

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, April 1, 1931

Senate called to order by the President.

Prayer by the Rev. L. D. Porter of Gardiner.

Journal of yesterday read and approved.

From the House:

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

(In the Senate, passed to be engrossed on March 31)

Came from the House, House amendment "A" read and adopted and the resolve passed to be engrossed as amended by House amendment "A" in non concurrence.

In the Senate, that body under suspension of the rules, voted to reconsider its former action where-by the resolve was passed to be engrossed; House amendment "A" read and adopted in concurrence and the resolve passed to be engrossed as amended by House amendment "A" in concurrence.

Papers from the House disposed of in concurrence.

From the House:

The Committee on Judiciary on bill "An Act to provide provisions for medical and surgical treatment of persons whose resources are insufficient to pay for same" (H. P. 931, L. D. 408); reported that the same ought not to pass.

In the House, the bill substituted for the report, having had its several readings under suspension of the rules, was passed to be engrossed.

In the Senate:

Mr. SMALL of Waldo: Mr. President, I move that the Senate concur with the House.

Thereupon, on motion by Mr. Murchie of Washington, the bill and report were tabled pending motion to substitute the bill for the report in concurrence.

Mr. Weatherbee of Penobscot assumed the Chair, the President retiring, amid the applause of the Senate, the members rising.

House Bill in First Reading

An Act relating to the removal of snow from highways (H. P. 1429, L. D. 1046).

Under suspension of the rules the bill was given its second reading and on motion by Mr. Littlefield of York was tabled pending second reading.

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

Appropriation and Financial Affairs

Mr. Wheeler of Oxford: Resolve in favor Waldo H. Clark. (S. P. 625)

The same Senator: Resolve in favor of Earle R. Hayes, clerk, Salaries and Fees. (S. P. 626)

Sent down for concurrence.

Bills in First Reading

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

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

Resolve making an improvement to the State Aviation Field at Augusta. (S. P. 326, L. D. 1051)

Committee Reports

The Committee on Reapportionment having had under consideration the division of the State into Congressional Districts, begs leave to report the following bill "An Act to Apportion Representatives to Congress" (S. P. 627) and that it ought to pass.

Which report was read and accepted.

Mr. MURCHIE of Washington: Mr. President, I do not want to railroad anything through the Senate but for the purpose of expedition, if there is no objection to the bill I would like to suggest, and so move, that the rules be suspended and this bill be given its several readings and passed to be engrossed at this time.

Thereupon this bill was given its first reading, the rules were suspended and the bill was given its second reading and passed to be engrossed.

The Committee on Reapportionment having had under consideration the division of the State into Executive Councillor Districts, reported the following: "Resolve dividing the State into Executive Councillor Districts." (S. P. 628) and that it ought to pass.

This report was read and accepted.

Thereupon, on motion by Mr. Murchie of Washington, the rules were suspended and the resolve was given its two several readings and passed to be engrossed.

The Committee on Reapportionment having had under consideration the division of the State into Senatorial Districts, reported for submission to the people a Constitutional Amendment providing a basis for Senatorial Apportionment which would presently provide for a Senate consisting of thirty-three members, (S. P. 629) and that it ought to pass.

(On motion by Mr. Spear of Cumberland, tabled pending acceptance and this afternoon assigned.)

The Committee on Reapportionment having had under consideration the division of the state into Senatorial Districts, and having reported for submission to the people a Constitutional Amendment providing a basis of Senatorial apportionment which would presently provide for a Senate consisting of thirty-three members, reported the following: "Resolve dividing the state into Senatorial Districts." (S. P. 630) and that it ought to pass.

Which report was read and accepted and the resolve laid upon the table for printing under the joint rules.

The Committee on Reapportionment having had under consideration the division of the State into Representative classes, reported the following "Resolve to apportion one hundred and fifty-one representatives among the several counties, cities, towns, plantations and classes in the State of Maine" (S. P. 631) and that it ought to pass.

Which report was read and accepted.

Mr. MURCHIE of Washington: Mr. President, again in the interest of expedition I move that the

rules be suspended and this resolve given its several readings and be passed to be engrossed. I will say that there is no change in the apportionment of the last few years except the transfer of one representative from Sagadahoc County to Knox County.

The motion prevailed and the resolve was given its several readings and passed to be engrossed.

The Committee of Conference on H. P. 1192, L. D. 777 bill "An Act providing for sentences and imposition" reported that they are unable to agree.

Signed
CROSBY
SOUTHARD
HOLMAN
SARGENT
OLIVER and
TOMPKINS

Which report was read and accepted.

Mr. Foster from the Committee on Mines and Mining on bill "An Act relating to State Geologist" (S. P. 397, L. D. 471) reported that the same ought to pass.

Mr. St. Clair from the Committee on State Prison on bill "An Act to determine the use to which prison or convict made goods may be put in this State." (S. P. 352, L. D. 354); reported that the same ought to pass.

Which reports were read and accepted and under suspension of the rules the bills were given their two several readings and passed to be engrossed.

The Committee on Judiciary submitted its final report.

The Committee on Legal Affairs submitted its final report.

The Committee on Mines and Mining submitted its final report.

The Committee on Taxation submitted its final report.

Which reports were severally read and accepted.

Sent down for concurrence.

Passed to be Engrossed

An act to amend the primary election law, providing for the nomination of candidates for county office by convention. (S. P. 72, L. D. 49).

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

The President resumed the Chair, Mr. Weatherbee of Penobscot retiring, amid the applause of the Senate, the members rising.

Passed to be Enacted

An act closing Oosoola Stream, in Norridgewock, to hunting and trapping. (H. P. 99, L. D. 70).

An act relating to State aid for academies. (H. P. 796, L. D. 982).

An act relating to Waldo-Hancock bridge. (H. P. 1386, L. D. 946).

An act to amend an act to incorporate the Oquosoc Light and Power Company. (H. P. 1399, L. D. 972).

An act relating to elections in the city of Lewiston. (H. P. 1402, L. D. 973).

An act relative to hunting licenses. (S. P. 84, L. D. 96).

An act relating to penalties for violations of rules and regulations of the Department of Inland Fisheries and Game. (S. P. 85, L. D. 97).

An act to provide for continuous revision of the statutes and legislative assistance. (S. P. 278, L. D. 249).

An act relating to Industrial education. (S. P. 374, L. D. 478).

An act to require full returns of expenditures in primary elections and to provide for publicity in connection therewith. (S. P. 579, L. D. 951).

(On motion by Mr. Spear of Cumberland tabled pending passage to be enacted.)

Finally Passed

Resolve in favor of Reed Plantation. (H. P. 240, L. D. 975).

Resolve in favor of the towns of Gardiner and Randolph. (H. P. 273, L. D. 976).

Resolve in favor of the town of Wellington. (H. P. 404, L. D. 977).

Resolve in favor of the towns of Atkinson and Sebec for the construction of a bridge. (H. P. 451, L. D. 979).

Resolve in favor of A. C. Bassett, of China. (H. P. 520, L. D. 978).

Resolve providing for the purchase of two hundred copies of Maine Province and Court Records, Vol. II. (H. P. 627, L. D. 995).

Resolve in favor of the town of Island Falls. (H. P. 1365, L. D. 941).

Resolve in favor of the town of

Dixmont, to repair center bridge. (H. P. 1398, L. D. 971).

Resolve in favor of A. A. Abbott. (H. P. 1400, L. D. 974).

Resolve in favor of the town of Milford. (H. P. 1401, L. D. 980).

Resolve in favor of Eugene H. Flint, of Monson. (H. P. 1403, L. D. 981).

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

Resolve in favor of the Pownal State School, for additions and improvements. (S. P. 585, L. D. 953).

(Emergency Measure)

Bill "An act to authorize the County of Aroostook to enlarge and repair the county jail at Houlton." (H. P. 201, L. D. 143).

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate, An Act relating to the weight of bread, (L. D. 732), tabled by Mr. Greenleaf of Androscoggin on March 30th pending indefinite postponement, and especially assigned for today; and that Senator offered the following amendment and moved its adoption:

"Senate Amendment A to Legislative Document 732. Amend said bill by adding to the second line thereof after the word 'manufacturer' the word 'or'."

Mr. GREENLEAF of Androscoggin: Mr. President, this amendment fixes the bill so that it reads with that amendment, "No person, firm or corporation shall manufacture or produce for sale, sell or offer, or expose for sale, in this State, bread in loaves in any other weight than the following standard avoirdupois weights; one pound, one and one-quarter pounds, one and one-half pounds, one and three-quarter pounds, two pounds, two and one-quarter pounds, two and one-half pounds, two and three-quarter pounds, three pounds, three and one-quarter pounds, three and one-half pounds, three

and three-quarter pounds, and four pounds." Now this will take out the objection I have heard expressed by several that housewives cannot bake a loaf of bread. This simply applies to bread made for sale. I move the amendment to be adopted.

Mr. WEEKS of Somerset: Mr. President, may I inquire through the Chair of the Senator from Androscoggin, Senator Geenleaf?

The PRESIDENT: The Senator from Somerset, Senator Weeks, wishes to make some inquiry through the Chair, and the Senator from Androscoggin may answer if he desires.

Mr. WEEKS: Under the law, as it has been stated by you, what would happen in case a man sold a loaf of bread which weighed one pound and two ounces?

Mr. GREENLEAF: Mr. President, under the general food law of the State which goes into this, it says, "Misbranding Foods." This is Chapter 36 of the Revised Statutes. "For the purpose of this chapter an article of food in package form if sold at a greater price than five cents, shall also be deemed to be misbranded if the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; provided, however, that reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with section thirty-five. And further provided that the penalties of this chapter shall not be enforced on account of sale of food not branded in terms of weight, measure, and numerical count, purchased prior to September third, nineteen hundred and fourteen." I think that answers the question. As it is now, they have to mark the weight of their bread on the package and these wrappers of course are printed and turned out probably months before they turn out the bread. They are manufactured in accordance with the Act, so nothing could happen under the marking. It isn't going on under the present bill. If they are not able to weigh bread according to this act, they certainly will not be according to the other act. The purpose is so you will know you are

buying a certain weight of bread. The principal objectors, I think, are Cushman Baking Company of Portland. I don't know how many trucks they send out, but I imagine they send out three or four hundred wagons the way you see them around the road. I do not see what the objection can be unless they are trying to compete with the A. & P. Stores, and do not wish the price to vary and they would rather keep the price constant and vary the loaf. I took pains to look over a wrapper used, and if anyone takes the loaf I had, I defy them to find the weight marked on the wrapper before unwrapping. After you unwrap it, you find marked along the edge the weight of the loaf, but when the loaf comes through the wrapping machine the ends are turned in and the heat melts the paraffin enough to stick them down. Most housewives, when buying bread, do not consider the weight. When they read the price of flour has gone down so much a barrel, and the price of bread is just the same, they know nothing about the weight of bread. If they know how the weight is marked, that would do away with this deception. Whether the deception is intentional or not, I do not know, but the marking on the wrappers now is so turned in that you cannot see it. I notice the brand of the bread and the manufacturer's name are plainly visible and of course the weight could be stamped that way. I would like to move the acceptance of the report of the committee which is "ought to pass."

Mr. LITTLEFIELD of York: Mr. President, I do not know much about this bread business, but I do know that we have a baker in Biddeford who does a very large business. I have a letter from him stating that if this bill is passed, it will work a hardship on the baking business. He says that this is done by machinery, this bread is mixed by machinery, and cut up by machinery, of course before it is cooked, and of course a lot of times the bread will vary a half ounce or ounce, and I wondered if this amendment would cover that proposition.

