certain evils.

As has been pointed out by the previous speaker, county officers have not been representatives. Another group of county officers which is very important to you representatives is the county commissioners. It has been very hard work under the present system to make that representation from the different parts of the county. County commissioners are apt to be grouped in one place. This bill simply aims to correct that evil. It simply aims to present certain candidates.

The bill goes on to state further: "Nothing in this section shall be construed as preventing the nomi-

nation of candidates under section 32." Under section 32 of the law any person who desires to be placed on the primary ballot for county officer has the same opportunity as now. This is simply supplementary, and an effort on the part of a friend of the primary system to correct one of its evils. I think it is his fear that if we go on without correcting some of these little evils that perhaps in time the whole primary system will be overthrown. The object of the man who drafted this bill is to safeguard that system. I trust that this bill will be passed, and will be tried out for two years, if adopted by the people. If it is not adopted, it never can do any harm. If it is adopted, two years under it will demonstrate whether it is an improvement or whether it is not. If it is not an improvement, I think you can trust the Legislature of Maine to repeal it. I trust that the bill will pass and that this opportunity will be given to try and correct one of the weak spots in the present primary law.

Mr. BURKETT of Union: Madam Speaker, I, like Mr. Boody, back in the old days, the first governor I voted for was Governor Bodwell, and I think you will all agree with me that he made an excellent governor. All the governors I remember up to the time we had the primaries worked for the best interests of the State of Maine, and were good governors, and with all due respect to the governors that we have had since the primaries, I believe the governors we had before the primaries were of equal calibre, if not better.

They speak about the abuses of the old convention system. My friend Mr. Boody speaks about people being hauled to the polls. We have that same condition today. To a certain extent people are hauled to the polls.

Speaking about the women, in my opinion today if they had a chance, they would vote for a modification of the primary law. I think that under the old convention system we had a better distribution of offices, and we had great interest. There is a lack of interest in the political affairs under our primary system. Some dislike to take a primary paper and go out and get

signers. I think this matter should go before the people. I am in favor of the motion.

Mr. LITTLEFIELD of Monroe: Madam Speaker, I move the previous question.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Lisbon —

Mr. BENNETT of Presque Isle: Madam Speaker and members of the Eighty-fifth Legislature: I would like to take up just a few minutes of your time on this very subject which is now before the House. Like every other man here, I have lived quite a good many years. I have been through the convention system and through the primary system up to the present time, and I would never think of going back to that old convention system any more than I would think of going back to the horse and carriage in my practice.

We can never go back. Progress is forward, not back. Do you want to go back and live as your forefathers lived? Not one of you do. You do not even want to dress as they dressed in those old days; neither do you want to go back to the convention system where everything was done in private and done the night before or several weeks before the time they were to vote. Most of you would not be here today if we went back to that old convention system, neither would my friend from Caribou, the man who talked about Canada for years after he came to this country. Nothing was right here—only Canada—only New Brunswick, but now he stands for what I might term the old line politician and never for the people.

Now this primary system gives every man an equal chance, and every woman, and that is what we want in this country. This is a democratic country, and we must have equal rights. The trouble with this bill is that it is wrong end to. If you want to change something, then let the men and women who are running, the candidates, get them out, get their names on the ballot, and let them be nominated as they are today, then you can have your convention, if you want it, and pick out one of those who was nominated to stand

by the old line colors. Let them have one, then let the people vote. They will all be on the ballot just the same, and you will have a fair chance. The old line politicians who controlled things can have one candidate out of those nominated by the people, and that would be far better than what we are talking about today. Now that is not my idea,—somebody put it in my head, but I think it is a grand thing. I want to stand with Mr. Jack here, and the others who are against this bill, and when you come to vote, I move that you vote by the yeas and nays.

The **SPEAKER** pro tem: The question before the House is the motion of the gentleman from Lisbon, Mr. Jack, to accept the minority report, ought not to pass. A request has been made that when the vote is taken it be taken by the yeas and nays. All those in favor will rise and stand until counted and the monitors have returned the count.

