

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-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

- Page 656—Bill an act relating to weights and measures, Senate Paper 568, Legislative Document 849—should be L. D. 859.
- Page 656—Senate Paper 571 should be 578.
- Page 661—An act closing Middle Range Pond to ice fishing, H. P. 693, L. D. 562—Should be H. P. 693, L. D. 362.
- Page 662—New draft 1632, L. D. 948 should be L. D. 984.
- Page 664—An act relating to school unions, H. P. 1624, L. D. 970—Should be H. P. 1634, L. D. 970.
- Page 669—An act relating to publicity (H. P. 1639, L. D. 975)—Should be (H. P. 1639, L. D. 973)
- Page 669—"An act extending the charter of the Fryeburg Village Fire Corporation" (H. P. 80, L. D. 380)—Should be (H. P. 870, L. D. 380)
- Page 670—Reading misspelled.
- Page 670—Resolve in favor of Frederick A. Burbish of Mt. Vernon (H. P. 747)—Should be Frederick A. Furbish.
- Page 673—An act to revise the Charter of the City of South Portland (H. P. 597, L. D. 923)—Should be (H. P. 1597, L. D. 923)
- Page 676—The President laid before the Senate, (S. P. 212, L. D. 278)—Should be (S. P. 212, L. D. 279)
- Page 679—Resolve providing for a state pension for Mary A. Leighton of Gardiner, (H. P. 74, L. D. 670)—Should be (H. P. 74, L. D. 671)
- Page 679—Resolve providing for an increase in State pension for Lester Pagen of Hermon, (H. P. 56) (L. D. 706)—Should be Lester Patten.
- Page 680—An act to assure a Balanced Budget, (S. P. 827) (L. D. 998)—Should be (S. P. 627) (L. D. 998)
- Page 684—Resolve in favor of a pension for Richard T. Kensall of Alna—Should be Richard T. Kensall.
- Page 696—An Act relating to tax foreclosures (S. P. 636)—Should be (S. P. 317)
- Page 696—Moe should be move.
- Page 714—An act relating to Reports to Towns of Excise Tax Payments (H. P. No. 117) (L. D. No. 561)—Should be (H. P. No. 1170)
- Page 716—"said sum to be used as an offset against any accounts due the State of Maine from the city of Maine."—Should be city of Eastport.
- Page 727—Thereupon H. P. 1334, L. D. 970—should be H. P. 1634, L. D. 970.
- Page 731—Resolve in favor of Lillian R. Cushman" (H. P. 900—Should be (H. P. 800)
- Page 733—reported the same in a second new draft (S. P. 837)—Should be (S. P. 637)
- Page 733—An Act concerning the improvement, protection or preservation of shade, forest or ornamental trees. (H. P. 164, L. D. 975)—Should be (H. P. 1641, L. D. 975)
- Page 755—An Act relating to Disclosures of the Affairs of Corporations and the place within Counties in which Disclosures are to be made" (H. P. No. 110) (L. D. No. 584)—Should be (H. P. No. 1103) (L. D. No. 584)
- Page 769—An act relative to closed time on deer, H. P. 1645, L. D. 921—Should be H. P. 1645, L. D. 991.
- Page 796—(S. P. 34) (L. D. 696) An act relating to dealer's registration, fees for plates, etc.—Should be (S. P. 347) (L. D. 696)
- Page 796—(H. P. No. 1694) (L. D. No. 1008) An act appointing a Commission on Taxation—Should be (H. P. No. 1694) (L. D. No. 1007)
- Page 796—(H. P. No. 1694) (L. D. No. 1006) An act relating to pauper settlement.—Should be (H. P. No. 1694) (L. D. No. 1008)
- Page 796—(S. P. No. 163) (L. D. No. 989) Resolve to repeal a resolve providing for a State pension for Carrie E. Fitch.—Should be (S. P. No. 165) (L. D. No. 989)
- Page 807—An act relating to taxation of motor vehicles (H. P. 865, L. D. 299)—Should be (H. P. 665) (L. D. 299)
- Page 812—S. P. 636, L. D. 1015: Resolve providing for a State pension for Elida F. Whitcomb of Montville.—Should be S. P. 633, L. D. 1015.
- Page 839—An Act to repeal the act incorporating number XIV Plantation in Washington County (H. P. 623, L. D. 164)—Should be (H. P. 623, L. D. 184)
- Page 840—"An act relating to the sale of real estate for taxes" (H. P. 112, L. D. 631)—Should be (H. P. 1122, L. D. 631)
- Page 842—An act to Facilitate Recounting of Ballots (H. P. 1644) (L. D. 99)—Should be (H. P. 1644) (L. D. 992)
- Page 846—Delete second paragraph.

HOUSE

Thursday, March 23, 1933.

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

Prayer by the Rev. Mr. Campbell of Fairfield.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the committees on
Interior Waters
Legal Affairs
Maine Publicity
Manufactures
State Lands and Forest Preservation

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the committee on Judiciary on bill an act relating to commitment to hospitals by municipal officers, S. P. 263, L. D. 391, reporting same in a new draft, S. P. 602, L. D. 947 under same title and that it ought to pass.

Comes from the Senate report read and accepted.

In the House, report read and accepted in concurrence.

In the House, on motion by Mr. Rounds of Portland that body voted to reconsider its action whereby this report was accepted in concurrence; and on further motion by the same gentleman the bill and accompanying report were tabled, pending acceptance of report in concurrence and specially assigned for tomorrow morning.

Senate Bills in First Reading

S. P. 623, L. D. 997: Resolve appropriating money for certain departmental deficiencies.

S. P. 622, L. D. 996: An act relating to trust fund of the State Military and Naval Children's Home.

S. P. 621, L. D. 995: Resolve in favor of the State Museum.

S. P. 613, L. D. 990: An act to acquire the American portion of the International Bridge at Calais in Washington county and to provide for its maintenance.

S. P. 165, L. D. 989: Resolve to repeal a resolve providing for a State pension for Carrie E. Fitch.

S. P. 351, L. D. 509: An act re-

lating to taxation of motor vehicles.

S. P. 348, L. D. 697: An act relating to payment of tax must precede registration.

S. P. 347, L. D. 696: An act relating to dealer's registration, fees for plates, etc.

From the Senate: Report of the committee on Pensions on petition of Norman Shaw and 15 others in favor of a pension for Eva May Snowman of Bar Harbor, S. P. 566, reporting a resolve under title of resolve in favor of a pension for Eva May Snowman of Bar Harbor, S. P. 630, and that it ought to pass.

Comes from the Senate, resolve, petition and report referred to the Eighty-seventh Legislature.

In the House resolve, petition and report referred to the Eighty-seventh Legislature in concurrence.

From the Senate: Bill "An Act relating to the Incorporation of Cousins and Littlejohns Islands Village Corporation" (H. P. No. 1586) (L. D. No. 911) which was passed to be engrossed in the House March 16th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Plummer of Portland, that body voted to recede and concur with the Senate in the indefinite postponement of this bill.

From the Senate: Bill "An Act to authorize the town of Cooper to withdraw from the Maine Forestry District" (H. P. No. 659) (L. D. No. 921) on which the House accepted the Minority Report of the Committee on State Lands and Forest Preservation reporting "Ought to pass" and passed the Bill to be engrossed on March 20th.

Comes from the Senate the Majority Report of the Committee reporting "Ought not to pass", accepted in non-concurrence.

In the House:

Mr. CLARKE of Cooper: Mr. Speaker, I move the House insist and ask for a committee of conference.

Mr. FRIEND of Skowhegan: Mr. Speaker, I would like to say that I am a member of the State Lands and Forest Preservation Committee, and I am one who signed the majority report. The reason the committee signed the majority report against this bill was the fact that ninety per cent of the land is owned and sixty-five per cent of the taxes. as

I understand it, is paid by non-residents of the town. These non-residents want to remain in the Forestry District. The town of Cooper, as I understand it, does not. Of course the non-residents have no vote in the town. They pay, as I understand it, sixty-five per cent of the tax and own ninety per cent of the land. It seemed only right to the State Lands and Forest Preservation Committee that these land owners should keep their land in the Maine Forestry District if they wished. According to this bill, they have nothing to say about it.

Mr. CLARKE of Cooper: Mr. Speaker, on this issue here I will take but a moment of your time because it is not of importance to many people but it is important to the people of my town, the residents of the town, the taxpayers of the town, those who have the right to vote for their own interests under the law as opposed to what the outside owners ask. That is all,—just simply these people of the town, after twenty years' experience, think that they could have fewer taxes, that is, that their taxes would be less, if they were allowed to vote to go out of the Forestry District, and the others say "Do not let them go out because it may be worse for us." That is just the situation.

I think perhaps it would be cheaper for them to go out, but the question is whether they should be given the right to decide for themselves. I believe the motion which I made is still before the House. That is all. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Cooper, Mr. Clarke, that the House insist on its former action and that a committee of Conference be appointed. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will announce the Conference committee later in the session.

From the Senate: Resolve in favor of Frederick A. Furbish of Mt. Vernon (H. P. No. 1520) (L. D. No. 842) which was recommitted to the Committee on Claims in the House on March 15th and on which the House voted to insist and asked a Committee of Conference.

Comes from the Senate that body voting to adhere to its former ac-

tion whereby the Resolve was indefinitely postponed.

In the House, on motion by Mr. Rounds of Portland that body voted to recede and concur with the Senate in the indefinite postponement of the resolve.

From the Senate: Bill an act relating to the school board of the city of Lewiston, H. P. 637, L. D. 189, on which the House accepted the majority report of the committee on Legal Affairs reporting a new draft, H. P. 1616, L. D. 967, and passed the bill to be engrossed.

Comes from the Senate with the minority report of the committee ought not to pass accepted in non-concurrence.

In the House:

Mr. BREEN of Lewiston: Mr. Speaker, I move that the House adhere.

Mr. AUDET of Lewiston: Mr. Speaker, as the House passed this bill to be engrossed, I will move you at this time that we insist on our former action and that a committee of conference be appointed.

The SPEAKER: The gentleman from Lewiston, Mr. Audet, now moves that the House insist on its former action and asks for a committee of conference, that motion having precedence under our Rules over the one made by the gentleman from Lewiston, Mr. Breen. Is it now the pleasure of the House to adopt the motion of the gentleman from Lewiston, Mr. Audet, that the House insist on its former action and ask for a committee of conference.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will appoint that conference committee a little later.

From the Senate: Bill "An Act relating to the Purchase and Sale of Lobsters" (H. P. No. 1155) (L. D. No. 616) on which the House accepted the Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on March 17th.

Comes from the Senate with the Minority Report of the Committee reporting "Ought to pass" accepted in non-concurrence and the Bill passed to be engrossed in non-concurrence.

In the House:

Mr. WENTWORTH of Kennebunk: Mr. Speaker, out of respect

to the gentleman from Lubec, Mr. Peacock, who is one of the opponents of this bill, I move that it lie on the table.

Mr. BAILEY of Woolwich: Mr. Speaker, I second the motion.

The motion prevailed and the bill was tabled and specially assigned for tomorrow.

The SPEAKER: The Chair appoints on the conference committee on the disagreeing action of the two branches on bill an act to authorize the town of Cooper to withdraw from the Maine Forestry District, Messrs. Clarke of Cooper, Lord of Lebanon and Ashby of Ft. Fairfield.

From the Senate: Resolve in favor of Daniel Mahar of Bangor, H. P. 1620, L. D. 962, which was indefinitely postponed in the House on March 21.

Comes from the Senate, passed to be engrossed in non-concurrence.