Mr. JACKSON of Cumberland: Mr. President, may I inquire what

the parliamentary status of this bill is at the present time?

The PRESIDENT: The Chair will advise that the report of the committee has been accepted and the motion is on the adoption of Senate Amendment "A."

Mr. JACKSON: Mr. President, I would like to inquire if it is in order to move the indefinite postponement of the bill and amendment?

The PRESIDENT: The Chair will advise that the first motion is on the adoption of the amendment. The Senator from Cumberland, Senator Jackson, may make a motion to indefinitely postpone the amendment now, but not the bill.

Mr. JACKSON: Mr. President, I do not know as I wish to make that motion for I wanted to make the same motion for the bill and amendment; therefore, I must speak against the amendment and bill and acceptance of the report at the same time.

The PRESIDENT: The Chair will state that the report has been accepted and the Senator may address himself to the amendment and the bill.

Mr. JACKSON: Mr. President and members of the Senate, the argument in favor of this bill is that the public is being deceived and that it would be better to have the bread stamped with the weight. I claim the public is not being deceived and cannot be deceived as the weight is always shown on the wrapper. I wish to display this wrapper, which contrary to the Senator from Androscoggin, Senator Greenleaf's argument, in six different places the weight of the bread is plainly marked and I think even way across the room you can see it is very plainly marked. Now he says that the opposition comes entirely from Cushman Bakery, or at least, I understood him to say that. Now, in opposition to that, I wish to say I have at hand not only the opposition from Cushman Bakery, but also 45 other bakers and people who are interested in the baking business, so the opposition is much more extensive than he would have us believe. I want to display another wrapper which I think is perhaps even prettier than the other one I displayed, although we

are not talking about the artistic merits of the wrapper. The weight is displayed in three places and calls for a loaf of bread that weighs less than a pound, which I believe is an important feature in the manufacture of bread. You take a young married couple for instance, who do not wish to buy the large bread or large loaf of bread, they are permitted to buy a small loaf which would suit their needs better. Take my own case, recently the doctor has put me on a diet and I have to eat whole wheat bread, so called, or dark bread. The rest of the family like light bread. I bought some the other day, a loaf of eleven ounces which I could eat up. I do not believe there is any real demand for this law. We have enough law already regarding the manufacture of bread and anything further would be confusing and would not be adaptable to the public needs and I hope that the motion of the Senator from Androscoggin, Senator Greenleaf, will not prevail.

Mr. SLOCUM of Cumberland: Mr. President, this is of interest and the amendment introduced by Senator Greenleaf, and possibly he is correct in saying it will not prevent me to manufacture a loaf of bread, inasmuch as I am my own cook and bottle washer, living all alone and have to do some baking now and then. Whether that is the case or not, there is one point there is no question about no baker, firm or corporation can produce a loaf of bread other than standard avoirdupois loaf, one, one and one-quarter, or one and one-half pounds, etc. Now, there is a peculiar thing about bread. You cannot bake a loaf of exactly one pound. There are no tolerances to this bill. It is impossible to make it absolutely one pound. Although you bake it one pound, it will vary between the time of manufacture and the time of sale. If I read Section 3 correctly, "Any person, firm or corporation who violates any provision of this act, shall be punished by a fine of not more than one hundred dollars for the first offense, and by a fine of not more than two hundred dollars for each subsequent offense; and each separate sale or violation of any provision shall constitute a separate offense." I think the bill is a

little bit drastic. I have also received many communications, not only from the Cushman Company, but also from other bakers and I believe even with this amendment, it should not be adopted. I hope the motion of the Senator from Androscoggin, Senator Greenleaf, will not prevail.

Mr. LELAND of Piscataquis: Mr. President, the hearing on this matter was held by the Committee on Agriculture. This committee was quite reluctant to impose any unnecessary restrictions or interfere in any way with the proper procedure of legitimate business. This particular bill was sponsored before the committee by the Maine Bakers' Association. Their argument was that such a standardization was necessary in order to protect the public in order that they might know exactly what they were receiving in weight for the money they paid. Their argument was that any abuse of the business and any corrections necessary might much more properly come from the business itself, and from those engaged in it, than to wait for some move on the part of the public. There were substantial concerns represented in the opposition to it, but in the judgment of the committee, the preponderance of evidence was entirely in favor of the measure. Argument was made by the opponents of the measure that it would work a hardship on small bakers. During the time this matter was under consideration by the committee, the members took occasion to consult local bakers, and without exception, they found those bakers in favor of the bill. They believed it was a protection for their business and for the public. It was brought out in the hearing that it was customary for many bakers to put on the market a loaf of 24 ounces, so marked, and the prices established and within perhaps two or three weeks, the weight would be cut three or four ounces and the price continuing the same. The common practise is not to change the price in accordance with varying conditions, but to change the weight. They felt it was unsound practise and it would be better for the interests of the business if it should be conducted on the standardization of the weight of bread and if any fluctua-

tion was necessary, the price should be fluctuated. That was the proper manner in which to make such variation. Referring to what the Senator from Cumberland (Senator Slocum) has said in relation to any tolerances in the bill, the committee was advised that ample tolerance was provided in the Pure Food Law which has already been read by the Senator from Androscoggin (Senator Greenleaf) this morning. The committee feels unanimously, and were unanimous in their opinion that this would work no harm the legitimate carrying on of the business itself and would more amply and fully protect the public than is now the case. I hope the motion will prevail.

Mr. ALDRICH of Sagadahoc: Mr. President, may I ask a question of the Senator from Piscataquis (Senator Leland) relative to this matter?

The PRESIDENT: The Senator from Sagadahoc, Senator Aldrich, wishes to ask a question of the Senator from Piscataquis, Senator Leland, and that Senator may answer if he desires.

Mr. ALDRICH: Mr. President, I want to be sure I understand just what this bill does provide. If a sentiment should arise among the people, demanding that a loaf of bread of half a pound in weight be put upon the market, if I understand this bill correctly, it could not be complied with, and the bakers, if they put such a loaf upon the market would subject themselves to penalty under this bill.

Mr. JACKSON of Cumberland: Mr. President, I ask for a division when the vote is taken.

Mr. WEATHERBEE of Penobscot: Mr. President, may we have the amendment read again?

The Secretary read Senate Amendment "A."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Greenleaf, that Senate Amendment "A" be adopted. A division has been called for.

A division of the Senate was had. Six having voted in the affirmative and eighteen in the negative, the motion to adopt Senate Amendment "A" did not prevail.

Thereupon, on motion by Mr.

Jackson of Cumberland, the bill was indefinitely postponed.

The President laid before the Senate, Senate Report from the Committee on Taxation, "Ought Not to Pass" on An Act to amend the charter of the Portland Water District, tabled by Mr. Slocum of Cumberland on March 30th pending acceptance of the report, and today assigned; and that Senator yielded to the Senator from Cumberland, Senator Spear.

Thereupon, on motion by Mr. Spear of Cumberland, the bill was referred to the next Legislature.

The President laid before the Senate, An Act relating to identification of criminals, (H. P. 209, L. D. 119), tabled by Mr. Spear of Cumberland on March 31st pending consideration, and today assigned.

Mr. SPEAR of Cumberland: Mr. President, what is the status of this bill at the present time?

The PRESIDENT: The bill, on a joint order, has been recalled from the Governor, and at the present time, for the purpose of amendment or other action, is before the Senate, and it has been passed to be enacted.

Thereupon, on motion by Mr. Spear of Cumberland, under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be enacted.

On further motion by the same Senator, the Senate voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. SPEAR of Cumberland: Mr. President, I have been requested by a member of the House to offer Senate Amendment "A" to this bill, and I move its adoption.

"Senate Amendment A to An Act relating to identification of criminals, (H. P. 209, L. D. 119)

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

"Section forty-seven of chapter one hundred forty-seven of the revised statutes is hereby amended by striking out all of said section and inserting in place thereof the following:

'Sect. 47. Prisoners who have

been convicted of crime and committed under sentence may, with the approval of a justice of the superior or supreme court, for the purpose of subsequent identification be measured and described in accordance with the Bertillon method for the identification of criminals, and their photographs and finger-prints taken. Provided, however, that said approval shall not be required in the case of a prisoner who has been convicted of a felony."

Thereupon Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed.

The President laid before the Senate, An Act relating to the disposal of fines and costs collected by the State Highway Police, (H. P. 585, L. D. 825), tabled by Mr. Littlefield of York on March 31st pending second reading, and today assigned.

Mr. LITTLEFIELD of York: Mr. President, I think the other bill is sufficiently far along now so that I will move that this bill have its second reading.

Thereupon the bill was given its second reading and passed to be engrossed, in concurrence.

The President laid before the Senate, House Report from the Committee on Inland Fisheries and Game, "Ought to Pass" in New Title and New Draft, (H. P. 1422), An Act relating to fishing in certain inland waters, tabled March 31, 1931, by Mr. Holman of Franklin, pending acceptance of the report; and today assigned; and that Senator yielded to the Senator from Kennebec, Senator Southard.

Mr. SOUTHARD of Kennebec: Mr. President, I yield to the Senator from Cumberland, Senator Spear.

Mr. SPEAR of Cumberland: Mr. President and Members of the Senate, it seems to me that this is unfair legislation to the average citizen. I want to go on record as opposing it. It seems to me it is the case of One Gallus Fellers versus White Collar Men.

The ordinary man of small means cannot afford to go to the legislative hearings, do lobbying and what have you to defend his rights as to the choice of fishing the way he

learned to fish when a boy. He cannot afford the price of one hundred dollars or more to buy tackle and equipment. He is willing, I believe, to pay a fair annual license fee of 65 cents to help make the fishing better for everyone.

What difference does it make whether he fishes with an alder or a bamboo pole, cotton line, plain hook and an angle worm, so long as there is a bag limit. Why should the white collar man say to the one gallus feller "you must buy fancy equipment," costing more than the one gallus feller can afford and fly fish only. Again the one gallus feller has not the time nor the inclination to learn to fly fish. It seems to me that it is high time that we gave both sides a chance to fish either way they desire, so long as there is a limit to the amount of fish that they can catch in a given time. It is my desire as a member of the 85th Legislature and a Senator to go on record as opposing this kind of legislation.

I would like to ask, through the Chair, of the Chairman of the Fish and Game Committee, Senator Boulter, whether he is familiar with this section of the Revised Statutes,—Page 70, Chapter 2. "Notice of petitions for special legislation pertaining to fish and game." According to this section, "Notice of petitions, bills, or resolves for special legislation, regarding or in any manner pertaining to fish or game, shall be given with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for eight consecutive weeks . . ." I won't read the rest of it, but I would just like to know if he is familiar with it and if that particular law has been complied with. When the vote is taken, I ask for a division. I move the indefinite postponement of the whole thing.

The PRESIDENT: The Senator from Cumberland, Senator Spear asks a question of the Senator from York, Senator Boulter, and that Senator may answer if he desires.

Mr. BOULTER of York: Mr. President, I wish to say that this legislature is a power unto itself. It has an absolute right to enact any laws it sees fit. I hope the motion of the Senator from Cum-

berland, Senator Spear, will not prevail. I furthermore wish to say, that this is a complete surprise, I assure you, to the members of the Fish and Game Committee and in order to give the committee an opportunity to think this matter over, I move this bill lay on the table until tomorrow morning and be especially assigned.

A viva voce vote being doubted, A division of the Senate was had.

Twenty having voted in the affirmative and none in the negative, the motion to table and assign prevailed.