A sufficient number arose and the yeas and nays were ordered.

Mr. **BOWERS** of Portland: Madam Speaker, do I understand a yes vote on this question to mean an acceptance of the minority report, ought not to pass?

The **SPEAKER** pro tem: The Chair so understands.

Mr. **BURNS** of Eagle Lake: A vote of yes votes the motion of Mr. Jack, does it Madam Speaker?

The **SPEAKER** pro tem: Yes.

Mr. **TOMPKINS** of Bridgewater: Madam Speaker, we seem to be all at sea up here. Some of us understood the gentleman from Lisbon, Mr. Jack, to move the indefinite postponement of the bill.

The **SPEAKER** pro tem: The motion as stated by the Chair amounts to the same thing.

Mr. **TOMPKINS**: If we vote yes, we are voting with Mr. Jack of Lisbon?

The **SPEAKER** pro tem: A vote of yes is against the bill; and a vote of no is for the bill. The Clerk will call the roll.

YEA—Adams, Additon, Allen, Allison, Andrews, Angell, Ashby, Audibert, Authier, Bailey, Bearce, Bennett, Biddle, Blanchard, Wilton; Boody, Bowers, Burgess, Burns, Burr, Carleton, Carter, Church, Clarke, Clement, Cooper, Cram, Crane, Day, Drisko, Duquette, Edwards, Ellis, Farris, Fenlason, Fer-

nald, Friend, Goudy, Graves, Gray, Hamel, Harrington, Hatch, Hathaway, Hawkes, Hills, Hobbs, Hussey, Jack, Jackson, Jacobs, Kent, Lancaster, Leonard, Lewis, Littlefield, Lowell, Luce, Mack, MacKinnon, MacPherson, Martin, Melcher, Merritt, Morey, Morin, Morse, Oliver, Owen, Palmer, Patterson, Perham, Picher, Potter, Pratt, Richardson, Rogers, Greenville; Sanborn, Sawyer, Snow, Scarboro; Smith, Vinalhaven; Smith, Masardis; Soper, Sterling, Caratunk; Sterling, Kittery; Stern, Sturtevant, Sweet, Thomas, Harpswell; Thomas, Woodland; Thompson, Tompkins, Bridgewater; Towne, Wallingford, Ward, Webber, Webster, Weeks, White, Dyer Brook; Whitney, Wilbur, Williams, Worthen.—102.

NAY—Blaisdell, Blanchard, Phillips; Blodgett, Breen, Briggs, Burkett, Portland; Burkett, Union; Cobb, Daigle, Dow, Eaton, Gibson, Goodrich, Hiscock, Holbrook, McCart, McLoon, Morrill, Peacock, Plouff, Quint, Robie, Rogers, Yarmouth; Shaw, Snow, Blue Hill; Smith, Bangor; Tompkins, Houlton; Varney, Wright.—29.

ABSENT—Berry, Brackett, Brewster, Bussey, Davis, Dekin, Eastman, Ford, Gagnon, Gauvin, Jones, Lizotte, Plummer, Rounds, Sargent, Scates, Smith, Waterboro; Viles, White, Crystal.—19.

One hundred and two voting in the affirmative and 29 in the negative, the motion to accept the minority report prevailed.

PASSED TO BE ENACTED

(Out of order and under suspension of the rules)

(S. P. 397) (L. D. 471) An act relating to State Geologist.

(S. P. 408) An act relating to bounty on porcupines.

(S. P. 458) (L. D. 601) An act to provide a pension for members of the Police and Fire Departments of the city of Auburn.

(S. P. 587) (L. D. 957) An act to provide for the further issuance of State Highway and Bridge bonds.

(S. P. 598) (L. D. 1007) An act relating to requirements of applicants for registration as dealers in securities.

(S. P. 602) (L. D. 1012) An act relating to the acquisition of the Eliot Bridge, so-called.

(S. P. 627) An act to apportion Representatives to Congress.

(H. P. 711) (L. D. 233) An act relating to taxation of shares of stock of trust and banking companies.

(H. P. 1395) (L. D. 969) An act to amend the charter of the Ogunquit Village Corporation.