In the House:

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

Mr. ROUNDS of Portland: Mr. Speaker, this bill has been heard since the death of Mr. Parkhurst, and it has been heard at different times. Now somebody ordered that man to make those pictures. As I understand, this is the one we are speaking of. I will say this, that we cut it down one hundred dollars this time, and Mr. Chadbourne told us, not in the committee hearing, but personally, that somebody did order it or he would not have made those pictures. We made it three hundred dollars, and I think we have spent three hundred dollars' worth of time and printing since then to pay for that bill, and to get rid of it we made it three hundred dollars instead of four hundred. I hope they will pay it now.

Mr. CARLETON of Portland: Mr. Speaker, I went into this thing pretty thoroughly, and if any man in the State of Maine could tell me who authorized that work to be done, I would like to have them. There is no authority there. It looks to me as though the man took the pictures and thought he was going to get something out of it. No authority can be found who told him to take them, or anything about it.

The gentleman from Portland (Mr. Rounds) speaks about giving this man three hundred dollars to

get rid of it. I think we voted here yesterday to kill it. I insist on our former action.

Mr. PIPER of Bangor: Mr. Speaker, of course we all remember that Governor Parkhurst died very suddenly. He was sick only a few days, and the authorities at that time decided that inasmuch as the Governor had died in office, a State funeral would be held, and I learned that they also decided that in order to make a history of the affair, they would have moving pictures taken of the proceedings.

This man was employed by those who seemed to be in charge of these funeral preparations, in carrying out the funeral, to make the moving pictures. He supposed he was going to get his pay. He has not got it. He did his work in good faith. The moving pictures have been preserved, and the reels are at the disposition of the State whenever he gets his money. The Senator from Penobscot, Mr. Weatherbee, has the reels here. I think that in all fairness and justice, this gentleman should have his reduced compensation for the work which he performed. I do not know why the State of Maine should shove him off any longer. We know that the Governor died in office; we know that the pictures were taken in order to perpetuate the scene of that funeral, and the moving of the body to Bangor, and its final disposition in Bangor. Those pictures are in existence, to become the property of the State, exactly as Mr. Mahar understood they would be when he took the pictures.

The SPEAKER: The question is on the motion of the gentleman from Bangor, Mr. Piper, that the House recede and concur with the Senate. The action in the Senate was the acceptance of the minority report for passage to be engrossed. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: Is it now the pleasure of the House to reconsider its action taken on March 21 whereby the House voted to indefinitely postpone this resolve?

The motion prevailed and tomorrow assigned for second reading of this resolve.

From the Senate: Report of the Committee on Salaries and Fees to which was referred for considera-

tion all State and County salary matters under Joint Order, S. P. No. 34, reporting that they have had the same under consideration, and ask leave to make this interim report presenting their findings with reference to salaries of County Officials in the form of a Bill under title of "An Act to Reduce Salaries of Certain County Officials" (S. P. No. 597) (L. D. No. 930) and recommending its passage.

Comes from the Senate the Report read and accepted, Senate Amendments "A," "B" and "C" indefinitely postponed and Senate Amendment "D" adopted and the bill passed to be engrossed as amended by Senate Amendment "D."

In the House, on motion by Mr. Hobbs of Hope the report of the committee was accepted in concurrence.

Mr. HOBBS: I move, Mr. Speaker, that this bill lie on the table pending the printing of Senate Amendment D.

The SPEAKER: No provision has been made yet for printing Senate Amendment D. Would the members like to hear all four amendments read? If so, the Clerk will read the Senate Amendments.

(On motion by Mr. Drisko of Jonesboro the members were permitted to smoke for the balance of this session).

Mr. WILLIAMS of Dover-Foxcroft: Mr. Speaker, I am wondering if we are not going to waste valuable time. It seems to me that these amendments A, B and C have been chewed around here for several weeks. I understand that one of the Senators has given this matter considerable attention and has offered Senate Amendment D which is approved by Senators or Representatives from every county. If it will be in order, Mr. Speaker, I would like to move the adoption of Senate Amendment D.

The SPEAKER: If every member is familiar with the contents of these various amendments, there is no point in reading them or having them printed.

Mr. SCATES of Westbrook: Mr. Speaker, I would say that I do not know a thing that is in them.

The SPEAKER: The Clerk started in to read these various amendments and the Chair still thinks they should be read. The Clerk will read the Senate Amendments,

Senate Amendment A was read by the Clerk and the House then indefinitely postponed Senate Amendment A in concurrence.

Thereupon Senate Amendment B was read and the House voted to concur with the Senate in the indefinite postponement of that amendment.

Thereupon Senate Amendment C was read and the House voted to concur with the Senate in its indefinite postponement.

The SPEAKER: Does the gentleman from Hope, Mr. Hobbs, desire to have Amendment D printed? This amendment follows along L. D. 930 as printed, with certain changes in the salaries of county officers in Knox, Washington and York counties. We can have those changes from L. D. 930 read, or have the whole thing read, if you desire it.

Mr. HOBBS: Mr. Speaker, I do not care to have the amendment read. All I wish to do is to offer an amendment at the proper time.

The SPEAKER: Is there any objection to having it read? The members taking the copy and following it along until we come to the places where it is changed?

Mr. BELANGER of Winslow: Mr. Speaker, do I understand that there are only three counties asking for a change?

The SPEAKER: Senate Amendment D adopts the amount in L. D. 930 with the exception of the three counties I have named, Knox, Washington and York.

Mr. BELANGER: Mr. Speaker, there is no need of reading the whole amendment. I move that only the changes be read.

The SPEAKER: The Clerk suggests that this amendment could be printed and be available by twelve o'clock. There are quite a number of changes in it which it might be hard to follow.

Miss LAUGHLIN of Portland: And as I understand, Mr. Speaker, the only changes are with reference to the counties of Knox, Washington and York, that those are the only three counties affected.

The SPEAKER: There is a change made in the first section as to the date of its taking effect.

Miss LAUGHLIN: Mr. Speaker, it would seem to me that if the changes were read in those three counties that would clear the situation.

Mr. HOBBS: I would like, Mr. Speaker, to have read that part of the amendment which applies to Knox county.

The SPEAKER: The gentleman from Hope, Mr. Hobbs, moves that the reading of Senate Amendment D be dispensed with except sections eight, sixteen and seventeen, the balance of it being the same as L. D. 930. As the Chair has said the only other change is in the first section which has to do with the time of its taking effect. The Clerk will now read sections 8, 16 and 17.

The motion prevailed that the reading of the balance of the amendment be dispensed with, and the three sections above referred to were read by the Clerk.

Mr. HOBBS: Mr. Speaker, I move that this bill lie on the table and be specially assigned for next Tuesday.

The SPEAKER: The Chair will entertain no motion to table anything beyond tomorrow there being as yet no certainty that there will be a session next Tuesday.

Mr. HOBBS: Then, Mr. Speaker, I move that it be tabled and specially assigned for tomorrow.

A viva voce vote being doubted, A division of the House was had, Forty-three voting in the affirmative and 57 in the negative, the motion to table failed of passage.

The SPEAKER: The question is on the adoption of Senate Amendment D in concurrence. Is it the pleasure of the House to adopt Senate Amendment D in concurrence?

A viva voce vote being doubted, A division of the House was had, Seventy-three voting in the affirmative and 21 in the negative, the motion to adopt Senate Amendment D in concurrence prevailed.

Thereupon the bill had its two several readings and under suspension of the rules its third reading and was passed to be engrossed as amended by Senate Amendment D in concurrence.

The SPEAKER: The Chair appoints as conference committee on the part of the House on the disagreeing action of the two branches concerning L. D. 189, an act relating to the School Board of the city of Lewiston, Messrs. Audet of Lewiston, George Hamel of Lewiston and Flanders of Auburn.

The following remonstrances were received and upon recommendation

of the committee on reference of bills were ordered placed on file:

Placed on File

Remonstrance of E. W. Wright of Madison and 52 others against a Sales Tax (H. P. No. 1699) (Presented by Mr. Viles of Madison)

Remonstrance of James H. Howes and 77 others of Belfast against same (H. P. No. 1700) (Presented by Mr. Thompson of Belfast)

Remonstrance of Beckett & Co. and 47 others against same (H. P. No. 1701) (Presented by Mr. Tupper of Calais)

Remonstrance of Frank N. Beckett Jr. and 47 others against same (H. P. No. 1702) (Presented by same gentleman)

Remonstrance of John R. Crossman and 7 others of Milltown against same (H. P. No. 1793) (Presented by same gentleman)

Reports of Committees

Mr. Piper from the Committee on Taxation on Petitions in favor of a Special Tax on the so-called "Chain Stores" H. P. 1205, 1225, 1414, 933, 1207, 1206, 1204 reporting that they be placed on file.

Mr. Jones from the Committee on Ways and Bridges reported same on Petitions in favor of the Wilson's Mills-Oquossoc Road H. P. 1484, 1450, 1451.

Same gentleman from same Committee reported same on Petition in favor of a road in Andover H. P. 672.

Reports read and accepted and sent up for concurrence.

Mr. Farris from the Committee on Judiciary on Bill "An Act relating to Disclosures of the Affairs of Corporations and the Place within Counties in which Disclosures are to be made" (H. P. No. 110) (L. D. No. 584) reported same in a new draft (H. P. No. 1697) under same title and that it "Ought to pass"

Report read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Richardson from the Committee on Pensions on Bill "An Act to provide for Old Age Pensions" (H. P. No. 1010) (L. D. No. 354) reported same in a new draft (H. P. No. 1698) under same title and that it "Ought to pass"

On motion by Mr. Richardson of South Portland, the report was accepted and the bill was tabled for printing under the Joint Rules and 1000 copies ordered printed.

Majority Report of the Commit-

tee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to the Repeal of Bounty on Bears" (H. P. No. 729) (L. D. No. 336).

Report was signed by the following members:

Messrs. Angell of York
Schnurle of Cumberland
Harmon of Hancock
—of the Senate
Sterling of Caratunk
Burgess of Rumford
Hescock of Monson
Smith of Masardis
Fogg of Rockland
Bussey of Dixmont

Minority Report of same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following member:

Mr. Crowell of Weston
—of the House

Mr. OSGOOD of Fryeburg: Mr. Speaker, I move the acceptance of the minority report.

The SPEAKER: The gentleman from Fryeburg, Mr. Osgood, moves the acceptance of the minority report, which was ought not to pass.

Mr. STERLING of Caratunk: Mr. Speaker, I move to accept the majority report, therefore I hope the minority report is not to be accepted.

Mr. CROWELL of Weston: Mr. Speaker, I have been trying to recall this morning the author of the lines that I have in mind: "Laugh and the world laughs with you; weep and you weep alone." I wondered if that same author had written anything in regard to the individual who would stand alone in the signing of the minority report.

Along with you, I have laughed at the reports in the newspapers and the statements made in the corridors of this House and other places in regard to the stories on bears, and I think the bear has fulfilled an important function in adding to the mirth of this assembly, and to the entertainment of the people of the State of Maine. Some of the statements that have been made are very funny, because they are written, evidently by people who do not know the facts of the case and even a ten-year old boy in our section of the State knows they are based on hearsay and not on facts.

Along with you, I have laughed, but alone I have travelled over the

pastures of southern Aroostook hunting for sheep that could not be found. Alone, I have tried to build up a small flock of sheep in my section, and after twelve years of effort the flock is not as large today as it was when I started.

I am hoping today that the members of this House are willing to go on record in favor of the agricultural interests of this State. I believe that the sporting interests and the farming interests should go hand in hand, both working for the State, both working to promote its advancement in the line of summer tourists and the sporting interests, which interests are identical; we are interested in the same thing. But the only way that you can run sheep and bear in our section of the State is for the sheep to run inside of the bear.

Mr. Speaker and members, I am hoping that the minority report of this committee will be accepted and then the unanimous majority report of the committee on Agriculture will be accepted, and together, hand in hand, we will tell the people of the State we want to be fair, and we will do by the sheep men of the State of Maine what we would like to have the sheep men of the State do by us.