The President laid before the Senate, House Report from the Committee on Inland Fisheries and Game, "Ought to Pass in New Draft," (H. P. 1387) on An Act to change the closed time on deer in the northern counties, (H. P. 22, L. D. 33) tabled by Mr. Leland of Piscataquis on March 31st pending acceptance of the report; and on motion by that Senator the report of the committee was accepted and the bill was given its first reading.

Thereupon, the rules were suspended and the bill given its second reading.

The PRESIDENT: There appears to be an amendment on this bill, House Amendment "A", which the Secretary will read.

The Secretary read House Amendment "A".

Mr. BOULTER of York: Mr. President, I yield to the Senator from Kennebec, Senator Southard, on the matter of this amendment.

Mr. SOUTHARD of Kennebec: Mr. President, as I understand this amendment, Aroostook would be a separate classification from any other counties in the State. The classification would then be, if this amendment were adopted: Franklin, Oxford, Penobscot, Piscataquis and Somerset with open season from November 1st to the 15th of December; Androscoggin, Cumberland, Knox, Kennebec, Lincoln, Sagadahoc, Waldo and York from the 31st of October to the first of December, and would put Aroostook in a classification from the first of October, on. It would seem that confusion might well arise with a different classification for

simply one county in the State, and the purpose, I think, of the Fish and Game Committee has been to give us a classification that would be practically uniform throughout the State and not a different classification for one county. I therefore, hope the amendment as offered, to make Aroostook a separate county so far as the hunting of deer is concerned, and a different season from the other counties, will not prevail.

Mr. KITCHEN of Aroostook: Mr. President, personally I do not know who was responsible for the amendment but I presume someone from Aroostook county. I have not in any way considered this matter, only in talking with a member of the Fish and Game Committee, I think Mr. Smith of Masardis, and he, of course, stated what the proposition was, of making uniform the Fish and Game Committee, I had felt that the citizens of Aroostook county had preferred that the law stand as it is—I think from October 15 to December. This would set the matter ahead two weeks. Of course, you know we, in Aroostook county, are in a rather frigid zone and winter comes much earlier than in the counties farther south. I think it would be much better for the people of Aroostook county if the law could remain as it is; still I am not much of a believer in class legislation. I am not rising to seriously and very strenuously advocate my approval of this amendment, even though, if adopted, I would not object to it.

Mr. BOULTER of York: Mr. President, I wish to say that Representative Smith of the Inland Fisheries and Game Committee agreed to this in the committee—it was a unanimous report, and do I understand now that he put this amendment on?

The PRESIDENT: The Chair will state that the papers do not show by whom the amendment was presented.

Mr. BOULTER: Mr. President, I wish to say to the members of this Senate that this was a unanimous report and agreed to by every member of the committee.

Mr. KITCHEN: Mr. President, in talking this matter over with Mr. Smith, he brought this to my attention. I told him to do the best

he could to retain the old law, but if he found it necessary to make a change, this would be agreeable to me.

Mr. WHEELER of Oxford: Mr. President, may I inquire if Aroostook county wishes to have certain exemptions regarding this law?

The PRESIDENT: The Senator from Oxford, Senator Wheeler, asks a question through the Chair and the Senator from Aroostook, Senator Kitchen, may answer if he desires.

Mr. KITCHEN: Mr. President, I think the amendment provided that they would be exempt from the provisions of this change, that our opening and closing season would remain as at present.

Mr. WHEELER: Mr. President, this matter has been more or less of interest to me, due to the fact that Oxford county is so situated that a large number of our very best sporting camps are so located that they have to go to them by water. I have in mind the Magalloway waters. This change in the deer law has not been deemed advisable by those people who own those camps, and I wish to reserve the right to offer an amendment for Oxford county later if this amendment is adopted.

The PRESIDENT: Does the Senator from York, Senator Boulter, move the indefinite postponement of his amendment?

Mr. BOULTER of York: I do, Mr. President.

Mr. KITCHEN: Mr. President, may I speak for the third time?

The PRESIDENT: The Senator may proceed.

Mr. KITCHEN: I would simply like to ask through the Chair, a question of the chairman of the Fish and Game Committee, if possible.

The PRESIDENT: The Senator from Aroostook, Senator Kitchen, may ask a question of the Senator from York, Senator Boulter, and that Senator may answer if he desires.

Mr. KITCHEN: Mr. President, I should like to ask what was the real cause for the change in opening and closing of the hunting season in the northern counties.

Mr. BOULTER: Mr. President, after holding hearings and getting the consensus of opinion of the majority of the people who ap-

peared—say in Oxford county, for instance, there were some sporting camp men agreed to it, and they wanted it to December 15. We could not seem to give it and compromised on December 7th.

Mr. KITCHEN: The demand came from the eight northern counties?

Mr. BOULTER: Yes.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Boulter, that House Amendment "A" be indefinitely postponed.

A viva voce vote being had

The motion to indefinitely postpone House Amendment "A" prevailed.

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

The President laid before the Senate, House Report from the Committee on Public Utilities, "Ought Not to Pass" on An Act to provide adequate rural electric service at just, reasonable rates throughout the State of Maine, (H. P. 991, L. D. 434), tabled by Mr. Southard of Kennebec on March 31st pending consideration.

Mr. SOUTHARD of Kennebec: Mr. President, may I ask the indulgence of the Senate to allow this matter to be retabled? The amendment is practically completed that is to be offered and if we have an afternoon session, I think I can bring it along then; if not, tomorrow anyway. I therefore move this bill be retabled.

The motion to retable prevailed.

The President laid before the Senate, House Report from the Committee on Inland Fisheries and Game, "Ought Not to Pass" on An Act to establish a game sanctuary in the town of Standish in the County of Cumberland. (H. P. 953, L. D. 432), tabled by Mr. Slocum of Cumberland on March 31st pending acceptance of the report.

Mr. SLOCUM of Cumberland: Mr. President, the Committee on Inland Fisheries and Game is planning to meet before the afternoon session and this matter will be taken up with them, and I move it be retabled.

The motion to retable prevailed.

The President laid before the Senate, New Draft, An Act relating to the support of dependents of soldiers, sailors and marines of the World War, (S. P. 614, L. D. 1021), tabled by Mr. Littlefield of York on March 31st pending second reading; and on motion by that Senator, the bill was retabled and especially assigned for tomorrow.

The President laid before the Senate, An Act regulating the transportation of poultry, (H. P. 777, L. D. 323), tabled by Mr. Page of Somerset on March 31st pending enactment.

Mr. PAGE of Somerset: Mr. President, this bill, I learned this morning has been taken up with people in New Hampshire and they feel that it is important that we, in Maine, pass this bill. I think it is about as important legislation as Legislative Document 732, An Act to the Weight of Bread. I don't think I care to make a motion. I will yield to the Senator from Kennebec, Senator Towle.

Mr. TOWLE of Kennebec: Mr. President, I move that this bill be passed to be enacted.

Mr. ALDRICH of Sagadahoc: Mr. President, may I ask a question of the Senator from Kennebec, Senator Towle, relating to this matter?

The PRESIDENT: The Senator from Sagadahoc, Senator Aldrich may ask the question and the Senator from Kennebec, Mr. Towle, may answer if he desires.

Mr. ALDRICH: Mr. President, I have only just glanced at this bill, but I would like to inquire if there is some householder or some laborer working all day in the mill who has a few chickens and who has to move his household effects at night, and because of that wants to move his poultry, whether he would be violating the law if he did it without getting a license from the Commissioner of Agriculture?

Mr. TOWLE: Mr. President, I am afraid that question would be a little too technical for me to answer, but I would not think there would be objection to his moving household furniture.

Mr. ALDRICH: Mr. President, I move the bill be indefinitely postponed.

Mr. LITTLEFIELD of York: Mr.

President, this bill does look a little foolish but I had nothing to do with this bill and knew nothing about the bill, but the mayor of the city of Rochester was in my house last Sunday and he told me that bill in New Hampshire had been one of the most effective bills that he knew of. He said it had got so that the poultry raisers in New Hampshire almost had to hire a night watchman to keep them from stealing their poultry. I do know right in our own county where they have been in there and cleaned out, and when I say "cleaned out", I mean not leave one hen or chicken in those coops, and they were taken in the night. They cannot do it in the daytime. This bill has been thrown around and a lot of fun made of it but I really think that bill can be made a good bill for the poultry raisers and I hope it will not be indefinitely postponed.

Mr. ALDRICH: Mr. President, this matter rather attracted my attention because of the fact that it relates to poultry and some of you may know sometime in my career I was interested in poultry, which reminds me of the situation I found myself in when I decided to give up the raising of poultry. I sold them to a butcher, I believe it was, and of course the most convenient time to get them out was when they were on the roosts and it was a simple matter to collect them. As I understand it, under this bill, the butcher could not have removed those chickens and I could not have sold them after dark unless we had both got permission from the Commissioner of Agriculture. I have full sympathy with the officers of the law in their endeavors to catch criminals, but I do believe we should take into consideration the rights of the average individual, and it is because of that that this matter did not come to my attention until a few minutes ago, but because of that, it seems wise to indefinitely postpone, but if my good friend from York (Senator Littlefield) can propose something that will overcome this, and still take care of the small fellows, I will be agreeable to it.

Mr. LITTLEFIELD: Mr. President, that is exactly what I think can be done and I now think the bill could be fixed, and it would be a proper bill and workable bill, and

if it is in order, I would like to move that this lie on the table until this afternoon or tomorrow, and see if Senator Towle and Senator Aldrich and some of the rest of us can fix it.

The motion to table, pending indefinite postponement, prevailed.

The President laid before the Senate, Senate Report from the Committee on Claims, "Ought Not to Pass" on Resolve in favor of Charles Langley of Elliot, (S. P. 62), tabled by Mr. Spear of Cumberland on March 31st pending substitution of the bill for the report.

Mr. SPEAR of Cumberland: Mr. President, is a motion to accept the report "Ought Not to Pass" in order?

The PRESIDENT: The pending question is to substitute the bill for the report.

Mr. SPEAR: Mr. President, I move we substitute the bill for the report and I hope the motion will not prevail.

The PRESIDENT: The question before the Senate is on the motion—

Mr. SPEAR: Mr. President, I ask the consent of the Senate to withdraw my motion, and I yield to the Senator from Penobscot, Senator Weatherbee.

Thereupon, unanimous consent of the Senate was given the Senator from Cumberland, Senator Spear, to withdraw his motion.

Mr. WEATHERBEE of Penobscot: Mr. President, there is no merit whatsoever in this claim against the State of Maine. The only fact that came out at the hearing was that somebody shot a cow. That was the only fact whatsoever, no reason intimated, not even why the State of Maine was in any way responsible, or why the State of Maine should pay. Someone is in a receptive mood and would like to get one hundred dollars for a cow, and we unanimously voted, "Ought Not to Pass". Opposition to this has been voiced by another source, and I do not think if it prevailed, would ever receive the approval of the Governor. Senator Boulter of York, the proponent of the bill, desires that the motion to substitute the bill for the report shall not pass. I hope the motion will not prevail.

The PRESIDENT: The question

before the Senate is on the motion to substitute the bill for the report.

A viva voce vote being had

The motion to substitute the bill for the report did not prevail.

Thereupon, on motion by Mr. Spear of Cumberland, the report of the committee, "Ought Not to Pass" was accepted.