(H. P. 1418) (L. D. 1028) An act

providing for the disposition of moneys from the tax on gasoline purchased for aeronautical purposes.

(H. P. 1424) (L. D. 1030) An act to extend the time for the display and use of motor vehicle license tags.

(H. P. 1425) (L. D. 1031) An act to extend the jurisdiction of Municipal Courts in certain cases.

(H. P. 1432) (L. D. 1032) An act amending the Banking Law.

(H. P. 1440) (L. D. 1053) An act relating to taxation of corporate franchises.

Finally Passed

(S. P. 292) (L. D. 1050) Resolve to improve the State Aviation Field at Augusta.

(S. P. 326) (L. D. 1051) Resolve making an appropriation for the improvement of the State Aviation Field at Augusta.

(S. P. 618) (L. D. 1045) Resolve in favor of the Trustees of Hebron Academy.

(S. P. 628) Resolve dividing the State into Executive Councillor Districts.

(S. P. 631) Resolve to apportion one hundred and fifty-one Representatives among the several counties, cities towns, plantations and classes in the State of Maine.

(H. P. 1423) (L. D. 1039) Resolve for screening certain lakes and ponds in the State.

(H. P. 1434) (L. D. 1044) Resolve in favor of the city of Eastport for the care of William Price.

(H. P. 1439) (L. D. 1048) Resolve in favor of the towns of Mexico and Rumford.

Passed to be Enacted

(S. P. 352) (L. D. 354) An act to determine the use to which prison or convict made goods may be put in this State.

(S. P. 612) (L. D. 1027) An act relating to standard time.

(H. P. 209) (L. D. 119) An act relating to identification of criminals.

(H. P. 1117) (L. D. 749) An act relative to tax on gasoline.

(H. P. 1264) (L. D. 805) An act to authorize the construction of a wharf in Long Lake at Naples.

(H. P. 1437) (L. D. 1049) An act

relating to fees for organizations of corporations.

(Papers from the Senate, out of order and under suspension of the rules.)

From the Senate: Resolve relative to expense of town of Woolwich, S. P. 639.

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

In the House, received by unanimous consent under suspension of the rules and without reference to a committee, read twice and passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Ways and Bridges on resolve in favor of the Eustis Road (S. P. 132) reporting same in a new draft (S. P. 638) under same title and that it ought to pass

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

In the House, report read and accepted in concurrence, and the resolve given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

The SPEAKER: The Chair lays before the House report of the committee on Maine Publicity reporting ought not to pass on bill an act relating to descriptive roadside signs indicating names of rivers, lakes, etc., H. P. 1168, L. D. 797, which was recalled from the legislative files by Joint Order,

On motion by Mr. McLoon of Rockland, the House voted to reconsider its action earlier in the day whereby the report was accepted; and on further motion by the same gentleman, the report was tabled pending acceptance and specially assigned for tomorrow morning.

From the Senate: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill an act to incorporate the Knox Water District (S. P. 195) (L. D. 158) reporting that it is unable to agree.

(Signed)

Messrs. WEEKS of Somerset
WEYMOUTH of Penobscot
BOULTER of York
—Committee on
part of Senate
HOBBS of Hope
McLOON of Rockland
SCATES of Westbrook

—Committee on
part of House

Comes from the Senate read and
accepted.

In the House read and accepted
in concurrence.

From the Senate: Bill an act in
regard to the practice of any heal-
ing art or science (H. P. 1442) (L.
D. 1058) which was passed to be en-
grossed in the House earlier in the

day as amended by House Amend-
ment "A".

Comes from the Senate passed
to be engrossed as amended by
House Amendment "A" and Senate
Amendment "A" in non-concur-
rence.

In the House that body voted to
reconsider its action whereby this
bill was passed to be engrossed.

The Clerk read Senate Amend-
ment A, which was adopted in con-
currence, and the bill as amended
was passed to be engrossed in con-
currence.

On motion by Mr. Briggs of Cari-
bou,

Adjourned until tomorrow morn-
ing.