The SPEAKER: The number of this bill on the calendar is given as 338. It should be 336.

Mr. CLARKE of Cooper: Mr. Speaker, I rise to ask for information. The committee on Agriculture reported out unanimously ought to pass on the bill reducing the bounty on bears to fifteen dollars. Is this the same bill that the committee on Inland Fisheries and Game has said ought not to pass?

The SPEAKER: Can any member of the Agricultural committee answer the inquiry?

Mr. OSGOOD of Fryeburg: The bill referred to the Agricultural committee cut the bounty from twenty-five dollars to fifteen dollars and it was the unanimous report of that committee that it ought to pass. This bill does away with all bounties.

The SPEAKER: The Chair understands, then, that this bill repeals all bounty on bears. The bill reported out by the committee on Agriculture cuts the bounty from twenty-five dollars to fifteen dollars.

Mr. CLARKE: Well, in that case, I hope that the minority report will

be sustained because we found, in our judgment at least, that there should be a bounty on bears. It does not come from any general appropriation and the sheep raisers of the State need it.

The SPEAKER: The question is the motion of the gentleman from Fryeburg, Mr. Osgood, to accept the minority report, ought to pass.

Mr. RUSS of Woodstock: Mr. Speaker, I do not think we need take much time in arguing this case. I attended the hearing before the committee on Agriculture and our Commissioner of Agriculture appeared and said he thought the law as it now is was just the right thing, with the exception that he would be willing to have it reduced. As has been stated here we have a bill which has been reported out from the committee with a unanimous report ought to pass to reduce the bounty to fifteen dollars and I do not think we need to take up any more time. I believe the members of this House will vote to accept the minority report and to sustain the majority report of the Agricultural committee.

Mr. BAILEY of Woolwich: Mr. Speaker, as a member of the Agricultural committee I wish to substantiate the statements that have been made in regard to the fifteen dollar bounty. In the southern part of the State where I live we are not bothered with bears so I have no personal interest; but after giving the matter serious consideration and hearing reports from different parts of the State at the different hearings, which were very well attended, we felt that we would be justified in approving the bill which calls for a fifteen dollar bounty on bears and that is the one I would like to see go through.

Miss LAUGHLIN of Portland: Mr. Speaker, I would like to know as a matter of information what the status is of the report of the Agricultural committee? Where it is in the procedure of the Legislature.

The SPEAKER: The member from Portland, Miss Laughlin, inquires of the gentleman from Fryeburg, Mr. Osgood, as to the status of the report of the committee on Agriculture on this matter.

Mr. OSGOOD: I believe it was left on the table and assigned for today or tomorrow, I am not sure which.

Mr. WALLINGFORD of Auburn: Mr. Speaker, I would call attention

of the members to the fact that the report of the committee on Agriculture is tabled and specially assigned for tomorrow, it being the third assigned matter on page ten of the Calendar.

Mr. WRIGHT of Bath: Mr. Speaker, I move that this matter lie on the table and be assigned for the same time that the other bear bill comes up.

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

Mr. WHITTEN of Lee: I move the previous question.

The SPEAKER: The gentleman from Lee, Mr. Whitten, moves the previous question. As many as are in favor of the Chair entertaining that motion will rise and stand in their places until counted and the monitors will make and return the count.

A sufficient number arose.

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

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

The SPEAKER: The pending question is the motion of the gentleman from Fryeburg, Mr. Osgood, to accept the minority report of the committee on Inland Fisheries and Game on L. D. 336, which committee reported ought not to pass on an act relating to the repeal of a bounty on bears. All in favor of that motion will say aye, contrary minded no.

A viva voce vote being taken, the motion to accept the minority report, ought not to pass, prevailed.

First Reading of Printed Bills and Resolves

(H. P. No. 1690) (L. D. No. 1004)
An act relating to rate of interest charged by small loan agencies.

(Tabled by Mr. Farris of Augusta, pending first reading and specially assigned for tomorrow.)

(H. P. No. 1691) (L. D. No. 1005)
An act relating to hunting and trapping bear.

(H. P. No. 1692) (L. D. No. 1006)
An act relative to the suspension of bounties on porcupines and hedgehogs.

(H. P. No. 1693) (L. D. No. 1007)
An act appointing a Commission on Taxation.

(H. P. No. 1694) (L. D. No. 1008)
An act relating to pauper settle-
ment.

(S. P. No. 601) (L. D. No. 945)
An act relating to by-laws of
towns, cities and villages regulating
vehicles

(S. P. No. 603) (L. D. No. 946)
An act controlling public utility
relations with affiliated interests in-
volving contracts and loans

(S. P. No. 607) (L. D. No. 949) An
act to provide a town council and
manager form of government for
the town of Washburn, in the
county of Aroostook

(S. P. No. 609) (L. D. No. 982)
An act relative to transportation
of deer within State

(H. P. No. 1644) (L. D. No. 992)
An act to facilitate recounting of
ballots

(H. P. No. 1646) (L. D. No. 993)
An act to acquire the American
portion of the Union Bridge so-
called at Calais in the county of
Washington connecting Maine and
New Brunswick and to provide for
its maintenance

(H. P. No. 1611) (L. D. No. 940)
An act legalizing amateur sports
and games under certain conditions
on Sunday

(S. P. No. 591) (L. D. No. 951)
Resolve appropriating money to pay
pauper claims heretofore approved
by the Committee on Claims

(S. P. No. 592) (L. D. No. 948)
Resolve appropriating money to
pay World War Veteran claims
heretofore approved by the Com-
mittee on Claims

(S. P. No. 599) (L. D. No. 943)
Resolve in favor of Celia I. Fowler,
of Ellsworth

(S. P. No. 600) (L. D. No. 944)
Resolve regulating the taking of
smelts in the York River and
Smelt Brook in the towns of York
and Eliot in York County

(S. P. No. 610) (L. D. No. 983)
Resolve extending open season on
Mousam River

(H. P. No. 1600) (L. D. No. 994)
Resolve in favor of the town of
Turner

H. P. 1567, L. D. 900: An Act re-
lating to size of fish and weight
of catch limited.

S. P. 608, L. D. 981: An act rela-
tive to closed time, daily bag limits
and transportation of wild hares
and rabbits.

Senate Amendment A read and
adopted in concurrence.

Mr. Devereux of Penobscot pre-

sented House Amendment "A" and
moved its adoption as follows:

House Amendment A to Senate
Paper 608, L. D. 981, an act rela-
tive to closed time, daily bag limits
and transportation of wild hares
and rabbits.

Amend said bill by striking out
in the fourteenth line thereof the
words "county of" and inserting in
place thereof the words "counties
of Hancock and".

Thereupon House Amendment A
was adopted and the bill as amend-
ed by Senate Amendment A and
House Amendment A was passed to
be engrossed.

S. P. 598, L. D. 942: Resolve in
favor of several academies, insti-
tutes and seminaries.

H. P. 1625, L. D. 964: Resolve
regulating ice fishing in York
county.

Orders of the Day

Under orders of the day the Chair
lays before the House the first mat-
ter tabled and today assigned,
House report ought not to pass of
the committee on Judiciary on bill
an act relating to state salaries for
persons receiving pay from United
States Government, H. P. 1152, L.
D. 601, tabled on March 21 by the
gentleman from Caratunk, Mr.
Sterling, pending acceptance of the
report; and the Chair recognizes
that gentleman.

Mr. STERLING: Mr. Speaker, I
move to substitute the bill for the
report.

Mr. FARRIS of Augusta: Mr.
Speaker, I wish to go on record as
opposing that motion. The commit-
tee heard the evidence in the com-
mittee room, and Mr. Sterling was
the only one who appeared for the
bill.

Now this seems to me a bill de-
signed to strike at a very few State
employees who are drawing com-
pensation for services during the
war or are on retired pay. The mat-
ter was brought up in the com-
mittee that the United States Gov-
ernment has a similar law which
prevents anyone from holding any
other job while they are receiving
compensation from the Government,
up to the amount of three thous-
and dollars. For that reason the
committee on Judiciary reported
ought not to pass. I think it would
be wrong to pass a law in this
State affecting people who are re-
ceiving compensation from the
Government while the Federal Gov-
ernment has a law regulating the
same thing. Therefore I am op-

posed to the motion, and I hope it does not prevail.

Mr. STERLING: May I ask a question through the Chair?

The SPEAKER: The gentleman from Caratunk, Mr. Sterling, desires to ask a question of the gentleman from Augusta, Mr. Farris. The gentleman may reply if he desires.

Mr. STERLING: Do I understand the gentleman to say that the Government rule covers the State of Maine or just the District of Columbia.

The SPEAKER: The gentleman may answer.

Mr. FARRIS: The Government rule is not a ruling; it is a Federal law that covers the United States.

The SPEAKER: The pending motion is that made by the gentleman from Caratunk, Mr. Sterling, to substitute the bill for the ought not to pass report of the committee. All those in favor will say aye; contrary minded no.

A viva voca vote being doubted, A division was had.

Fifty having voted in the affirmative and 47 in the negative, the motion prevailed; and on further motion by the same gentleman the bill had its two several readings.

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

House Amendment A to H. P. 1152, L. D. 801, entitled: "An Act relative to State salaries for persons receiving pay from United States Government."

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

Limitation of salary from state that may be received by pensioned officer. No person holding a civilian office or position, appointive under the government of the state of Maine, who during the period of such incumbency is receiving retired pay from the United States for or on account of service as a commissioned officer in any of the services mentioned in the U. S. Pay Adjustment Act of 1922 (U. S. C., title 37), shall be entitled to compensation from the state of Maine in excess of an amount which when combined with the rate of retired pay from the United States makes the total rate from both sources more than \$3000; and when the salary from the state amounts to or exceeds the rate of \$3000 per

year, such person shall be entitled to the pay from the state or the retired pay, whichever he may select. As used in this section, the term "retired pay" shall be construed to include credits for all services that lawfully may enter into the computation thereof.

This action shall not apply to any person whose pay from the state plus retired pay amounts to less than \$3000; provided, that this act shall not apply to regular or emergency commissioned officers retired for physical disability incident to the service.

Mr. FARRIS: Mr. Speaker, this seems to be a new bill. The gentleman from Caratunk, Mr. Sterling, has substituted the bill for the report, of the bill which the committee on Judiciary heard. Now he amends and makes a completely new bill out of it. For that reason, I would like to have time to consider it, and move that it be tabled until tomorrow morning.

The motion prevailed and the bill and amendment were tabled and specially assigned for tomorrow morning. (House Amendment A ordered printed).

The Chair lays before the House the second matter tabled and today assigned, House report ought not to pass of the committee on Legal Affairs on bill an act relating to amateur sports, H. P. 868, L. D. 288, tabled on March 21 by the gentleman from Baring, Mr. Chase, pending acceptance; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, I yield to the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker, in view of the action taken by the House yesterday on a similar bill, I move the acceptance of the ought not to pass report of the committee.

The motion prevailed and the ought not to pass report was accepted.

The Chair lays before the House the third matter tabled and today assigned, House report ought not to pass of the committee on Sea and Shore Fisheries on bill an act relating to taking of lobsters during July and August, H. P. 926, L. D. 268, tabled on March 21 by the gentleman from East Machias, Mr. Lindsey; and the Chair now recognizes that gentleman.

On motion by Mr. Lindsey, the House voted to accept the ought not to pass report of the committee.

The Chair lays before the House the fourth matter tabled and today assigned, bill an act relating to absentee voters, H. P. 1078, L. D. 435, tabled on March 21 by the gentleman from Weld, Mr. Sanborn, pending passage to be enacted; and the Chair recognizes that gentleman.