The President laid before the Senate, New Draft, Resolve creating a recess committee to study the needs and requirements of aviation, and its development, (H. P. 1417, L. D. 1037), tabled by Mr. Spear of Cumberland on March 31st pending passage to be engrossed in concurrence; and that senator yielded to the Senator from Washington, Senator Murchie.

Mr. MURCHIE of Washington: Mr. President, as I understand it there is no motion pending and the resolve is simply waiting passage to be engrossed.

The PRESIDENT: The Senator is correct.

Mr. MURCHIE: I move, Mr. President, that the resolve be indefinitely postponed. I was surprised, in reading this resolve, to note that it carried an appropriation of \$1500 which is not an excessive sum of money but when I turned to the body of the resolve and found that with that \$1500 the committee was charged with the duty of making a comprehensive study of the needs and requirements of the State of Maine, its municipalities and other subdivisions of government with respect to aviation and its developments, it seemed to me that we ought to face the facts and if there is a need for such a comprehensive study that the drafting of all necessary laws to leave our aviation in perfect shape we should appropriate a sufficient sum of money. I do not believe there is any occasion in the State of Maine at present for the expenditure of any money to further the needs of aviation comprehensively, or superficially, and that doubt about the advisability is the foundation for my motion to indefinitely postpone. I want to call attention also to that provision of the resolve which says the said committee is hereby authorized to hold hearings both within and without the State, with-

in the United States, and I will say that my experience in the past has never led me to believe that a committee of the State of Maine would be interested in such a matter in any one of the other forty-seven states of the Union so that necessarily that authority to hold hearings will be limited so far as aviation is concerned to such hearings as may be held in the State of Maine. I don't know enough about the aviation situation in the State of Maine to be absolutely certain of my facts but I am advised that with the exception of a few individuals who may carry a passenger that there is only one corporation engaged in commercial aviation in the State of Maine. If that is true I do not believe that a thorough and careful study and canvass of that company's books would produce much information of value and if this resolve is intended to give the committee authority to investigate some individuals who may be operating their own aeroplanes I think we are going far beyond what we should do in the State of Maine with reference to aviation or anything else. I always regret to vote against or to oppose any unanimous report but it seems to me that this report must be based on the fact that the members of the aviation committee are being unduly carried away with their enthusiasm for aviation. I hope the resolve will be indefinitely postponed.

Mr. SLOCUM of Cumberland: Mr. President, I move that this matter lie upon the table and be especially assigned for tomorrow morning.

A viva voce vote being had, The motion to table and assign did not prevail.

Thereupon, Mr. Weatherbee of Penobscot was given permission to ask a question through the Chair of the Senator from Washington, Senator Murchie.

Mr. WEATHERBEE of Penobscot: I would say, Mr. President, that it seems quite apparent that the amount of money which the resolve carries is insufficient for the committee to do all of the things that it is authorized to do in the resolve, it having been specially and specifically authorized to do certain things, and if it does those things and it costs more than \$1500,

would not the committee have a just claim against the State of Maine for, perhaps, a thousand or more dollars to reimburse it for those expenses in doing those acts specifically authorized to be done.

Mr. MURCHIE: Mr. President, may I inquire if the question is concluded?

Mr. WEATHERBEE: The question is, Mr. President, that is a committee in the performance of those specific acts which the Legislature charges it to perform incurs expenses in excess of the amount provided in the resolve whether or not it may not come back to the Legislature with a just claim for reimbursement to any extent.

Mr. MURCHIE: Answering the Senator's question, Mr. President, again I may say that I think a committee expending money in accordance with directions and being unable to meet the expenses out of the appropriated fund, might well have a moral claim against the State of Maine for reimbursement. So long, however, as the State has the good fortune to have its Committee on Claims headed by a gentleman of the distinction, conservatism and good judgment of the Senator from Penobscot (Senator Weatherbee) I do not apprehend that any such claim would be favorably acted upon.

Mr. WEATHERBEE: They would not get away with a great deal, Mr. President, but I feel that the amount proposed to be appropriated by this resolve is very inadequate for the purpose of the resolve and that there is really no occasion for this legislation at this time. I hope that it will be indefinitely postponed.

Mr. SLOCUM: Mr. President, I am a member of the Committee on Aeronautics and Radio Control and that committee numbers among its members nine members, one of whom is the distinguished lawyer from Penobscot county, Senator Crosby, as well as Senator McLean of Hancock, and seven good members from the House and also includes two members of the Committee on Appropriation and Financial Affairs. Representatives Hussey of Augusta and Goodrich of York. The committee considered all the evidence brought before it and passed this resolve unanimously.

We have heard many times during this session of the reports of committees being something that we should stand by. Of course that is a good argument if you happen to agree with the members of the committee. However, as only one member of the committee happens to be a flyer, namely the chairman, and the other members, particularly those solid and substantial citizens who are put upon the Appropriation and Financial Affairs Committee, neither of whom to the best of my knowledge and belief have any interest at all in flying other than what was evinced by their service on the Committee of Aeronautics and Radio Control, I do not think that the fears of the Senator from Washington, Senator Murchie, that we were carried away by our enthusiasm hold much weight.

This resolve was introduced as an act to start a work which seemed to the members of the committee to have merit. That act carried with it an appropriation of \$3,000 and the Committee on Aeronautics and Radio Control, feeling that \$3,000 was not necessary nor advisable at this time owing to the condition of the finances of the State, pared the amount down to \$1500, it being appreciated by the members of the committee that all of the things that the proponents of the measure desired could not be accomplished on \$1500. The resolve as at present before us has one check upon it, that the Governor and Council must authorize any expenditures. If in the judgment of the Governor and Council that committee should not do all of the things I think that the amount of \$1500 even might not be expended.

It is interesting to note that today we have only one corporation doing an aviation business in the State of Maine but it is hoped that there will very soon be others coming into the State of Maine, other corporations carrying passengers, and because of that this Legislature in its wisdom has accepted another bill, which I believe has passed to be enacted, although I am not sure of that, but it has passed to be engrossed anyway, to set up a fund known as the Aeronautical Fund, of the monies that would be returned to the various flyers on their exemption from the

gasoline tax and it was hoped that a start might be made in the study of aeronautics so that when we have a number of companies here they would not be unduly oppressed or the public unduly oppressed by acts that are other than advantageous to the general public. This resolve was brought in by the committee in the hope that a start could be made on adopting laws and regulations in the State of Maine which would be uniform with legislation on other activities in other industries, or parallel such legislation. I hope the motion of the Senator from Washington will not prevail.

Mr. WEATHERBEE: Mr. President, the Federal government is studying all of these aviation problems in a very comprehensive manner. There is no need of duplication on the part of the various forty-eight states of the Union. This committee does not have to visit each and every state in order that we may have uniform legislation here in Maine with that of other states. The gentleman states that there is only one member of that committee who is a flyer. That accounts for this whole business. He is a flyer and he doubtless desires to take a trip into each and every state in the Union and have all of the members of the committee fly with him, but it is too extended a trip and we do not care to favor it—not now.

Mr. SLOCUM: I think the Senator from Penobscot, Senator Weatherbee, is in error. There is nothing in this to put me on the committee. Further than that it would not be necessary to go to the other forty-seven states. Owing to the cooperation of the State of Maine and the other forty-seven states with the Federal government we had a committee which sat in Washington and, I believe, we had two representatives appointed by his Excellency, Governor Gardiner, who were down there last year, and I believe that was one of the points that was brought out by the proponents of the bill, and I might inform the Senator from Penobscot, Senator Weatherbee, that I did not introduce this measure, do not sponsor the measure and am only speaking on it as chairman of the committee and that the words "within and with-

out the State of Maine" were introduced so that this committee or a portion of it might represent the State of Maine at the hearings held in Washington by the Federal government so that we could coordinate the State of Maine in doing its share of the work with the other forty-seven states and the Federal government for uniform legislation.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Murchie, that this resolve be indefinitely postponed.

A viva voce vote being had,
The resolve was indefinitely postponed.

The President laid before the Senate, House Report from the Committee on Inland Fisheries and Game, "Ought to Pass in New Draft" (H. P. 1423, L. D. 1039) and New Title, on Resolve for screening certain lakes and ponds in the State, tabled by Mr. Southard of Kennebec on March 31st pending acceptance of the report.

Thereupon, Mr. Southard of Kennebec offered the following amendment and moved its adoption:

"Senate Amendment 'A' to Legislative Document 1039. Legislative Document 1039 is hereby amended by striking out in lines twenty-three, twenty-four and twenty-five the following words: 'further, if the actual cost of any screen provided for in this resolve is less than the amount appropriated therefor.'"

Mr. SOUTHARD of Kennebec: Mr. President, in explanation of the amendment which I have offered, if the members of the Senate will turn to the second page of Legislative Document 1039 they will see, beginning in the second line of that page the words, "and, provided further, if the actual cost of any screen provided for in this resolve is less than the amount appropriated therefor, the State shall be liable for only one-half of the cost of the screens." I understand that the purpose of the bill is to have the State pay one-half the cost of the screens. With the language as incorporated in the bill just how much the State would have to pay if the cost of the screen is more than the amount appropriated, frankly, I do not know. It says that if less, the State shall then be liable for only

one-half, and my amendment would simply make it read as follows: "and provided the State shall be liable for only one-half of the cost of such screen." Which is what I understand to be the purpose of the bill whether it is in excess of the amount appropriated or under the amount appropriated, and I simply offer this amendment to have the language clarified because as it is at present I do not know what it means. If, for instance, in the first matter listed the screens should cost \$190, which is \$10 less than the amount appropriated, to wit, \$200, then the State would pay only one-half. But if the cost were \$210, which is \$10 more than the amount appropriated, how much the State would have to pay I do not know, but in my amendment the State would pay one-half, which I understand is the purpose of the bill.

Mr. BOULTER of York: Mr. President, I would like to say that the committee would be very glad if that amendment were passed.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment "A."

Thereupon, Senate Amendment "A" was adopted.

The PRESIDENT: Is it the pleasure of the Senate that on this bill just read and to which Senate Amendment "A" was adopted, that the report of the committee be accepted?

The report of the committee was accepted, the bill was given its first reading, the rules were suspended and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A."

On motion by Mr. McLean of Hancock, the Senate voted to reconsider its action of yesterday whereby, An Act relating to standard time (L. D. 1027) as amended by Senate Amendments "B" and "C" was indefinitely postponed.

Thereupon, on motion by the same senator the Senate voted to reconsider its former action whereby Senate Amendment "C" was adopted; and on further motion by the same Senator the Senate voted to reconsider its action whereby Senate Amendment "B" was adopted.

Mr. McLEAN of Hancock: Mr. President, I now offer Senate

Amendment "D" and move its adoption.

"Senate Amendment 'D' to Legislative Document 1027 entitled, An Act relating to Standard Time. Amend said bill by striking out the last sentence of the second paragraph."

Mr. McLEAN: Mr. President, in explanation of my amendment I will say that it simply legalizes the actions of the different larger cities and towns that now exercise local option which was illegal. We would still retain Standard Time as the official time for the state but legalize the action of any locality that cares to have Daylight Time and give them that right.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment "D," offered by the Senator from Hancock, Senator McLean.

Mr. SLOCUM of Cumberland: Mr. President, a few years ago we had the referendum on Daylight Time in the State of Maine and definitely voted it down. The legal time in the State of Maine is Eastern Standard time. Some cities and towns and communities differ with that and are using time which is contrary to law. As I understand the amendment introduced by the Senator from Hancock, Senator McLean, it is to in effect do away with the law which was put through by the people of the State of Maine in referendum and therefore, Mr. President, I hope the motion will not prevail.

Thereupon, Senate Amendment "D" was adopted.

Thereupon, on further motion by the same senator Senate Amendment "B" was indefinitely postponed.

Mr. McLEAN: Mr. President, I now move that Senate Amendment "C" be indefinitely postponed.

Mr. MURCHIE of Washington: Mr. President, I would like to have Senate Amendment "C" read.

The PRESIDENT: The Secretary will read Senate Amendment "C".

The SECRETARY: Senate Amendment "C" provides that this act shall be submitted for approval or rejection by the voters—

Mr. MURCHIE: That is far enough, Mr. President, I do not care for any further reading of Senate Amendment "C". Now, Mr. President and members of the Senate,

referring to a statement made a few moments ago by the Senator from Cumberland, Senator Slocum, I distinctly recall that the people of the State of Maine had a referendum some time ago and adopted Standard Time as the sole time of the State of Maine. We have had a good deal of objection to Standard Time this winter and I think I can safely say that no other matter referred to the Judiciary Committee produced so large an attendance of interested citizens. It was the intention of the committee at one time, and for a considerable period of time, to try and work out the McLean and Littlefield bill in such form that the question might be submitted to the people of the State of Maine for their new action as to whether or not we would continue to operate under Standard Time under the law or whether we would abandon it and take this very action.

Now as I understand Senate Amendment "D" it leaves in the law the provision that all courts, schools, state and county offices, etc., shall operate on Standard Time but takes out the prohibition on towns voting to adopt Daylight Time. It may create somewhat of an uncertainty as to the operation of Section 8, on the one hand, and Section 9 on the other, but I am entirely willing to put up with that provided we give the people the right to pass upon the question. It may be properly said that if the people have any objection then can very readily secure the opportunity to vote upon it by the filing of referendum petitions, but I want to go on record as saying that there were a sufficient number of people appeared in the State House this year to oppose any change in Standard Time so that I do not believe we would be justified in forcing them to go to the expense of securing a referendum. For that reason I hope that the motion to indefinitely postpone Senate Amendment "C" will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator McLean, that Senate Amendment "C" be indefinitely postponed.

A viva voce vote being doubted.

A division of the Senate was had. Seventeen having voted in the affirmative and nine opposed, Senate

Amendment "C" was indefinitely postponed.

Thereupon, the bill was given its first reading.

Mr. McLEAN: Mr. President I move that the rules be suspended and the bill be given its second reading at this time.

Mr. MURCHIE: Mr. President, I do not want to delay at all but in view of the fact that there is some inconsistency between Sections 8 and 9 as they now are, I would suggest that this bill take its normal course in order that an amendment may be prepared to straighten it out.

The PRESIDENT: The Chair will ask the Senator from Hancock, Senator McLean, if he wishes his motion to be put or withdrawn?

Mr. McLEAN: Mr. President I wish to allow the Senator from Washington, Senator Murchie, an opportunity to repair the bill.

Thereupon, Mr. McLean of Hancock was granted unanimous consent to withdraw his motion.

Mr. MURCHIE: Mr. President, if I understand the situation correctly, if this bill is now tabled it will be assigned for second reading tomorrow.

The PRESIDENT: The Chair will state that it would be tabled pending second reading.

Mr. MURCHIE: Mr. President, if this may lay upon the table I will try to have an amendment ready this afternoon.

The PRESIDENT: The Chair will advise that that would hasten the matter along.

Thereupon, on motion by Mr. Murchie of Washington the bill as amended by Senate Amendment "D" was laid upon the table pending second reading.

On motion by Mr. Boulter of York the Senate voted to reconsider its action of this morning whereby, An act relative to fishing in certain inland waters, (L. D. 1034), was laid upon the table and especially assigned for tomorrow morning.

Mr. SPEAR of Cumberland: Mr. President, I believe the pending question is the motion to indefinitely postpone.

The PRESIDENT: The Senator is correct.

Mr. SPEAR: Mr. President, I

would like to speak to the motion to indefinitely postpone.

The PRESIDENT: The Senator may proceed.

Mr. SPEAR: Mr. President, when the vote is taken I ask for a division. In support of the motion I want to raise the question of the illegality of this measure. I believe it is illegal under our present statutes. I believe it is unfair to the average citizen and that it is class legislation. I want to go on record as being absolutely opposed to this bill.

Mr. HOLMAN of Franklin: Mr. President, I cannot agree with the honorable Senator from Cumberland County (Senator Spear). This is absolutely not class legislation. It is the same legislation that has been passed in the legislatures of Maine for years and I am opposed to the motion of the Senator from Cumberland, Senator Spear, for this reason; I believe that the Fish and Game Committee of this Legislature, except for the Ways and Bridges Committee, has been the hardest worked committee in the Legislature. They have heard all the various matters that have come before the committee, they have singled out those measures that they believed should pass and have put them in this bill. I believe it is a good bill and should have its passage at the proper time and at this time, as I have said, I want to go on record as against the motion.

Mr. ALDRICH of Sagadahoc: Mr. President, might I ask the Senator from York County, Senator Boulter, a question?

The PRESIDENT: The Senator from Sagadahoc, Senator Aldrich, wishes to ask a question of the Senator from York, Senator Boulter, and the Senator from York, Senator Boulter may reply to the question if he desires.

Mr. ALDRICH: I assume, Mr. President, that most of the other members are in the same position that I am, never having had an opportunity to examine this rather voluminous bill properly and I should therefore like to ask the Chairman of the Fish and Game Committee if he would indicate in concise manner just what the reason is for limiting the fishing in so many streams to fly fishing.

Mr. BOULTER: Mr. President and Senator Aldrich, I wish to say that this was done wholly in the interest of conservation. We have opened many lakes, ponds and streams. This bill contains a great many such provisions. It closes a great many of them and that is done wholly in the interest of conservation, and where we could do it we have opened them up for the benefit of all who fish. This bill not only contains those matters relating to opening and closing ponds but it relates also to many necessary matters of legislation. For instance, there is a lake known as Littlefield Pond in the town of Sanford that was closed altogether in the interest of health to save pollution. That is embodied in this bill. Many of the sections in this bill relate simply to the marking of certain localities so that they could be properly defined and the fisherman could know where he is fishing. Here is Cambolasse Stream that I heard somebody speak about. That was a case where a rearing pool, a dam, went out and the fish in it went down into the stream and they wanted to conserve those fish and give them a chance to propropagate and increase, and if I had the time and could go into this more thoroughly I could show you many instances where such things have been done wholly in the interest of conservation and, in many other instances, in the interest of the fishermen, to open them for fishing. We have opened up for plug fishing certain ponds and there are some fly fishing places here. It seemed necessary to the committee, after having the hearings and getting this information to do these things, and the committee was unanimous in passing out every one of these bills. I trust and hope that the motion of the Senator from Cumberland, Senator Spear, will not prevail.

Mr. SPEAR: Mr. President, may I ask a question through the Chair of the Senator from York, Senator Boulter?

The PRESIDENT: The Senator from Cumberland, Senator Spear, wishes to ask a question through the Chair of the Senator from York, Senator Boulter, which that Senator may answer if he desires.

Mr. SPEAR: I believe the Sena-

tor said something about this bill being in the interest of conservation. I would like to ask, if there is a limit on the number of fish anybody can take, what difference it makes whether they take those fish with an angle worm or with a fly.

Mr. BOULTER: Well, Mr. President, it seemed best to the committee that we should prohibit fly fishing in certain cases, especially where our own natives would not care to fish.

Mr. SPEAR: Does the Senator from York, Senator Boulter, not think that this bill is somewhat against the native, the feller who wears one gallus, or a safety pin, and who cannot afford to buy expensive equipment, as opposed to the fellow with good equipment.

Mr. BOULTER: I will say, Mr. President, that I certainly do not think it is against him.

Mr. GREENLEAF of Androscoggin: Mr. President, it is quite evident to me that the Senator from Cumberland, Senator Spear, is not a fly fisherman, because when we based this bill on conservation principles we knew that the chances of a fisherman catching fish with flies are much less than those who plug fish.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Spear, that this bill be indefinitely postponed.

Mr. ALDRICH: Mr. President, there has just been brought to my attention by the Senator from Cumberland, Senator Spear, the important section 53 of Chapter 2 of the Revised Statutes. Whether or not this complies with that legislation I do not know but I would like to ask the Senator from York, Senator Boulter, if this is special legislation which is concerned here, whether or not the notice called for by that Section 53 of Chapter 2 is given.

The PRESIDENT: The Senator from Sagadahoc, Senator Aldrich, asks a question of the Senator from York, Senator Boulter, which that Senator may answer if he desires.

Mr. BOULTER: Mr. President, I think that these bills are introduced into this legislature in just the same manner as every other

fish and game bill in other years and I also believe, although I am not an attorney and don't pretend to know the law, that this legislature has a perfect right to do anything it wishes to do provided it does not violate the Constitution of the United States.

Mr. ALDRICH: Mr. President, might I say, simply for the record, that because of the lack of opportunity to thoroughly examine this bill and because of the uncertainty which exists in my mind due to Section 53 of Chapter 2 of the Revised Statutes, I shall vote to support the motion, although I am thoroughly in sympathy with any measure which is intended for conservation.

Mr. WEEKS of Somerset: Mr. President, relative to the Section of the Statutes which requires a notice previous to the meeting of the Legislature, I might say that this same matter came to my attention and I looked it up from the legal standpoint and I find that in the state of New Hampshire there is a similar provision and the courts of that state have ruled that in particular cases like this notice is not required and that the Legislature can act without paying any attention to it at all.

Mr. ALDRICH: Mr. President, may I ask of the Senator from Somerset, Senator Weeks, whether or not by the passage of this legislation and the ignoring of the Statute to which he refers, by any possibility this would repeal that statute?

The PRESIDENT: The Senator from Somerset, Senator Weeks, hears the question and may answer if he desires.

Mr. WEEKS: Not at all, Mr. President.

Mr. SPEAR: Mr. President, sometimes lawyers disagree and the courts, sometimes, in one state do not rule just the same as the courts in another, and possibly their section is a little different from ours.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, that this bill be indefinitely postponed and a division has been requested.

A division of the Senate was had,

Seven having voted in the affirmative and twenty opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Boulter of York, the report of the committee "ought to pass" was accepted and the bill was given its first reading; the rules were suspended and the bill was given its second reading and was passed to be engrossed.

Thereupon, on motion by Mr. Boulter of York, the Senate voted to reconsider its action just taken whereby this bill was passed to be engrossed; and on further motion by the same Senator House Amendment "A" was read and adopted in concurrence and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

Mr. BISHOP of Lincoln: Mr. President, I move that when the Senate recesses it recess until two o'clock this afternoon.

The motion prevailed.

The President announced as members on the part of the Senate of the committee of conference voted yesterday on An Act relating to the Charter of the City of Waterville (H. P. 829, L. D. 372), the Senator from Somerset, Senator Weeks, the Senator from Penobscot, Senator Crosby, and the Senator from Knox, Senator St. Clair.

The PRESIDENT: If there is no further business to come before the Senate at this time, the Senate will now recess until two o'clock this afternoon.

AFTER RECESS

The Senate was called to order by the President,

Additional papers from the House, out of order, disposed of in concurrence.

From the House: (out of order)

The Majority of the joint Committees on Taxation and Ways and Means on bill "An Act relative to taxation on Gasoline" (H. P. 1117, L. D. 749) reported that the same ought to pass.