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

Mr. TOMPKINS of Bridgewater: Mr. Speaker, I move that we recess until 3:30.

The SPEAKER: The gentleman from Bridgewater, Mr. Tompkins, moves that the House recess until 3:30 this afternoon. All those in favor will say aye; contrary minded no.

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

The Chair lays before the House the fifth matter tabled and today assigned, majority report ought to pass and minority report ought not to pass of the committee on Judiciary on bill an act relating to the sale of real estate for taxes, H. P. 1122, L. D. 631, tabled on March 21 by the gentleman from Augusta, Mr. Farris, pending motion of Mr. Hill of South Portland, to accept the majority report; and the Chair recognizes the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, this is an act relating to the sale of real estate for taxes, and is an amendment to Section 84 of Chapter 14 of the Revised Statutes, which is an additional provision for the sale of real estate. It reads as follows, the law as it now stands:

"The municipal officers may employ one of their own number, or some other person, to attend the sale for taxes of any real estate, in which town they are interested, and bid therefor a sum sufficient to pay the amount due and charges, in behalf of the town, and the deed shall be made to it."

Now this bill was heard before the committee on Judiciary, but no one from the outside appeared. The author of the bill, in executive session, presented his views, and finally the committee reported out a divided report, six ought to pass and four ought not to pass. The

gentleman from South Portland (Mr. Hill) has moved that the majority report be accepted, and I am opposed to his motion. I will briefly state my reasons.

This section is amended by adding at the end thereof the following: "And after the expiration of a term of three years from the date of such sale, the validity of such sale shall in all respects be conclusively presumed and said municipal officers may sell and convey any such real estate, and execute their warranty deed of transfer of the same; and thereupon any and all persons, corporations and associations shall be forever estopped from contesting the validity of said sale. Provided, however, that any time within 1 year from the date of such sale and transfer by said municipal officers, the bona fide owner of such real estate at the time of its sale for taxes, may demand of such municipal officers and be entitled to receive a refund of any moneys received by them for such sale, in excess of any sums due for taxes, interest and costs against said property."

Now it seems to me that this is an act or bill to correct any mistakes which the municipal officers may make in the sale of real estate for taxes. Of course you know that the law requires that municipal officers, in advertising and selling real estate, shall follow the statute. It is a statutory proceeding, and if the statute is not followed strictly, many times the deeds are not valid, and it has been so held by the Supreme Court of the State of Maine.

Now this bill goes so far as to say that after the expiration of a term of three years from such date, the validity of such sale shall in all respects be conclusively presumed. That is, if the municipal officers make any mistake in following out the statute in regard to the sale of this property, this act makes it valid. It goes farther and says: "And thereupon any and all persons, corporations and associations shall be forever estopped from contesting the validity of said sale."

I maintain it is a poor piece of legislation, because it deprives a man of the right of coming into court. If he should find out after three years that the proceedings are illegal, then he has a right to come in and bring a bill in equity to recover, but he would be estopped

under this act. That is one of the reasons I am opposed to the passage of this bill in its present form.

Another reason: It deprives a person from the right of due process of law, and I believe it would be unconstitutional if we should pass it here in this Legislature. I believe that we have statutes enough to protect the towns, the cities, and also the taxpayers, and that this legislation is unnecessary, and therefore I hope that the majority report will not be accepted, as proposed by the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker and members of the House: The purpose of this bill is to facilitate the disposition of property which a city or town has acquired on account of non-payment of taxes by the owner. I think a good many of the members of this House have been in a position to experience the situation which so widely prevails in connection with tax sales of property. A good many of the members no doubt know that when a city or town, after acquiring possession of property for non-payment of taxes, undertakes to dispose of that property, it finds it very difficult to do so, for the reason that attorneys in general and purchasers of property are very skeptical about buying property, the title to which is based upon a tax sale.

This bill is designed to eliminate the defects that arise in connection with these tax sales, and to make it possible for the city or the town to dispose of that property as was originally intended by statutes enacted for the purpose of disposing of such property. There have been so many cases of defects in the manner of conducting the sale, defects in connection with giving notices and complying with the other requirements of the statute, that it has become practically impossible to sell land the title of which is based on a tax deed.

The gentleman from Augusta (Mr. Farris) has pointed out that under this bill that after a period of three years the owner of the property would be barred from disputing the validity of the same. He seems to consider that a rather grave and serious objection to the bill. I should only like to point out in that connection that we have innumerable other instances of the law in which the right of a person is barred if he does not as-

sert it within a specified time. We have the statute of limitation, a perfectly valid cause of complaint if he does not assert it within the six years provided by statute. Now this bill simply bars a person who thinks he has a claim from asserting that right after three years.

I have here an amendment which I should like to offer. I understand it would not be in order to offer that amendment until after the majority report of the committee has been accepted. That amendment is to extend the period from three to five years.

As the situation is now, it is a very difficult, if not practically impossible proposition to dispose of tax property under the existing law. This bill is, of course, a matter of an equitable nature, a legal nature. It was considered carefully by the committee on Judiciary; a sub-committee of that committee was appointed, and considered it further, and then the matter was taken up again in the whole committee and the majority of the committee reports that this bill ought to pass. I hope that the members of the House will sustain the majority of the committee on Judiciary in connection with this bill.

Mr. TOMPKINS of Houlton: Mr. Speaker and members: I suppose, in all probability, we will pass bills in this House inadvertently that are unconstitutional, but when we have before us a decision of the court of Maine, a decision of the United States Supreme Court, involving the same principle that is invoked by this proposed law under discussion, it does not seem to me good legislation to pass such a bill.

In 90 Maine, page 102, a case decided by Chief Justice Emery, which involved the validity of an invalid tax assessment and tax sale, the court held that such a statute was unconstitutional, and in that decision the Chief Justice cited two cases from New York: *Gilman vs. Tucker*, 128 N. Y. 190, and in *Cromwell vs. MacLean*, 123 N. Y. 475—and I quote: "It was held that the Legislature could not validate a void tax or a void tax sale." In *Marx vs. Hanthorn*, 148 U. S. 172, "it was declared that the Legislature of a State could not make a tax deed conclusive evidence of the validity of the tax assessments and tax sale."

Now why pass a law that the courts have already declared unconstitutional?

Mr. MASON of Mechanic Falls: Mr. Speaker, I yield to the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker, as the gentleman from Houlton (Mr. Tompkins) read those authorities, there occurred to my mind some question as to whether the authorities bear out the proposition which he asserts. I regret that the gentleman did not submit these authorities to the committee. However, it being a matter of a technical nature, it would seem to me perhaps unnecessary to debate at this time the constitutionality of that law. I should like an opportunity to read these authorities that the gentleman has cited. For that reason, I move that the matter be laid on the table and assigned for tomorrow morning.

Thereupon, the motion prevailed and the matter was tabled pending acceptance of the majority report and specially assigned for tomorrow morning.

Mr. PLOUFF of Dexter: Mr. Speaker, I move that we recess until 3:30 this afternoon. This is to enable the Clerk and his assistant to prepare work for us to be used this afternoon; otherwise there will not be time.

The motion prevailed, and the House recessed until 3:30 P. M.

AFTER RECESS

The House was called to order by the Speaker.

The SPEAKER: The House has some ought to pass reports in new draft on three important measures which should be taken up out of order so that they may be printed and disposed of regularly tomorrow.

Reports of Committees

Mr. Plummer from the Committee on Mercantile Affairs and Insurance on Bill "An Act providing for the Temporary Support and Regulation of Insurance Companies" (H. P. No. 1612) (L. D. No. 941) reported same in a new draft (H. P. No. 1706) under same title and that it "Ought to pass."

Mr. Cobb from the Committee on Labor on Bill "An Act to Regulate Steam Engineering" (H. P. No. 1132) (L. D. No. 594) reported same in a new draft (H. P. No. 1707) under

same title and that it "Ought to pass."

Mr. Chase from same Committee on Bill "An Act relating to Minimum Wages for Laborers" (H. P. No. 1129) (L. D. No. 591) reported same in a new draft (H. P. No. 1708) under same title and that it "Ought to pass"

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

The following Reports were taken up out of order under suspension of the rules:

Report A of the Committee on Taxation on bill "An Act imposing a Sales Tax" (H. P. No. 1172) (L. D. No. 659) reporting same in a new draft (H. P. No. 1704) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. Jackson of Cumberland, Towle of Kennebec, of the Senate. Mason of Mechanic Falls, Walker of Rockport, Blanchard of Wilton, of the House.

Report B of the same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following members:

Messrs. Weymouth of Penobscot, of the Senate. Piper of Bangor, Mack of Veazie, White of Crystal, Sterling of Caratunk, of the House.

On motion by Miss Martin of Bangor, tabled and specially assigned for tomorrow and the new draft ordered printed.

Report A of same Committee reporting "Ought not to pass" on bill "An Act relating to Store Licenses" (H. P. No. 14) (L. D. No. 5).

Report was signed by the following members:

Messrs. Jackson of Cumberland, Towle of Kennebec, of the Senate. Mason of Mechanic Falls, Piper of Bangor, Blanchard of Wilton, of the House.

Report B of same Committee on same Bill reporting same in a new draft (H. P. No. 1705) under title of "An Act relating to Licenses for Retail Stores" and that it "Ought to pass."

Report was signed by the following members:

Messrs. Weymouth of Penobscot, of the Senate. White of Crystal, Sterling of Caratunk, Walker of Rockport, Mack of Veazie, of the House.

On motion by Mr. Tompkins of Houlton both reports tabled, pend-

ing acceptance of either, and specially assigned for tomorrow, and the new draft ordered printed.

The SPEAKER: Proceeding under Orders of the Day the Chair lays before the House the sixth matter tabled and today assigned bill an act relating to the 48-hour law, H. P. 1636, L. D. 979, tabled March 21 by Mr. Carswell of Gorham, pending second reading; and the Chair recognizes that gentleman.

Mr. CARSWELL: Mr. Speaker, with the approval of the gentleman from Biddeford, Mr. Stern, who introduced this bill into the House, and who after considerable investigation pronounces it unconstitutional, I move that it be indefinitely postponed.

The motion prevailed.

The Chair lays before the House the seventh matter specially assigned for today, bill an act relating to interest paid on certificates of deposits, H. P. 1687, tabled March 21 by Mr. Scates of Westbrook, pending reference; and the Chair recognizes that gentleman.

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

On motion by Miss Laughlin of Portland 500 copies ordered printed.

The Chair lays before the House the eighth matter specially assigned for today, report A, ought to pass in new draft, report B, ought to pass and report C, ought not to pass, of the committee on Judiciary on bill an act providing for sentences and the imposition thereof, S. P. 283, L. D. 568. This came from the Senate report B accepted and the bill passed to be engrossed. It was tabled on March 21 by Miss Laughlin of Portland pending the motion of Mr. Farris of Augusta, to accept report B in concurrence; and the Chair recognizes the member from Portland, Miss Laughlin.

Miss LAUGHLIN of Portland: Mr. Speaker and members of the House: As the Speaker has explained, and as the calendar shows, there were three reports in this case. Report A, which was ought to pass in the new draft, that was signed by six members of the Judiciary Committee, one Senator and five members of the House, Report B, ought to pass, which was signed by three members of the committee, two Senators and one

member of the House, and Report C, ought not to pass, referring to both the new draft and the original bill, signed by one member of the House.

The motion before us is the motion of the gentleman from Augusta (Mr. Farris) to accept Report B in concurrence. That is the minority report, the report signed by three members of the committee, two Senators and one member of the House, the gentleman from Augusta. Report A, the new draft, you will find does not appear in the printed form, because it was not delivered to us until about noon today; it will be Legislative Document 1017 which was laid on our desks just before noon today. The majority report, which is signed by six members of the committee, is for the adoption of this new draft.

The motion of the gentleman from Augusta, Mr. Farris, is to accept in concurrence with the Senate report B for the original bill. The new draft, as appears here in report A, was a compromise. I think I may say here, expressing my individual opinion, that I agree with the gentleman from South Portland, Mr. Hill, as against either bill and for the retention of the present law; but as a compromise I was one of the majority who signed report A for the passing of the bill in new draft.

The gist of this report A as compared with the present law, or the gist of it anyway, is that when a person has been found guilty of a crime where punishment is both fine and imprisonment, the Superior Judges, any of the Superior Judges, may at their discretion impose the fine and put the prisoner, the person convicted, on probation as to the imprisonment.

You will notice, if you will look at the last sentence in the large type, that there is nothing in this bill which takes away from any Judge, Superior Judge or Municipal Judge or even trial justices, the right to put prisoners on probation both as to fine and imprisonment. Of course, the theory of probation is that if, after inquiry, the judge finds such facts as lead him to believe that it is better that the prisoner should have a suspended sentence, he may impose a sentence and then suspend it and then put the prisoner on probation in charge of a probation officer—but it is supposed to be on a finding of fact

which justifies that. As I said, this bill and the other bill took away from the judges that right except that this bill in the new draft leaves the law as it is. The judges still have that discretion to put the prisoner on probation as regards all the facts.

This bill provides that the judge may impose a fine, and, if the circumstances are such that in his discretion he would want to put the prisoner on probation for the imprisonment part of it, he may do so. Under the present law he must either use probation for both fine and imprisonment or impose both. This gives him the power to omit the fine. Presumably that would be a case where there were some mitigating circumstances but not such as would justify probation on both charges.

Now the question as between the bill as favored in the majority report and between the present law is that under the present law none of the judges have this discretion as to imposing a fine and then putting the prisoner on probation as to his imprisonment. The question between the original bill and the new draft, that is, between report A, signed by the majority, and report B, which is the minority report, signed by three members of the committee, is whether this discretion shall lie only with Superior Judges, the Judges of the Superior Court, or whether it shall be extended to all judges, that is, the Municipal Judges, the Police Judges and the Trial Justices. All of these can now within their jurisdiction, put a person on probation as to both fine and imprisonment if the facts justify it. They cannot impose a fine and put them on probation for the imprisonment.

The latest report in the Library showed that there were forty-three Municipal and Police Judges—there are more now—and 117 Trial Justices—and there are more now; so that in addition to the Superior Judges there would be 160 other judges who might exercise this discretion if Report B was accepted. If report A is accepted, that very great power which, after all, is to change the law of the State, is put only with the Superior Judges. We sit here as a Legislature and discuss an order as to whether we will suspend the law for two years. By this bill in report A we give the Superior Judges the right to

suspend the law in effect at their discretion, and under report B they would give that great power to all the trial justices, of whom as I said there are 117 or more.

I looked up to find out what the qualifications were of the Trial Justices, and I do not find any whatsoever. Any person may be appointed to that position. As to the extent to which they may exercise civil jurisdiction, they cannot decide on civil cases in which the amount involved is more than twenty dollars; and yet if we should adopt the motion of the gentleman from Augusta (Mr. Farris) they would be given in criminal cases a power which, after all, is to suspend the laws of the State enacted by this Legislature. So under Report A that discretionary power would be left with the Superior judges, the judges of the Superior Court.

Now I do not believe that any such great power as that should be extended to all the Trial Justices of this State or to the forty-three or more Municipal judges; but I have been willing to compromise on the fact that that power should be extended to the judges of the Superior court.

I hope, with this explanation, that we may reject the motion of the gentleman from Augusta (Mr. Farris), and in its place accept the majority report signed by the six members of the committee,—by five members of this House, and, as I said, reject the report signed by only one member of this House, the minority report, and, after rejecting it, as I said, that we will accept the majority report, which is a compromise bill, giving this discretion to the judges of the Superior court alone.

Mr. FARRIS of Augusta: Mr. Speaker, the member from Portland, (Miss Laughlin) has set forth very clearly the facts of the case in regard to reports A, B and C, and I concur with her in the effect of the different reports.

This bill was heard before the committee on Judiciary and was given considerable consideration, and for that reason there are three reports pending. If a respondent in these cases is found guilty of a technical violation of this law, the court before which he is brought must impose a fine and a jail sentence under the present law, or the Court has the power of giving probation, or fine and imprison-

ment both, but it cannot split the sentence and give a fine and probate the jail sentence. That is the distinction between the two reports A and B. Under the present bill the imposition of sentences is at the discretion of the Court, the Superior Court, under the report signed by the member from Portland (Miss Laughlin).

A representative of the Civic League appeared before our Judiciary committee and opposed the bill as it was; but, after some consultation and compromise, a new draft was to be drawn and this was incorporated in report A which limited the discretion to the Superior Court judges alone and did away with any jurisdiction of the Municipal Court or Trial Justices in dealing with these particular cases.

Now this bill if adopted, as represented by committee report B, would go a long way to protect first offenders from technical violations of law who usually come before the inferior courts under these statutes. The most of these violations come before the Municipal Court rather than the Superior Court, and this would give rise to a good many appeals from the Municipal Court because they come before the Municipal Court in the first instance. If the judge of the Municipal Court had no discretion in imposing fine and imprisonment and had to give both, the respondent would appeal to the Superior Court, where his attorney would tell him that he had a chance because the Superior Court judge would use his discretion; that in the court below he would have to take a jail sentence and a fine and the judge would not probate. That's the reason why I signed report B. I have confidence in the Municipal judges of our State and I believe that in this class of cases they would use their discretion fairly. I do not believe they would abuse it. I believe if we are going to extend this bill to the Superior Court judges, it should also be extended to the Municipal Court judges where this class of cases will come in the first instance under our Statutes.

Personally, I am not very much interested in this bill. The bill was brought up again this year and it was before the Legislature two years ago. If this bill is to be passed, I believe it should be passed by Report B to include Municipal

Court judges. I hope my motion to adopt committee report B of the Judiciary will be accepted.

Mr. HILL of South Portland: Mr. Speaker and members of the House: Inasmuch as this so-called split-sentence bill has split the committee on Judiciary into three reports, and inasmuch as I am the only member of that committee who signed Report C ought not to pass, I feel that it is incumbent on me to state my position and my reasons for signing Report C.

When the new draft of the bill, which limits to the Superior Court Justices the power to suspend sentences or to split sentences, was first introduced, I was inclined to favor that draft as a compromise proposition, but upon further reflection it seemed to me that there were two serious objections to giving that power to the Superior Court and not to the other courts.

The first one of those objections, to my mind, is that the result would be a large number of appeals from these Trial Justices and Municipal Courts which, as the member from Portland (Miss Laughlin) points out, number something over one hundred.

If these municipal courts and trial justices have no power to probate the jail sentence without also probating the fine, the result is going to be, it seems to me, that a great many respondents in criminal cases will appeal to the Superior Court for the purpose of availing themselves of the discretion which this new draft of the bill would vest in that court, resulting, I think, in a great congestion of the criminal docket in the Superior Court.

The second objection that I have to the new draft is that the result of it would in effect have provided for a different sentence in one court from what we have in the other court. I know of no other instance in the law where a respondent accused of a crime may go into one court and be treated in one manner and go into another court and find that the Judge has power to apply the sentence in a different manner.

For those two reasons it seems to me that this resolves itself into an issue of passing the bill in its original form or not passing it at all, and not having been convinced that it was necessary or advisable to extend so great a power to all

the Trial Justices and Police Courts, I cast my vote in the committee for the report ought not to pass.

Miss LAUGHLIN: Mr. Speaker, a word or two in reply. I expected to hear something about not having confidence in the judges. This is a bill, on Report A, which certainly imposes great confidence in our judges of Superior Courts. I do not believe we should extend to all the judges a confidence which is in effect to repeal the laws of the State. You might just as well talk about not having confidence in judges if we did not put it in their discretion to punish for stealing, or anything else. We make certain laws for them to carry out. We have imposed in this bill on the judges of Superior Courts a very great confidence, which I think should be very carefully guarded, which in effect is to change the law at their discretion. We talk about confidence in judges! We have judges to administer the law; we have legislators to enact the law; and in this case we have extended to the judges the discretion to suspend the law when, in their discretion, it seems advisable.

In regard to the suggestion by the gentleman from South Portland (Mr. Hill) that there would be a congestion in the Superior Court, I believe that is a lesser evil than to give such tremendous power to the one hundred and sixty or more judges of the lower courts who only have jurisdiction in the trial of civil cases up to twenty dollars.

I gathered from the remarks of the gentleman from Augusta (Mr. Farris) that he was rather in favor of cutting them out. There are something in the neighborhood of fifty Municipal judges now, and I believe that is too great a number to extend such a great power to as this bill provides. That is something of far more consideration than whether we would have some more criminal cases in the Superior Court. As I said, when there are special reasons, all the judges have the power to extend probation on the entire sentence, both fine and imprisonment. When there is a real reason for it, they have the right to do it.

The gentleman talks about different sentences in each court. This is a question of the extent of jurisdiction, and the judges of the Superior Court, in every respect, have a tremendously greater juris-

diction than the other court, and so there would be a reason to give them a greater jurisdiction in this case. It is not a different sentence, the law remains the same. The judges of the Superior Courts would be given discretion to suspend the law in cases where that discretion under this Report A is not extended to the other Trial Justices and Municipal Judges.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Farris, that report B, ought to pass on the original bill be accepted.

Mr. TOMPKINS of Bridgewater: Mr. Speaker and members of the House: This is the same old split sentence bill. It got into the Judiciary this year without being printed, at first, but some of the members asked that it be printed and it was printed. It is not necessary to go into that, but to my mind this is nothing more or less than a bootleggers bill. (Laughter). All you have to do is to pay the fine and go on and sell some more, that is, if report B or the original bill was passed by this Legislature. It does not take a lawyer to see into this thing. All it wants is a man with average intelligence to see through the whole thing. A real bootlegger would grow fat on this thing. You know a real bootlegger never gets caught anyhow. He always has some fellows working for him,—several fellows. He has Mr. A working for him until he gets caught and Mr. A will have to pay a fine or, rather, the bootlegger will pay it. Then he puts Mr. B to work and Mr. C and so on down through. This opens up a chance for bribery and corruption in our courts, that is, the original bill does.

As has been told you this afternoon there are over one hundred trial justices and 46 municipal judges in the State of Maine. I realize that the destruction of this bill calls for a little patriotism. I believe it is just as patriotic for us to make living conditions better for the boys and girls and young people in our community and country as it is to fight on Flanders Fields. Let us not change the law to suit some judge. If there is some judge who is not satisfied with the law, it is an easier matter to change the judge than to change the law. I hope that the motion of the gentleman from Augusta, Mr. Farris, will not prevail.

Mr. GOUDY of South Portland: Mr. Speaker, I had hoped that this

bill would pursue its natural course at this session of the Legislature without my being called upon to speak in its defense and in defense of my originally introducing it in the Legislature at the last session. This is not a bootlegger's bill, regardless of the fact that the gentleman from Bridgewater (Mr. Tompkins) so alleged. I introduced this bill, as I have said at the last session of the Legislature. It was the first thing I started on at the commencement of the session and the last thing I ended up with when the House adjourned. It was introduced for one purpose and one purpose only. The law as it is today provides one of two things. If a respondent is brought before a court of justice for a violation of the liquor law, the court is called upon either to allow him to go absolutely free of any punishment or is obliged to give both fine and a jail sentence. Now sometimes there are extenuating circumstances. Sometimes a case arises when the court might well feel and might well decide that the respondent should be punished, but due to the extenuating circumstances, the court feels that there should be some leniency; that although the respondent should be punished to some extent, he should not receive even the minimum under the law as it now stands. For that purpose I introduced this bill to establish a middle ground where or if a person arrested and the court felt that he should be punished some that he could punish the respondent without making the punishment too severe. As I say, there is only one of two things to do now, either they have to give them the works or they have to let them go scot-free. I introduced this bill simply for the purpose of establishing a middle ground, and I feel that the judges are appointed to our bench are competent, having the evidence before them in the first instance, to judge whether or not, in their discretion the respondent should be given leniency and to what extent that leniency should go.