(Signed) WHITE
HATHAWAY
LOWELL
JONES
QUINT
MELCHER
SAWYER
FRIEND
WEEKS
BURKETT, FRED E.
GRAM
HARRINGTON
ALLEN
ALLEN
LELAND
KITCHEN
CAMPBELL.

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) BLANCHARD
CARTER
WEYMOUTH
JACKSON

Came from the House, the Majority report read and accepted; House amendments "A" and "B" read and adopted; and the bill passed to be engrossed as amended by House amendments "A" and "B".

In the Senate,
Mr. LELAND of Piscataquis: Mr. President, in as much as so many of the Senators are absent, I move that this matter be tabled temporarily.

The motion prevailed.

House Bills in First Reading

(Out of Order)

(Under suspension of the rules the bill and resolve were given their second reading and passed to be engrossed)

An Act relating to fees for organization of corporations (H. P. 1437, L. D. 1049)

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

From the House: (Out of order)

The Committee on Pensions on the Order relative to Old Age Compensation, reported the same in the form of a Resolve under the title of "Resolve creating an old age pension recess committee" (H. P. 1438, L. D. 1047) and that it ought to pass.

In the House, report read and accepted and the resolve given its several readings under suspension

of the rules and passed to be engrossed.

In the Senate, on motion by Mrs. Carter of Androscoggin, tabled pending acceptance in concurrence.

The following resolve was received out of order and on recommendation by the committee on reference of bills was referred to the following committee:

Appropriations and Financial Affairs

Mr. Murchie of Washington presented "Resolve in favor of the Clerk to the Committee on Reapportionment." (S. P. 632)

Sent down for concurrence.

Committee Reports

(Out of Order)

Mr. Crockett from the Committee on Education on "Resolve in favor of several academies, institutes and seminaries" (S. P. 37) reported the same in a new draft (S. P. 633) and that it ought to pass.

Which report was read and accepted and the new draft laid upon the table for printing under the joint rules.

Passed to be Enacted

(Out of Order)

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

An Act relating to subordinate officers of the House of Representatives. (H. P. 1413, L. D. 1016)

An Act relative to the stamping of beaver skins. (S. P. 82, L. D. 94)

An Act relating to military and naval reservists (S. P. 270, L. D. 983)

An Act to clarify the payment of military accounts. (S. P. 271, L. D. 984)

An Act to create a game sanctuary, in the town of Hope, Knox County, to be known as the Gribbel Game Preserve (S. P. 307, L. D. 987)

An Act relating to taking of land by State Highway Commission (S. P. 355, L. D. 378)

An Act relating to fees for registration of trailers (S. P. 527, L. D. 846)

An Act to protect cod and other ground fish in waters off Coast of

Lincoln and Sagadahoc Counties (S. P. 589, L. D. 989)

An Act relating to subordinate officers of the Senate. (S. P. 605, L. D. 1015)

Finally Passed

(Out of Order)

Resolve in favor of the town of Jonesport. (S. P. 158, L. D. 985)

Resolve appropriating money for the construction and equipment of a Nurses' Home for the Bangor State Hospital. (S. P. 189, L. D. 991)

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

Resolve in favor of the State Library. (S. P. 557, L. D. 857)

Resolve relating to rights of the States in the nomination and election of United States Senators. (S. P. 591, L. D. 993)

Resolve in favor of the town of Washburn (S. P. 594, L. D. 988)

Mr. LITTLEFIELD of York: Mr. President, earlier in today's session I believe that I tabled Legislative Document 1046, An act relating to the removal of snow from highways.

The PRESIDENT: The Senator from York, Senator Littlefield, is correct.

Mr. LITTLEFIELD: I think, Mr. President, that the next step is the second reading of the bill and I move that this bill be taken from the table and receive its second reading.

Thereupon, An act relating to the removal of snow from highway (L. D. 1046) was taken from the table.

The PRESIDENT: The Senator from York, Senator Littlefield, now moves that the bill be given its second reading.

The bill was given its second reading and passed to be engrossed.

On motion by Mr. Murchie of Washington, the Senate voted to take from the table, An act relating to Standard Time (L. D. 1027), tabled by that Senator earlier in today's session pending second reading as amended by Senate Amendment "D".

Thereupon, that Senator offered Senate Amendment "E" and moved its adoption.

"Senate Amendment 'E' to Legislative Document 1027. Amend Legis-

lative Document 1027 by striking out everything after the enacting clause and substituting in place thereof the following: 'Section 1. Section 8 of Chapter 1 of the Revised Statutes is hereby amended by striking out said section and substituting in place thereof the following: 'Section 8. Within the State of Maine the Standard Time shall be that which is known as designated by the Federal Statutes as the United States Eastern Standard Time.' 'Section 2. Sections 9 and 10 of Chapter 1 of the Revised Statutes are hereby repealed.'

Mr. MURCHIE of Washington: Mr. President, I would like to explain the offering of that amendment by saying that while this bill has had a rather stormy career up to the present time the only real fiasco in its career is the amendment that I offered yesterday whereby I offered to submit to the people on this bill the question as to whether or not we would have county conventions. But the amendment adopted this morning, Senate Amendment "D", if it should stand uncorrected would create almost as ridiculous a situation. The present law in Section 8 sets up Eastern Standard Time and leaves it that it shall be unlawful for any town or other municipality to vote for or otherwise establish any other system of time. Sections 9 and 10 are an interpretation of Section 8 and provide for the enforcement of the provisions of Section 8. It seems to me that since the Senate has stricken out the provision making it unlawful for towns to adopt Daylight Time, that it would be rather ridiculous to provide in the Statute that the Supreme Court by written injunction or otherwise might restrain them from doing so. I offer this, not because I support the bill to abolish Standard Time but because the Senate, having so voted, I think it ought to be reasonably straightened out.

Thereupon, Senate Amendment "E" was adopted and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "D" and Senate Amendment "E".

On motion by Mr. Slocum of Cumberland, the Senate voted to

take from the table, An act to establish a Game Preserve in the town of Standish, County of Cumberland (L. D. 432), tabled by that Senator earlier in today's session pending acceptance of the report of the committee "ought not to pass"; and that Senator yielded to the Senator from York, Senator Boulter.

Mr. BOULTER of York. Mr. President, there are many merits in this bill of the Senator from Cumberland, Senator Slocum, but the committee after a hearing thought it best to report this bill "ought not to pass." Senator Slocum tabled it and today we heard what he had to say again and he kindly consented, rather than to push his claim, that he would agree that the report of the committee "ought not to pass" be accepted, and I so move.

Thereupon, the report of the committee "ought not to pass" was accepted.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Report of the Committee on Reapportionment "ought to pass" on, An act to apportion Representatives to Congress (S. P. 629) tabled by that Senator earlier in today's session pending acceptance of the report; and that Senator yielded to the Senator from Washington, Senator Murchie.

Mr. MURCHIE of Washington: Mr. President, I move the acceptance of the report with the understanding that upon acceptance the bill will lie upon the table for printing under the joint rules.

The motion prevailed.

On motion by Mr. Murchie of Washington, the Senate voted to take from the table, An act to provide provisions for medical and surgical treatment of persons whose resources are insufficient to pay for the same (H. P. 931, L. D. 408), tabled by that Senator earlier in today's session pending motion to substitute the bill for the report of the committee "ought not to pass" in concurrence.

Mr. MURCHIE of Washington: Mr. President, I understand that in the House the "ought not to pass" report of the committee was re-

jected, the bill was substituted for the report, was given its two several readings and passed to be engrossed.

The PRESIDENT: The Senator is correct.

Mr. MURCHIE: Mr. President, I move the acceptance of the report of the committee "ought not to pass" and in explanation of that motion I want to state something about the bill and I will try not to be too long. This report is the unanimous report of the Judiciary Committee made after a full hearing—and if my recollection is right more than one hearing—after careful deliberation, and for the reason—I feel it is necessary to cite reasons because it is only a few hours ago that I was opposing the committee report—for the reason that the committee could not see why a state which is prudently exercising economy this winter should run wild in appropriating the money of the towns of the State of Maine, which towns have no authority to veto our action.

As the bill if drawn it provides for the creation of a new department to be called the State Department of Hospital Aid and if my information is correct was passed in the House yesterday by a substantial margin, immediately before or immediately following the adoption by an overwhelming vote of that well considered bill on the re-grouping of the State departments, the chief purpose of which was to eliminate the departments. I should think that the bill as drawn might not be reliable because it provides that the State Department of Hospital Aid shall consist of the commissioners of the Department of Public Welfare ex-officio and those commissioners are going to be abolished on the same day that this act, if passed, would take effect. It is, of course, possible that the bill might be amended to straighten out such difficulties as that and another, perhaps lesser, difficulty that where Section 15 of Chapter 33 of the Revised Statutes is intended to be referred to the bill actually refers to Section 18 of Chapter 29 of the Revised Statutes; and I think I might find other difficulties in the bill. However, the reason behind the report of the Committee on Judiciary was that the present State Hospital law provides an appropriation of \$160,000

from which three per cent, or \$4800, is deducted for the purposes of administration and the balance of \$155,200 is expended in the care of needy patients—not pauper patients but needy patients—throughout the State, the result being that the hospitals of the State are paid by the State for sixty-two thousand four hundred days at the rate of \$2.50 a day.

This bill very carefully safeguards the State treasury by providing that no further money shall be taken from the State, but it increases the hospital rate from \$2.50 a day to \$3.50 and provides that one-half shall be furnished by the town, the result being that the hospitals secure the benefit of eighty-eight thousand six hundred and eighty-five hospital days at a rate of \$3.50 a day as against sixty-two thousand four hundred days at a rate of \$2.50 a day, which it seemed to the committee was, perhaps, more than the fair due of the hospital, particularly where the money was to come from an unknown source. I think the worse feature of the bill, however, is found in Section 2, where it is recited that the bill shall not cover chronic cases or persons who have resided in an alms house previous to making the application.

Now, I would like to go on record here as saying that there is no warrant whatsoever in the law of the State of Maine today for the Department of Welfare to adopt the rule that has been adopted in that department that the \$160,000 State hospital fund shall not be available for pauper cases. That rule has been made by the department and the results have been that the towns in the State of Maine have had to pay in full for all pauper cases and in addition the State has paid for those who are not classed as paupers. The bill writes into the law the rule of practice that the department has followed and I submit that if we are going to fasten the burden on the towns of paying half of the bill that the State feels it necessary to incur in the hospitalization of the needy citizens of the State that we ought at least to grant them some relief on the pauper rule.

Another most unusual feature of the bill is the reversal of the ordinary rule of wholesale and retail trade. The eleventh report of the

Department of Public Welfare shows that there are six hospitals in the State whose daily per capita cost is less than \$3.50 per patient per day. I believe it is an undoubted fact that there are six or more hospitals in the State whose ward bed rate per day is less than \$3.50. In other words this bill puts the State in the position of paying to some hospitals in the State a rate for wholesale in excess and in some cases substantially in excess, of what the same hospital charges against the private patient. I don't think that any member of the Judiciary Committee would object too strenuously to a proper bill but I think I am expressing the unanimous opinion of the committee when I say that this one as drawn is a highly improper bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Murchie, that the report of the committee "ought not to pass" be accepted.

Thereupon, the report of the committee "ought not to pass" was accepted.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act to require full returns of expenditures in Primary Elections and to provide for publicity in connection therewith, (S. P. 579, L. D. 951), tabled by that Senator earlier in today's session pending enactment.

Mr. SPEAR of Cumberland: Mr. President, I believe the next motion in order would be enactment.

The PRESIDENT: The Chair will state that that would be the next motion for the progress of the bill.

Mr. SPEAR: Mr. President, it seems to me it costs a candidate enough now to get elected, and of course we have to file returns with the Secretary of State, which can be seen at any time if anyone wants to look at them. For that reason, I move this bill be passed to be enacted and I hope my motion will not prevail. I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, that the bill be passed to be enacted and he hopes

his motion will not prevail. He also asks for a division.

A division of the Senate was had Eighteen having voted in the affirmative and six in the negative, the bill was passed to be enacted.

The PRESIDENT: The Chair is advised that there may be some papers from the House within a short space of time, on which the Senate can act, and so it may be advisable to declare a short recess. Is there any other business to come before the Senate at this time?

Mr. LELAND of Piscataquis: Mr. President, I had wanted to have the bill relating to the Gasoline Tax stay on the table until the members were all present. I think a few moments ago they were all here, at least with the exception of Senator Weatherbee. If we can have the full number present, I should like to take the matter from the table.

On motion by Mr. Leland of Piscataquis, the Senate voted to take from the table, House Report from the joint committees on Taxation and Ways and Bridges, Majority report, "Ought to Pass," Minority report, "Ought not to Pass" on An Act relative to Taxation on Gasoline, (H. P. 117, L. D. 749), tabled by that Senator earlier in today's session pending acceptance of either report.

Mr. LELAND: Mr. President, I move the acceptance of the majority report, "ought to pass" of the joint committee on Taxation and Ways and Bridges. Speaking briefly to that motion, I wish to call the members' attention to the reasons for the action of these committees. The Committee on Ways and Bridges were unanimous in their support of the measure and a large majority of the Committee on Taxation also. The reasons for their action at this time recognizing as they do the opposition in many quarters to any addition to taxes, and particularly a tax on gasoline, after a careful study of the whole highway system were thoroughly convinced in order to carry on in a satisfactory manner the highway program as laid out and desired by the people of the State, that additional revenue was absolutely necessary. The conditions which make this additional revenue necessary are that owing to the constantly

increasing demands of the towns for State aid, I think every member of this body is familiar with what the towns are doing, in order to complete the roads as rapidly as possible and in order to make a continuation of these State Aid roads, they are taxing themselves to the limit in order to avail themselves of this State Aid. There has been a constantly increasing demand from year to year by the towns for this money. At the present time we find ourselves in the position of either failing to meet what the towns desire in the way of State Aid from the State or failing to care for, at all adequately, the maintenance of such highways as are already constructed. The committee has already found it necessary, with the funds at the disposal of the Legislature at the present time, to propose some curtailment of State Aid construction in order that maintenance may be partially cared for, at least.

It is the opinion of the committee, and I am speaking now for the Committee on Ways and Bridges, that whatever the objection may be and how much our people may dislike to further tax themselves, yet in order to carry on at all adequately the program which the people themselves desire and for which they are asking, that this additional cent of gasoline tax is absolutely necessary to provide the funds. I don't know that any lengthy argument at all is necessary. We have set up very clearly just what this money should be used for and how it should be apportioned, that is, in the first place an additional sum would be provided to care for the requests from the towns for State Aid, unless we do have this additional revenue those requests will have to be substantially curtailed. The balance has to go for maintenance less one tenth of the sum which is provided to take care of the rural mail routes over which our carriers have to travel daily, every day except Sunday, throughout the year. These carriers appeared before our committee and urged the passage of the act providing another additional cent for gasoline to apply a part of this money for their needs. It seems it is a fair proposition and very just, and I hope the majority report of the committee will be accepted.

Mr. JACKSON of Cumberland: Mr. President, as one who signed the minority report, I wish to say a few words about why I took that attitude. I want to speak very briefly for the auto owner, who I believe is bearing better than his share of the tax burden of the State. Altogether, by virtue of the excise tax, the registration fee and the gas tax, he places into the treasuries of the cities and towns, and into the treasury of the State, the enormous sum of approximately ten million dollars. Add another cent and it will be one million dollars more. I believe that his limit, so far as payment of the tax is concerned, is about reached, as well as his patience. It seems to me that it is a very unopportune time to increase any tax. Business has been very bad in our State, as well as elsewhere, and a strict policy of economy has been recommended everywhere. More taxes along any line would tend to still further hurt business. Better do without some things we want than at this time impose a tax on gas, or indeed on anything else.

I am further opposed to the bill for the reason that only a few months ago the voters of the State went on record regarding this measure and turned down the proposal of an increased tax on gas by a nearly two to one vote. Yet in the face of this we wish to place on the citizens of the State a tax which they, the citizens, so very overwhelmingly went on record as being against less than two years ago. There is no indication that the minds of the people have changed in favor of a greater gas tax. Indeed, all the evidence is that there are more opposed than ever. A referendum, which will surely be held if this proposed act passes the Legislature, will cost thousands of dollars, and I am convinced will bring about the same result as before.

Would it not be better to wait two more years, when it might pass? Try it now, and lose, and I believe you have defeated for a good many years any additional gas tax.

I sincerely trust the motion of the Senator from Piscataquis, Senator Leland, for the acceptance of the majority report, will not prevail.

Mr. SLOCUM of Cumberland: Mr. President, there is no question in my mind that further funds are needed to supply the demands for maintenance money for the different towns. I have talked very recently with the selectmen and influential citizens in the towns of Cumberland county. They feel they do need more money. They feel that it would be very unfortunate to have to scale down the amount as we have been informed by the Ways and Bridges Committee, would have to be gone, of about 23 per cent on each of the different funds for maintenance. On the other hand, they inform me that they know there is positive sentiment against a raise in the gas tax at this time and they feel also there would be a great deal of sentiment against increasing the mill tax to supply these funds. It is unfortunate that we are shy in funds, and it is to be expected if this bill does not pass, that within two years the sentiment will become strong enough in the towns so that the people would appreciate the necessity of an increase in the gas tax, but until the people of the State understand the necessity, it would seem very impolitic to force upon them, without at least a referendum, this increase in gas tax, where they have so recently voted against an increase. It is an unfortunate situation but one which I think, at least without a referendum clause added, that the Legislature should not take the step of increasing the gas tax at this time. I hope the motion of the Senator from Piscataquis, Senator Leland, will not prevail.

Mr. WHEELER of Oxford: Mr. President, was this bill amended in the House?

The PRESIDENT: The Chair will state that there are two amendments, House Amendment "A" and House Amendment "B."

Mr. WHEELER: Mr. President, I should like to ask through the Chair, if Senator Leland will state the exemptions.

The PRESIDENT: The Senator from Oxford, Senator Wheeler, asks a question through the Chair of the Senator from Piscataquis, and that Senator may answer if he desires.

Mr. LELAND: Mr. President, I should prefer that the Secretary read the amendments.

The Secretary read House

Amendment "A" and House Amendment "B."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Leland, that the majority report of the committee, "ought to pass" be accepted.

Mrs. CARTER of Androscoggin: Mr. President, as a member of the Taxation Committee, I signed the minority report, "ought not to pass," and I trust that the motion of Senator Leland will not prevail.

Mr. KITCHEN of Aroostook: Mr. President and Members of the Senate, as a member of the Ways and Bridges Committee, I think I might state as did Senator Leland, that we went into this matter in connection with the problems of our highways, very carefully. There is existing at the present time a shortage in highway funds to the extent of a million dollars for the present year for the maintenance of highways. I fully realize, and I believe that the members of this Senate have made up their minds how they will vote on this question. Consequently I shall not take very much of your time. The problem of financing the highways is such a tremendously big one that in order to give to the members of the Senate a thorough understanding of these problems in detail would require a considerable amount of time. I would like, however, to call your attention to this fact—this real shortage which exists in connection with our highway funds for the present year.

You men of the Senate all represent a big rural community. All of the towns, I believe, at the present time have held their town meetings and they have undoubtedly adopted articles in their report, applying for State Aid. Our laws at the present time state that the towns may apply under certain terms for State Aid and the town shall match. At the present time, as I have stated, we are short a million dollars. We must maintain the highways and in order to do that, at the present time, and for this year, I think it will be necessary that we scale down under each State Aid law the amount returned to the town from 20 to 25 per cent. Under the existing State Aid highway laws, I believe at the present time the Highway Commission have the right to scale down,

namely, we have what is known as the "One Times Act," the one unit; as the law stands today if the funds are insufficient to meet the demands, they are to first take care of the one unit. Secondly, under the "Five Times Act," if a town has not previously applied for State Aid under the terms of the Five Times Act, they would be taken care of first, and then going on to the other towns that had received funds under the Five Times Act, they would be taken care of in order and that would bring them to the Three Town Way Act. If there were insufficient funds, they would not receive anything. I understand at the present time there are a number of towns which are applying under the terms of the Three Town Way Act. Unless some change is made, leaving the law as it is at the present time, it would be my opinion the towns applying under the terms of the Three Town Way Act would not receive anything this present year. So the committee has decided that it must be necessary in connection with this matter of financing, that some arrangement be made whereby the scale-down would be made proportionately, a proportion from each act, so each town would receive a proportionate amount of money.

If the gas tax fails of passage in this Legislature, it will not only mean that the scale-down will be necessary for next year but the following year until another Legislature should meet to provide suitable funds. It seems to me, in answer to the objection of Senator Jackson, as to the recent vote of the referendum and its vote against it, and urging the Senators to defer this for two years, it seems to me it is a very unwise position to take. For instance, the last vote, of course as we know was, as they say, "overwhelmingly against" the gas tax. I think the issue was confused inasmuch as there was a bond issue and the rural sections were given to understand that they would be taken care of. We know bond money is paid for trunk lines and State highways and no part used on secondary highways, and it seems to me his fear of a referendum is unfounded. I think the sentiment of the State of Maine is much different today than it was two years ago and I of course, feel

that perhaps there may be a referendum started in connection with this bill; nevertheless, if it is our opinion that it is necessary to furnish funds for the building of these rural highways, why not take our stand at this time, and if the people see fit to initiate a referendum, that is their right to do so and their privilege.

I feel very strongly that in this way, that at the present time we all know we have set up for highway construction, the present year, we have passed a three million dollar bond issue for the building of trunk line highways. Another bill is somewhere in the Legislature providing a bond issue of three million dollars for next year. That will leave two million dollars unauthorized for the incoming Legislature to take care of, and my idea is this, that the next Legislature is going to be asked to furnish further funds for the building of highways, either bond issue, gas tax or some such method, and if we defer action on the gas tax at this time and put it off to another session of the Legislature, there will be a demand for a bond issue with a gas tax and the issue would be given to the people in a confusing time. I think I will not take any more of your time, and I hope and sincerely trust that you will accept the majority report, "ought to pass."

Mr. JACKSON: Mr. President, may I, through the Chair, ask a question of Senator Kitchen?

The PRESIDENT: The Senator from Cumberland, Senator Jackson, may ask the question, and the Senator from Aroostook, Senator Kitchen, may answer if he desires.

Mr. JACKSON: Senator Kitchen, would you personally be willing that a referendum clause be attached to this bill?

Mr. KITCHEN: Mr. President, I will state that I would prefer not—if that answers the question. You remember about two years ago a gas tax bill went out with a referendum attached. The statement that I prefer not to have a referendum is this—there is no tax measure extremely popular and any tax measure, regardless of what it is, it is my opinion that the voters as they go to the polls and look the question over, say, "Am I going to deliberately vote 'yes' on this and voluntarily put my hand in my pocket deeper each day in payment

of this?" No tax measure is popular and I for one believe that the citizens of the State of Maine would turn down every tax measure if they had the opportunity to vote on it in popular election.