The question of whether or not Report A or Report B should be adopted, I am not going to argue that point at all. That is entirely up to you. It is the same people who oppose this split sentence bill who oppose all these measures, Sunday sports and all, and who stay at home and listen to the ball games over the radio and who lay in their

hammocks and read "Snappy Stories" and then come down here and criticize us for introducing bills that I feel are for the good of the public and humanity as a whole. (Applause)

Mr. HILLS of Northport: Mr. Speaker, I want to go on record as opposed to this bill in any form. I think any change in our laws at this time in this respect would be very harmful. The law is working very good and I am opposed to any change in it.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Farris, that report B, ought to pass in original bill, be accepted. All those in favor of that motion will say aye, contrary minded no.

A viva voce vote being doubted, A division of the House was had, Eighty voting in the affirmative and 45 in the negative, the motion to adopt report B, ought to pass, prevailed.

Thereupon the bill had its two several readings and tomorrow assigned.

From the Senate: Order, out of order, under suspension of the rules.

Ordered, the House concurring, that when the Senate and House adjourn Friday, March 24th, directly after the morning session; that they adjourn to meet Monday, March 27th, at 4 o'clock in the afternoon.

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

The SPEAKER: Referring again to Orders of the Day, the Chair lays before the House the ninth matter specially assigned for today, bill an act reducing the compensation of State officials and employees, S. P. 576, L. D. 866. The committee reported on this bill ought to pass, Senate Amendment A indefinitely postponed, Senate Amendment B (L. D. 1003) adopted and the bill as amended passed to be engrossed.

The bill is in the House on the table by motion of the gentleman from Portland, Mr. Rounds, made yesterday pending its first reading; and the Chair recognizes that gentleman.

Mr. ROUNDS: Mr. Speaker, I would like to inquire from anyone who knows whether Senate Amend-

ment B includes the members of the Legislature.

The SPEAKER: As the Chair understands it, Senate Amendment B does nothing to the bill except to attach the emergency clause which provides that it shall go into effect when approved.

Mr. ROUNDS: Mr. Speaker, I move that Senate Amendment B be indefinitely postponed in non-concurrence.

Mr. FERNALD of Winterport: Mr. Speaker, I do not know that I represent any State employees. I hoped that perhaps somebody would say something on this bill, but since nobody is going to, I will say a few words.

It seems to me that perhaps there are a few things we should consider over here besides just economy measures. I believe that this bill will affect, not only this year but next year, and way into the future, the public services as performed by the different employees in the State of Maine. I think it is wrong for us to put on this emergency measure at this time when undoubtedly the people that are working for the State of Maine have made their plans and have budgeted their money for a number of months in advance. I think it is unfair; I think it is unjust; I think it is a wrong way for the people of Maine, through their representatives, to reward proper services and good services.

These are critical times now. You are, under this bill, I believe, going to cut the compensation of the Bank Commissioner and of the Bank Examiners, with the result that your Governor, I believe in August, when he has to appoint a new Bank Commissioner and new Bank Examiners—men who will have added duties and added responsibilities—when your Governor has to appoint a man to fill the vacancy that will arise at that time he should, I believe, have a greater appropriation rather than a lesser appropriation at his disposal because if there is one place in the State of Maine where we need a big man, it is in the office of the Bank Commissioner. (Applause.)

I really say this in a serious strain. There is something to look at. Now there is another stage of the game to look at: We have been over here three months—perhaps going on four months—and nobody

has said anything about reducing the telephone rates or reducing the rates of water companies or reducing the rates charged by the electric light companies. The rates charged by these companies as established, were established upon a valuation set by 1929 peak prices, when copper was high, when everything that these companies paid for and had to buy in the building up of their equipment and establishments was very high. Today all these materials, making up the greater part of their overhead, are greatly reduced, but do we hear anything about reducing the rates of the telephone companies? I understand they are going to reduce their dividends. Yet do we hear anything about the electric light companies reducing their rates or the water companies reducing their rates?

Now what has that got to do with this question before us? It has got this: In this salary bill we have before us here the compensation for the Public Utilities Commission, and I say now, as I said in regard to the Banking Department, at this period the Public Utilities Commission is a very important and very responsible office, and I would hate to see the present Governor or any other Governor embarrassed by not having at his disposal a sufficient salary or wage scale, or whatever you want to call it, so that he could put into the office of the Public Utilities Commission, when the time comes for them to be appointed, men who can protect the interests of the people of Maine.

Now I think I have said altogether too much, but perhaps I have opened up a few points that you would like to consider, and I am in accord with the motion of the gentleman from Portland, Mr. Rounds, for the indefinite postponement of this Amendment B which, as I understand it, attaches the emergency preamble.

The SPEAKER: The pending question is the motion of the gentleman from Portland, Mr. Rounds, that Senate Amendment B be indefinitely postponed in non-concurrence. All those in favor say aye, contrary minded no.

A viva voce vote being taken, the motion prevailed and Senate Amendment B was indefinitely postponed.

Thereupon the House voted to indefinitely postpone Senate Amend-

ment A in concurrence, and the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the tenth matter tabled and today assigned bill an act relative to closed time on deer, H. P. 1645, L. D. 921, tabled March 22 by Mr. Clarke of Cooper, pending assignment for third reading, and the Chair recognizes that gentleman.

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

House Amendment A to H. P. 1645, L. D. 991, entitled an act relative to closed time on deer.

Amend said bill by striking out in the ninth line thereof the word "Washington." Further amend said bill by striking out in the thirteenth line the word "county," and inserting in place thereof the word "counties," and by inserting after the word "Hancock" in the thirteenth line of said bill, the words "and Washington."

Mr. STERLING of Caratunk: Mr. Speaker, I move that the bill and amendment lie on the table and be specially assigned for tomorrow morning.

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

The SPEAKER: The Chair recognizes the gentleman from Cooper, Mr. Clarke.

Mr. CLARKE: Mr. Speaker and members of the House: I had hoped that there would be no need of my speaking in regard to this amendment. As I understand it, the Washington county delegation makes no objection to it, but perhaps I am wrong about that. At least I am right in saying that the majority of the people in our county are in favor of the amendment. In fact I would not have presented it had I not so thought.

Two years ago I had an idea that the people in our county wanted the date of the deer hunting season changed. I introduced a bill to that effect. Soon my constituents wrote me that they did not want it changed and I said to them that I was willing to abide by the wishes of the majority. I told them to send their petitions to me or to any member of our delegation. Well, they sent the petitions to me, a great many of them, opposing my own bill. Now I was as grateful, I think, for the confidence which they reposed in me

in this respect as I was for the honor of coming to the Legislature because it seemed to them that I would use them fairly, and I did. I asked the committee to kill my bill. A majority of the people wished the season left as before and this amendment to the deer hunting bill will leave it as it is and meets with the wishes of the majority in Washington county. I move its adoption.

A viva voce vote being taken, House Amendment A was adopted and tomorrow was assigned for the third reading of this bill as amended.

The Chair lays before the House the eleventh matter specially assigned for today, resolve in favor of the purchase of one hundred copies of "The History of Oxford County," H. P. 643, L. D. 999, tabled March 22 by Mr. Mason of Mechanic Falls, the pending question being the motion of the gentleman from Portland, Mr. Carleton, that the resolve be indefinitely postponed; and the Chair recognizes the gentleman from Mechanic Falls, Mr. Mason.

Mr. MASON: I yield to the gentleman from Portland, Mr. Carleton.

On motion by Mr. Carleton, the resolve was committed to the committee on Appropriations and Financial Affairs.

The Chair lays before the House the twelfth matter today specially assigned bill an act relating to roads in unincorporated places, H. P. 1071, L. D. 455, tabled March 22 by Mr. Tupper of Calais, pending passage to be enacted; and the Chair recognizes that gentleman.

On motion by Mr. Tupper, the rules were suspended, and the House reconsidered its action of March 10 whereby this bill was passed to be engrossed. That gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to H. P. 1071, L. D. 455.

Said document is hereby amended by inserting after the word "ownerships" in the seventeenth line the following words: "for the purpose of assessing not exceeding said two per cent of the value thereof on the land owners."

Thereupon House Amendment A was adopted and the bill as amended was passed to be engrossed.

The Chair lays before the House the thirteenth matter tabled and today assigned, majority report ought not to pass and minority report ought to pass in new draft of the committee on Legal Affairs on bill an act relating to eligibility of members of city governments to certain offices, H. P. 1061, L. D. 490, new draft H. P. 1632, L. D. 984, tabled on March 22 by the member from Portland, Miss Laughlin, pending motion of Mr. Bucknam of Portland, to accept the minority report; and the Chair recognizes the member from Portland, Miss Laughlin.

Miss LAUGHLIN: Mr. Speaker and members of the House: This document, which is number 984, is one which affects the city of Portland only. It applies to cities having a population of over forty thousand inhabitants, so it is purely a Portland matter. So far as I know, the people of Portland are generally in favor of this bill. I have heard not a word of opposition to it, so I am not going to stage any differences of opinion between the different members of the Portland Delegation today.

The bill was introduced by the gentleman from Portland, Mr. Rounds, and so far as I have talked with the members of the House, from Portland—and I trust they will express their opinion—they are in favor of it, and I have heard nobody in Portland express any opposition to it, but they are apparently generally in favor of it.

I do not think the House wants to take the time to listen to conditions in Portland and whether this bill is necessary. I will only say that the provisions of it are that any person who has served as a member of the Council in Portland for a term of five years shall not, for two years thereafter, be eligible for any other office of emolument in said city where the incumbent of said office is selected or appointed by the City Manager or by the Aldermen or Council of said city.

There was some opposition, I believe, in the committee, not expressed by persons from Portland, lest this might shut out persons from elective office. There are no elective offices in Portland for which a salary is paid except those appointed by the Council or City Manager. Therefore the situation would be that a person serving on

the Council, in which there are only five members, after that should not be eligible for two years for a position appointed by that Council or the City Manager. There would not be any particular danger in a large Council, but in a small Council of only five, there does lie a certain danger of trades, and so forth, while a man was in the Council, by which the moment he steps out he steps into some lucrative competitive office, appointed by the Council or the City Manager. That has happened once in the past. Whether the appointment was desirable or not, I do not know. Perhaps it was, but it did call attention to a dangerous situation, and therefore this bill was drawn to correct it.

So far as I know, it has the support of the citizens of Portland generally. I therefore hope that the motion of the gentleman from Portland (Mr. Bucknam) to accept the minority report, that the bill ought to pass, will be adopted.

Mr. DOW of Portland: Mr. Speaker, I am in favor of accepting the minority report on the bill, ought to pass.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Bucknam, to accept the minority report, ought to pass in new draft.

Mr. SARGENT of Brewer: Mr. Speaker, it is with a feeling somewhat of fear and trembling that I rise at this time to defend the action of the committee on Legal Affairs on the majority report, ought not to pass.

I have sat in my chair and listened to the roars of laughter and have felt this hall tremble with applause when the members of this House have been addressed by the various representatives of this city of more than forty thousand inhabitants. It has been my privilege, however, and I have joined with the other members of this House in their laughter and applause.