I believe we should vote as we think proper and send this to the people and if they seek a referendum, well and good. I am not a believer of the referendum except on constitutional questions.

Mrs. CARTER: Mr. President, I ask when the vote is taken it be taken by the Yeas and Nays.

The PRESIDENT: As many as are in favor of the Yeas and Nays when the vote is taken will rise and the Secretary will take the count.

A sufficient number having arisen, the Yeas and Nays were ordered.

Mr. SLOCUM: Mr. President, may I ask the Senator from Piscataquis, Senator Leland, a question?

The PRESIDENT: The Senator from Cumberland, Mr. Slocum, may ask a question, and the Senator from Piscataquis, Senator Leland, may answer if he desires.

Mr. SLOCUM: Mr. President, I believe that the Senator from Piscataquis signed the favorable report, and I wonder if he would be opposed to the attaching of a referendum clause.

Mr. LELAND: Mr. President it was the judgment of the committee that it would be better not to. I abide by the judgment of the committee.

Mr. SLOCUM: Would the Senator (Senator Leland) be opposed to it personally?

Mr. LELAND: I do not know that I care to give my personal opinion as to whether or not it is desirable.

Mr. SLOCUM: Mr. President, may I ask a question of the third member of the committee, Senator Campbell?

The PRESIDENT: The Senator from Cumberland, Senator Slocum, may ask a question through the Chair, and the Senator from Washington, Senator Campbell, may answer if he desires.

Mr. SLOCUM: Mr. President, as I believe the Senator from Washington, Senator Campbell, was also one of the majority, I would like to know if he would be willing to have a referendum clause attached.

Mr. CAMPBELL of Washington:

Mr. President, I will answer the Senator from Cumberland, Senator Slocum, that I do not believe the matter could be brought before the people as well as before the Senate or the Legislature. I am opposed to a referendum.

The PRESIDENT: The question is on the motion of the Senator from Piscataquis, Senator Leland, that the majority report be accepted. The Senate voted for a Yea and Nay vote.

Mrs. CARTER: Mr. President, would you please state the question—would a "Yes" vote be for a gas tax and a "No" vote be against it?

The PRESIDENT: The Senator from Androscoggin, Senator Carter has correctly stated the question. A vote, "Yes" would be for the acceptance of the majority report, "Ought to Pass", and a vote, "No" would be against it. Is the Senate ready for the question. The Secretary will call the roll.

The Secretary called the roll.

Yea—Boulter, Campbell, Crockett, Crosby, Greenleaf, Holman, Kitchen, Leland, Littlefield, McLean, Murchie, Small, St. Clair, Story, Towle, Weeks, Wheeler—17.
Nay—Aldrich, Bishop, Bissett, Carter, Farnsworth, Foster, Jackson, Page, Slocum, Southard, Spear, Weymouth—12.

Absent—Weatherbee—1.

Seventeen having voted in the affirmative and twelve in the negative, the majority report of the committee, "Ought to Pass" was accepted.

On motion by Mr. Leland of Piscataquis, House Amendment "A" was adopted.

Thereupon, on further motion by the same Senator, House Amendment "B" was adopted, and the bill was given its first reading.

Thereupon, the rules were suspended, the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" and House Amendment "B", in concurrence.

On motion by Mr. Weeks of Somerset, the Senate voted to reconsider its former action whereby bill, An Act relating to the removal of snow from highways (H. P. 1329, L. D. 1046) was passed to be engrossed.

Thereupon, that senator offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to Legislative Document 1046,

An Act relating to the removal of snow from highways. Amend said bill by adding at the end of the sixth paragraph thereof the following words: 'organized plantations and unincorporated townships which clear winter routes upon state and state aid highways or townways designated in accordance with Section 52 hereof to the satisfaction of the Commission shall bear not exceeding twenty-five dollars per mile of the cost thereof including supervision of such winter routes and shall be reimbursed to this amount. Any and all amounts in excess of said twenty-five dollars per mile shall be borne by the state.'

Thereupon, on motion by Mr. Leland of Piscataquis the bill and amendment were tabled pending adoption of Senate Amendment "A".

The PRESIDENT: The Senate will recess until three-thirty o'clock.

AFTER RECESS

The Senate was called to order by the President.

The PRESIDENT: Papers from the House will arrive shortly and the Senate will now again recess for about ten minutes to reconvene at the sound of the gavel.

AFTER RECESS

The Senate was called to order by the President.

From the House: (out of order). Bill "An Act relating to city Committees" (S. P. 473, L. D. 715)

(In the Senate, passed to be engrossed, March 18th).

In the House, House amendment "A" read and adopted and the bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

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

From the House: (out of order) Bill "An Act to change the closed time on deer in the Northern Counties" (H. P. 1387, L. D. 958).

(In the Senate, House amendment "A" indefinitely postponed, and the bill passed to be engrossed in non-concurrence).

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Leland of Piscataquis, the Senate voted to insist and ask for a committee of conference and the President appointed as members of such committee on the part of the Senate, the Senator from Piscataquis, Senator Leland, the Senator from Androscoggin, Senator Greenleaf and the Senator from York, Senator Boulter.

From the House: (out of order) "Resolve creating a temporary commission to study the needs and requirements of aviation and its development and initiate a state system of weather observation service and making an appropriation therefor." (H. P. 1417, L. D. 1037).

(In the Senate, indefinitely postponed in non-concurrence).

In the House, that body having insisted on its former action whereby the bill was passed to be engrossed; and asked for a committee of conference. The Speaker having appointed as House conferees, Messrs. Biddle of Portland, Ashby of Fort Fairfield and McLoon of Rockland.

In the Senate, on motion by Mr. Slocum of Cumberland, the Senate voted to insist and join in the committee of conference.

The PRESIDENT: The Chair will announce at this time the members on the part of the Senate of the committee of conference and the Chair understands that in doing so it is the duty of the Chair to appoint upon the committee of conference members reflecting the majority view of the Senate in the matter under consideration. The Chair appoints as members on the part of the Senate on such committee the Senator from Penobscot, Senator Weatherbee, the Senator from Kennebec, Senator Towle and the Senator from Cumberland, Senator Spear.

From the House: (out of order) The Committee on Public Health on bill "An Act relating to meeting of Board of Veterinary Examiners

(H. P. 1022, L. D. 550) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, the report was read and accepted.

Thereupon, on motion by Mr. Foster of Hancock the Senate voted to reconsider its action just taken whereby the report of the committee was "ought not to pass" accepted in concurrence.

Mr. FOSTER of Hancock: Mr. President I move that this bill lay upon the table; and may I inquire, Mr. President, whether this is the bill relating to the Oxford County matter?

The PRESIDENT: The Senator from Hancock, Senator Fisher, inquires if this is the bill relating to the Oxford County matter. Possibly the Senator from Androscoggin, Senator Greenleaf, can answer it.

Mr. GREENLEAF of Androscoggin: Mr. President, I believe that those papers are still in the House. This is a bill for breaking down the regulation on veterinary surgery.

Mr. FOSTER: Then, Mr. President, I would like to withdraw my motion.

Thereupon, the Senator from Hancock, Senator Foster, was given unanimous consent to withdraw his motion.

The PRESIDENT: The Chair will state that the title of this bill is "An Act relating to meeting of the Board of Veterinary Examiners" and there does not appear to be any reference to any matter concerning Oxford County.

Thereupon, on motion by Mr. Foster of Hancock, the report of the committee "ought not to pass" was accepted in concurrence.

From the House: (out of order)

An Act to extend the free employment service. (H. P. 839, L. D. 321)

(In the Senate passed to be engrossed in concurrence on March 24th)

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Jackson of Cumberland, tabled pending consideration and tomorrow morning assigned.

House Bill in First Reading

(Out of Order)

(Under suspension of the rules the following bill was given its second reading and passed to be engrossed.

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

The PRESIDENT: That completes the matters from the House at this time. Is there any further business under Orders of the Day?

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act regulating the transportation of poultry (L. D. 323), tabled by that senator earlier in today's session pending motion to indefinitely postpone; and that senator yielded to the Senator from Sagadahoc, Senator Aldrich.

Mr. ALDRICH of Sagadahoc: Mr. President, I would like to inquire what is the pending question?

The PRESIDENT: The Chair will state that the pending question is the indefinite postponement of the bill.

Mr. ALDRICH: I move then, Mr. President, that the matter be indefinitely postponed. I haven't seen anything to change my mind.

Mr. MURCHIE of Washington: Mr. President, the Senator from Sagadahoc, Senator Aldrich, has admitted, I think, in this body today that he is a poultry expert. On that basis I would like to ask him if he really advises indefinite postponement of this bill.

The PRESIDENT: The Senator from Washington, Senator Murchie, asks a question of the Senator from Sagadahoc, Senator Aldrich, who may answer if he desires.

Mr. ALDRICH: In reply to that I would say, Mr. President, that I shouldn't consider it necessary for one to be a poultry expert to come to any conclusion as to the advisability of indefinitely postponing this bill. As I reminded the Senator from Washington, Senator Murchie, a short time ago, if I should happen to stop at his house some evening and he had killed a half a dozen chickens and he was kind enough in his friendliness to me to give me one of those chickens and it was after

dark and I attempted to take that chicken home in my automobile, I should be guilty of having most seriously infringed the terms of this act and should expect to find myself taken to prison.

Mr. LELAND of Piscataquis: Mr. President, I would like to remind the Senator from Sagadahoc, Senator Aldrich, that this bill was aimed at a certain class of experts.

Mr. SLOCUM of Cumberland: Mr. President, I note that the Senator from Sagadahoc, Senator Aldrich, has his book open to Legislative Document 323 and I presume he is very much opposed to it as he has suggested that it should be indefinitely postponed. May I inquire whether that bill has not been amended?

The PRESIDENT: The Chair will advise that the bill has been amended by Senate Amendment "A".

Mr. SLOCUM: Mr. President, I would like to ask through the Chair if the Senator from Sagadahoc, Senator Aldrich, is opposed to the amended bill.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, asks a question of the Senator from Sagadahoc, Senator Aldrich, and the Senator may answer if he desires.

Mr. ALDRICH: Mr. President, I am almost tempted to inquire, why pick on me? I didn't realize that when I, having hurriedly glanced over the bill this morning, suggested that this might be unwise legislation, that I was going to subject myself to any such interrogation. Now, I will be frank to say that I do not recall just what the amendment is, although I read it, but I would likewise say to this body that after having read it I could not find that the amendment remedied any

of the defects which I call to your attention—and I won't say what I was going to say about the state of New Hampshire. However, I trust that this bill as presented here is not an exact coup of the Act in the state of New Hampshire.

Mr. BISSETT of Cumberland: Mr. President, I have listened to remarks on this bill from the Senator from York, Senator Littlefield, and from other senators and I have come to the conclusion that I don't know whether this means the transporting of dead poultry or live poultry and it seems to me that the title of this bill should be "When Chicken go to Roost".

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Aldrich, that this bill be indefinitely postponed.

A viva voce vote being had,

The bill was indefinitely postponed.

From the House: (out of order)

The Committee on Claims on "Resolve in favor of the city of Eastport for the care of William Price" (H. P. 505) reported the same in a new draft (H. P. 1434, L. D. 1044) under the same title and that it ought to pass.

In the House, report read and accepted, the bill read once and under suspension of the rules given its second reading and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill read once and under suspension of the rules was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Aldrich of Sagadahoc,

Adjourned, until tomorrow morning at ten o'clock.