I fully realize that many words of tender feelings, of ridicule, and of stinging sarcasm are within their vocabulary that wit and humor, trope and metaphor flow readily from their tongues, and that all the graces of the orators are to them well known. I feel, therefore, that I have reasonable cause to fear.

I think that I recall, in an address before this House, that the lady member from Portland once

stated that a certain learned judge once ruled that no person had a right to stretch out his arms beyond the point where they would just fail to reach a man's nose. I feel, therefore, that I am well within my legal rights, but have probably rushed in where angels might well have feared to tread. If I make any mistakes, if I make any statement that does not reflect the opinion of the committee, I hope that the members of the committee within the sound of my voice will rise upon their feet and correct me.

First, let me state the history of this act since its introduction into the House. As I remember, it appeared before the committee in substantially the same form that it now appears in this House, except that the word "elective" was omitted. It was reported out by an undivided report, and I think a member from Portland made the motion that the report be accepted, and no person raised any objection.

It was subsequently withdrawn from the Senate and recommitted to the committee on Legal Affairs, and has, within a few days, appeared within this House under a new draft. Again, on motion of a member from Portland, the majority report, which, I think, was seven to three, was accepted. There was no objection. Yesterday this House reconsidered its action, and it again appears before us.

There have been many city charters before the committee on Legal Affairs, and there have been dinned into their ears and pounded into their heads the great benefits of the Council-Manager form of government. As the committee understands it, that consisted of but a few members and you were able thereby to fix the responsibility upon each one.

In all these city charters of Council-Manager form of Government, there are delegated to the City Manager the rights of appointment, and he is responsible to that City Council and to the members of that City Council for those appointments.

This act, if it was passed, the committee believed, would tie the hands of that manager, and he would not be able to appoint those whom he thought were better fitted to hold that office.

Now it happens that in the city of Portland, very recently the City Manager, and I believe with the

consent of the members of that City Council, appointed a man to the office of Chief of Police, and I have inquired diligently, from some of the members at least, from the city of Portland, and I have inquired from some of the citizens of the city of Portland, and I have yet failed to have them tell me that that man who was appointed to the office of the Chief of Police was not a good appointment.

There has crept into the minds of some of the friends of the Council-Manager form of Government a fear, only a fear. We believed in that committee that they were not justified in that fear, but were listening to those who opposed their form of government. The committee also took into consideration that they believed this was class legislation, that it was adopted or introduced into this House by an act instead of, as it should have been introduced, as I understand, by an act requiring private and special legislation for the city of Portland, and should not appear on our statute books, so that every other city or town having this form of government might come here at a subsequent session of the Legislature and ask to have this law amended.

You will see, if you will read this bill carefully, that it is only necessary to change the number of inhabitants, and that that will apply not only to your city,—if it were reduced below the 25,000 inhabitants, it would apply to Lewiston and it would apply to Bangor. If it were reduced further, it would apply to every city and town in the State of Maine that have a Council-Manager form of Government. It is, therefore, a matter of public interest and not particularly confined to the city of Portland.

If this bill had come into this House and read that no man who had served as a member of the City Council should have the right to vote within two years after the termination of his office, I believe that every member of this House would have raised their hands and objected and said that it was the right of every person by the laws of this country, except paupers and criminals, to vote. We believed, in that committee, that with the right to vote also went the right to hold office, and we did not believe in the principle of this bill. We believed that this principle, if carried out, would not only be detrimental to

the interests of those who come here seeking that this legislation be passed, but would be detrimental to other cities and towns within this State.

Miss LAUGHLIN: Mr. Speaker, of course it should be with great trepidation that I would suggest to this House that it is possible that the members from Portland know more about the affairs in Portland than the gentleman from Brewer (Mr. Sargent) but I do dare make that statement. (Applause)

This is supported by every member in this House from Portland, unless it might be the gentleman from Portland who introduced it, Mr. Rounds, although I think he is still in favor of it.

Now as the gentleman from Brewer (Mr. Sargent) has undertaken to give some history about this bill, I will give you some, although it might reflect a trifle on my own alertness. In the first place, I told the gentleman from Brewer that I would like to appear before the Legal Affairs Committee before this bill was reported out at all, and relying on that request it got by me in the multitude of bills reported out, until someone called my attention to the fact that they had reported it out, ought not to pass, and I had not noticed it. That is why it came back, because my request to be heard before the committee was given no attention.

There is another bit of history in regard to this bill, and that is that when that hearing was had before the committee, nobody from Portland appeared against it; the only appearance was somebody in favor of it. The gentleman implied that this was a way to break down the Council-Manager form of government. If I remember rightly on this question, every member who spoke—the gentleman from Portland, Mr. Dow, the gentleman from Portland, Mr. Bucknam, who makes this motion,—they both spoke for the present form of government, so certainly that accusation is plainly without any foundation.

Now I fear he is not a good guesser. I do not mean to imply by that that he was trying to deceive you, but he was just guessing at it but the facts were against the case. He said they came in here to amend the charter. I have a little history on that, the way it happened.

The matter was given to the gentleman from Portland, Mr. Rounds,

to put in. It seems he let it go by the date when private and special measures could go in. It was in the form of a charter. But there was still time, under the general law, so it was made to apply by making it apply to cities of over forty thousand, and that is why it came out in this form. So that the gentleman has to use a good many "ifs."—If they could use those, then other cities might come in. If they use them, I think they probably will come in. If they see this, I think they probably will come in and ask you to amend their charters in the same way, realizing it is a desirable form when there is a very small Council.

He used a lot of other "ifs." We are not talking about these "ifs;" we are talking about the bill as it is; and when he kept saying "if" this and "if" that, I could not help but think of the story of the unmarried woman who was sitting before the fire and all at once burst into tears and somebody said "What is the matter?" "Well," she said, "if I were married and if I had a son and if a brick should fall from that chimney and hurt him, oh what would I do?" We are not here on "ifs"; we are here on this bill just as it stands. It applies solely to the city of Portland, the conditions there, and I have said, there is no opposition coming from the city of Portland but everything there has been said in its favor. I hope that this House will vote in accordance with the opinion of the Representatives from Portland who are familiar with the situation in order that this bill may be passed.

Mr. PLUMMER of Portland: Mr. Speaker and ladies and gentleman: I want to tell you how glad I am that we have on that committee the champion explainer in this House and I think in the State of Maine, a man who, when he makes these explanations, does not do it in the committee but makes them here on the floor of the House where a lot of you can hear him. He was a long time yesterday explaining the matter of the city charter. Now let me tell you one thing! I am on that committee and never did he make one of those explanations to me. All the talk he ever made to me was when I was outside, then he comes in here and hollers. I wish I could holler as loudly as he can. I am afraid you don't hear me. I sat on the committee with him and he never made any of

these explanations to us on the committee. If he did, he made them when I wasn't there. I simply rise to say that I want to support this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Portland. Mr. Bucknam, that the minority report of the committee, which was ought to pass in new draft, be accepted. All those in favor will say aye; contrary minded no.

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

Mr. SARGENT: Mr. Speaker,—inasmuch as this matter has been adopted by the House, I have an amendment I wish to offer.

The SPEAKER: The matter has been assigned for third reading. Is it the pleasure of the House to reconsider its action at this time in assigning the bill for third reading tomorrow. All those in favor will say aye; contrary minded no.

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

From the Senate: The following paper was taken up under suspension of the rules, out of order:

Bill an act to authorize the State, the several counties, and the several governmental units within the State to participate in and to enter into agreements, for reorganization, management or continuation of banks or trust companies organized under the laws of this State or of the United States, S. P. 646.

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

In the House:

The SPEAKER: The Chair has been informed that this bill, which bears the emergency clause, originated in the city of Portland to meet a peculiar condition that existed in that city and county. One of the closed National banks had among its deposits a large sum of money belonging to the county of Cumberland and a number of other funds belonging to the county. It also had on deposit the funds of four or five towns in Cumberland county and some money of the

city of Portland. This bill which bears the emergency clause provides that the State Treasurer, by written direction of the Governor and Council, and with the approval of a Justice of the Supreme Judicial Court, can do certain things. I will ask the Clerk to read the bill.

Mr. SCATES of Westbrook: Mr. Speaker, do I understand that this is the same bill that we were considering the other day?

The SPEAKER: Exactly.

Mr. SCATES: Rather an enabling act?

The SPEAKER: An enabling act. The Clerk will read the bill except the emergency clause, which is in the usual form.

Bill read by the Clerk.

The SPEAKER: Would the gentleman from Westbrook, Mr. Scates, be willing to explain more about the provisions of this bill?

Mr. SCATES: Mr. Speaker, as I remember it now, that is just an enabling act, allowing counties or municipalities that have money deposited in banks, allowing them if in their opinion, and in the opinion of a Justice of the Supreme Court, they may participate in reorganization.

Of course at the present time no bank would have authority to invest money or take stock in a reorganization; but this simply gives those counties and those municipalities authority, if the officers think best, and the Chief Justice, I think it is, of the Supreme Court, thinks it is wise for the benefit of the municipality to help the reorganization of these banks—it is just an enabling act, and, in my opinion, it should be adopted.

The SPEAKER: The Chair understands that this bill is received by unanimous consent, hearing no objection. The Chair further understands that the gentleman from Westbrook, Mr. Scates, moves that under suspension of the rules and without reference to a committee this bill have its three several readings at this time.

Thereupon, the rules being suspended, the bill had its three several readings and was passed to be engrossed in concurrence; and on further motion by Mr. Scates, five hundred copies were ordered printed.

From the Senate: The following

paper was taken up under suspension of the rules, out of order:

Bill an act relating to safeguarding people from danger from rabies or hydrophobia, S. P. 645.

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

In the House:

Mr. BENNETT of Presque Isle: Mr. Speaker and members of the House: In view of the fact that there is a serious infectious disease in the State of Maine, known as hydrophobia or rabies, I want to move that this bill have a passage, and have a passage immediately, so something can be done about this situation.

This disease began some time last fall. A hunting dog was brought from New York to Fairfield. That dog was bitten by a stray dog, and that stray dog must have had the disease, because this dog developed it. He strayed away from Fairfield to Gardiner, and was brought home about Thanksgiving time. Sometime around Christmas he became sick, and died January 10th, and his brain was examined and he was found to have the infectious disease known as rabies.

Every animal is susceptible to this disease, as well as human beings. Every animal that has it dies—one hundred per cent of them die once they are bitten and are found to have this disease developed, but not all that are bitten develop the disease, some escape. If you are bitten on the face or hands, or on the exposed part of the skin, you are in more danger than if bitten through the clothing, because the clothing wipes off some of the saliva—and, by the way, the saliva seems to be the infectious part or material that you get from the bite. It shows more in the saliva than in other parts of the body except the central nervous system.

Now there have been thirteen dogs who have been proved to have this disease, and those dogs have been killed and examined. There are five now under quarantine. That this has spread over the State is evidenced by the number of cases which I will read to you: Fairfield has three; Augusta, one; Waterville, five; Norridgewock, one; Sanford,

two; Canaan, one. So you can see it has spread around pretty well.

Now these mad dogs are shut up for about ten days, that is, the dogs that are bitten are shut up about ten days, and if they show signs of rabies, they are killed. The period of incubation, after you are bitten, varies very much. It may be only five days, or it may be six months—it may be a year—so you see you cannot tell after you are bitten how long it will be before you develop the disease. That first dog was bitten around Thanksgiving, and showed the disease somewhere around Christmas, about four weeks. Now the dogs are shut up and given a treatment, or vaccinated, they call it, and if they live twenty-one days after that, they are supposed to be immune. Now a person who is bitten, a human being, is given fourteen injections of serum, one every day for fourteen days. They usually recover, if they have this treatment, and it is the only known treatment that is of any avail except that it is a good plan in all cases of a bite to cauterize the wound with nitric acid, and do it as soon as possible.

Now this is a very serious matter, and it is something that must be attended to so that dogs can be taken care of and watched, and shot if need be.

The SPEAKER: Is there any objection to the acceptance of this bill by unanimous consent. Hearing none, the Chair rules that the bill is before the House, and the Chair understands that the gentleman from Presque Isle, Mr. Bennett, moves that under suspension of the rules and without reference to a committee, that it have its first three readings at this time.

Thereupon, the bill had its three several readings and was passed to be engrossed in concurrence.

The Chair lays before the House the fourteenth matter tabled and today assigned, bill an act to reduce salaries of members and certain officers of the Legislature, Senate Paper 574, Legislative Document 865. In the Senate the bill was passed to be engrossed as amended by Senate Amendment A as amended by Senate Amendment A, in the House, on March 22, House Amendment A and B to Senate Amendment A adopted, tabled on March 22 by the member from Bangor, Miss Martin, pending adoption of Senate Amendment A

to Senate Amendment A. The Clerk will read Senate Amendment A to Senate amendment A.

Senate Amendment A to Senate Amendment A read by the Clerk.

The SPEAKER: The Chair recognizes the member from Bangor, Miss Martin.

Miss MARTIN: Mr. Speaker, is it in order to make a motion to indefinitely postpone the bill and amendments at the present time?

The SPEAKER: Yes, at any time.

Miss MARTIN: Then I make that motion, Mr. Speaker, to indefinitely postpone the bill and amendments.

As I understand the bill, it is a bill proposing to reduce the salaries of the next Legislature and the officers of that Legislature. Personally, I feel that the sum of six hundred dollars is not more than an expense account for many of you men who have to give up your business to come here. A few of us women, who have no business, can afford it. I do not wish to go on record as favoring a reduction of salary for the next Legislature. As far as our own salaries are concerned, I understand they cannot be cut at this time. We can make voluntary contributions to the State of ten per cent of our six hundred dollars, and to do that we do not need any act or law; we can make it voluntarily. So I move indefinite postponement.

The SPEAKER: The member from Bangor, Miss Martin, moves that the bill and amendments be indefinitely postponed. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed, and the bill and amendments were indefinitely postponed.

The Chair lays before the House the fifteenth matter tabled and today assigned. Senate interim report ought to pass of the committee on Salaries and Fees on bill an act to reduce salaries of county attorneys, S. P. 575, L. D. 863. In the Senate the ought to pass report was accepted, Senate Amendment A adopted and the bill as amended by Senate Amendment A was passed to be engrossed. The matter was tabled yesterday by the gentleman from Houlton, Mr. Tompkins, the pending question being the acceptance of the report in concurrence; and the Chair recognizes that gentleman.

Mr. TOMPKINS: Mr. Speaker, I yield to the gentleman from Augusta, Mr. Farris.

Mr. FARRIS: Mr. Speaker, I offer House Amendment A to Senate Amendment A and move its adoption.

The SPEAKER: The Chair understands that the gentleman from Augusta, Mr. Farris, moves to accept the report of the committee in concurrence.

The report was accepted in concurrence.

The SPEAKER: The Clerk will read Senate Amendment A and House Amendment A to Senate Amendment A.

(Senate Amendment A read.)

House Amendment A to Senate Amendment A to S. P. 575, L. D. 863, An act to Reduce Salaries of County Attorneys.

Amend said amendment by striking out the emergency preamble therein, and further amend said amendment by striking out from section four thereof the following words: "In view of the emergency set forth in the preamble."

Thereupon, House Amendment A to Senate Amendment A was adopted and Senate Amendment A as amended by House Amendment A was adopted in non-concurrence.

Thereupon, the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the sixteenth matter tabled and today assigned, bill an act to reduce certain fees of deputy sheriffs for the next two years, H. P. 1399, L. D. 802. The bill was passed to be engrossed as amended by House Amendment A in this body on March 14th. It comes back from the Senate with House Amendment A indefinitely postponed and the bill passed to be engrossed in non-concurrence. It was tabled on March 22 by Mr. Flanders of Auburn, pending further consideration; and the Chair recognizes that gentleman.

Mr. FLANDERS: Mr. Speaker, I move that the House insist on its former action and ask for a committee of conference.

Mr. THOMAS of Woodland: Mr. Speaker, I wish to say just a few words in defense of the action of the committee on Salaries and Fees on this bill. We received from the different counties recommendations in regard to salaries and we find more recommendations of four dollars a day than any other amount. Some of them have recommended the mileage that we have recom-

mended in the bill others recommended even less than that. When men in other work, many laboring men, are working for such a small salary, it seems to me that four dollars a day would be a reasonable sum, and I think we ought to accept the unanimous recommendation of the committee and make it that amount.

Mr. FLANDERS: Mr. Speaker, I have no objection to any county paying their officers four dollars a day if they want to. I want to say that this bill originated in the committee. It did not give the sheriffs or the deputy sheriffs any opportunity to come here and defend themselves. I do not think it is fair, as I have stated on this floor before, to cut the rest of the officers who are drawing perhaps \$4,000, \$3,500 or \$3,000 a year, to cut them ten per cent and cut the deputy sheriffs twenty per cent.

Now all I ask of this House is a committee of Conference. I have no doubt that if we can have a committee of Conference, these things can be disposed of satisfactorily to every one.

The SPEAKER: The pending is on the motion of the gentleman from Auburn, Mr. Flanders, that the House insist on its former action.

Miss LAUGHLIN of Portland: Mr. Speaker, I rise and ask for information. In looking at this document, L. D. 802, which is the document referred to in this assigned matter, the bill calls for \$4.50 a day. I would like to know just what the status of it is. That is the only document number that appears on this assigned matter. It seems to me the best thing we can do is to insist and have a committee of Conference and see if we can find out how that thing is.

The SPEAKER: The original bill covering this matter was L. D. 705 and it provided that deputy sheriffs should receive four dollars a day. House Amendment A was to L. D. 802 providing for four dollars a day, and it was adopted in the House on March 14. House Amendment A was indefinitely postponed in the Senate. As the situation stands now, the House has adopted an amendment making the amount four dollars and a half a day and the Senate has refused to concur. The Chair recognizes the gentleman from Gardiner, Mr. Cobb.

Mr. COBB: Mr. Speaker, being

on the Salaries and Fees committee, as far as we could we consulted the delegation from each county as to its county officers and the most of the counties agreed with us, that is, we agreed with them as they recommended. Most of the counties were in favor of a cut of a dollar a day, bringing it down from five dollars to four dollars; but our friend from Auburn, Mr. Flanders, before this had been in favor of cutting most everybody in trying to save some money for the State of Maine. He was in favor of cutting the jurors from five dollars down to four dollars, and we know that in some parts of the State the delegations are in favor of cutting the deputy sheriffs from five dollars to four. So we as a committee felt that, because of the delegations, that is what we should report and we wanted to make a saving.

If this committee of Conference is granted that the gentleman from Auburn (Mr. Flanders) has asked for, and they do not agree, why then it goes right back to dying between the Houses and the sheriffs will not get cut at all but will get their five dollars per day. I think we should agree and concur with the Senate in the indefinite postponement of the amendment.

Mr. BELANGER of Winslow: Mr. Speaker, as a member of the Kennebec delegation, I disagree as to this one dollar cut of our deputy sheriffs. I tried at the delegation meetings to make the others see that that was too steep a cut due to the fact that our deputy sheriffs in Kennebec county have already signified that they were willing to work only six days a week instead of seven. The minority in that delegation felt that cutting them one dollar was too much if they were willing to take off one day from their present salary. I want to second the motion of the gentleman from Auburn, Mr. Flanders, that we insist on our former action and ask for a committee of Conference.

Mr. PLUMMER of Portland: Mr. Speaker, I think there is some confusion caused here by the fact that in the different counties in the State the deputy sheriffs are paid in different ways. Of course you know the salaries are paid by the counties. In Cumberland County we have two classes of deputies. One class serves legal papers and is paid entirely by fees and has no salary.

The other class are the deputy sheriffs who are what we call the liquor deputies, who work on the liquor force; also deputies who have charge of the prison or jail. They are paid a per diem and have no fees whatever. I think this matter ought to be arranged in Cumberland County. There the deputies have to work seven days a week, are called out any time in the night, they have to work on all holidays, all Saturdays, and receive \$1,825. I think this matter ought to go to a conference and be threshed out so that the several counties—well, it might be any one of your counties—where they pay them fees,—it might be well to cut them—but in Cumberland County this class of sheriffs gets no fees whatever and stands on an entirely different basis and should not be cut over ten per cent in any event.

Miss LAUGHLIN: Mr. Speaker, I hope that this motion prevails. There is a good deal more to be said than appears here. The original bill referred to reducing salaries of sheriffs attending on the Supreme Court as well as those performing special duties under the sheriff, from five dollars to four dollars a day, which, of course, I believe with the gentleman from Winslow (Mr. Belanger) is too great a cut in the first place, being twenty per cent and therefore above the average of salaries of that sort.

Now the provision in the Revised Statutes makes a distinction between those attending the Supreme Court and the deputies performing special service. The deputies performing special services do not in Cumberland County, and Androscoggin—and I do not think they do in the other counties—get additional fees; and I understand that was one reason that influenced the Salaries and Fees Committee. They say they get other fees but that is not true. Someone said they get practically as much as our sheriff. That is not true in these counties.

Now the Amendment of the House suspends for two years the paragraph affecting the deputies attending the Supreme Court, and then it makes for every deputy performing special duty four dollars and a half, so that it is limited here to those who are doing criminal duties. Now in Cumberland County we have three criminal

deputies who do nothing but criminal work, and they get no extra fees. The gentleman from Portland (Mr. Plummer) has said that they work seven days in the week. There is a provision in the statute, however, which applies especially to Cumberland County—I am not quite clear whether that would remain in effect if this bill was passed or not—and these deputies are paid by the county, and there was made this special provision there, so it seems to me that with all these considerations, the best way would be to insist upon our action and appoint a committee of Conference and possibly iron out some of these differences and contradictions in the bill:

Mr. FLANDERS: Mr. Speaker, I think the member from Portland, Miss Laughlin, and the gentleman from Portland, Mr. Plummer, have explained the situation as it is in Auburn, in Androscoggin County, very clearly. Our deputies there, the liquor deputies, so-called, are on call twenty-four hours a day. Now our recommendation for county officers was a ten per cent cut, the same as the rest of the deputies; certainly with the rest of the county officers. If we had been given a hearing at the time, or the deputies had been given a hearing, this never would have happened. All that we want is a chance to talk these matters over in conference and then these matters can be adjusted by the different counties.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Flanders, that the House insist on its former action and ask for a committee of Conference.

A viva voce vote being taken, the motion prevailed and the Chair appointed as conferees on the part of the House Mr. Flanders of Auburn, Miss Laughlin of Portland and Mr. Rush of Millinocket.

The Chair lays before the House the seventeenth matter tabled and today assigned, bill an act providing for pensions for call-firemen in Augusta, H. P. 879, L. D. 315, which was passed to be engrossed in the House on March 20 and which comes from the Senate passed to be engrossed as amended by Senate Amendment A in non-concurrence. It was tabled on March 22 by the gentleman from Houl-

ton, Mr. Tompkins, pending further consideration; and the Chair recognizes that gentleman.

Mr. TOMPKINS: Mr. Speaker, I yield to the gentleman from Augusta, Mr. Farris.

On motion by Mr. Farris, the House voted to reconsider its action whereby this bill was passed to be engrossed; and on further motion by the same gentleman the

House voted to concur with the Senate in the adoption of Senate Amendment A.

Thereupon, the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Gross of Lisbon,

Adjourned until ten o'clock tomorrow morning.