

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 29, 1933.

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

The SPEAKER: The Clerk has two Senate papers just received from the Senate that are not on the Calendar.

From the Senate: Ordered, the House concurring, that the order relative to payment of express and mailing charges for shipment of personal effects of members of the Legislature be recalled to the Senate from the files, said order having been passed in the Senate March 28, 1933.

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, that the House be requested to return to the Senate L. D. 823, bill an act for the regulation of the practice of hairdressing and beauty culture.

Comes from the Senate read and passed.

The SPEAKER: The Chair understands that the member from Bangor, Miss Martin desires that the House comply with the request of the Senate and return the bill.

From the Senate: Final report of the committee on

Indian Affairs

Public Utilities

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Stipend for Agricultural Societies, Aid to Libraries, Purchase of Books, Expenses of State Historian, Compensation and Expenses of Geologist, Topographic Mapping, and Abolishment of Grade Crossings" (S. P. No. 105) (L. D. No. 133) reporting same in a new draft (S. P. No. 641) (L. D. No. 1033) under title of "An Act relating to Aid to Libraries, Expenses of State Historian, Compensation and Expenses of Geologist, Topographic Mapping,

and Abolishment of Grade Crossings" and that it "Ought to pass"

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

In the House, report read and accepted in concurrence. Thereupon the bill had its two several readings. On motion by Mr. Carleton of Portland the rules were suspended and the bill received its third reading and was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Enabling Cities and Towns to take advantage of Reconstruction Finance Corporation Loans for Construction of Sewerage Works" (S. P. No. 213) (L. D. No. 280)

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

In the House, report read and accepted in concurrence. Thereupon the bill had its two several readings. Senate Amendment A read and adopted in concurrence. The rules were suspended and the bill received its third reading and was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Bill "An Act relating to the Taking of Testimony" (S. P. No. 214) (L. D. No. 278) which was recalled from the Governor and which was enacted in the House on March 8th and passed to be engrossed in concurrence on February 23rd.

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

In the House, Senate Amendment A, read. Thereupon the rules were suspended and the House reconsidered its action of March 8th whereby the bill was passed to be enacted, and further reconsidered its action of February 23rd whereby the bill was passed to be engrossed. Senate Amendment A adopted in concurrence, and the bill as amended was passed to be engrossed in concurrence.

From the Senate: Bill "An Act relating to Towns and Town Officers" (H. P. No. 1135) (L. D. No. 645) on which the House accepted the Minority Report of the Commit-

tee on Legal Affairs ought not to pass on March 27th.

Comes from the Senate with the Majority Report reporting a new draft (H. P. No. 1695) (L. D. No. 1001) accepted in non-concurrence and the bill passed to be engrossed.

In the House:

Mr. SARGENT of Brewer: Mr. Speaker, on the 27th day of March this House by an overwhelming vote accepted the minority report, and I move that the House insist on its former action and that a committee of conference be appointed.

The motion prevailed, and the Chair appointed as conferees on the part of the House Messrs. Sargent of Brewer, Tompkins of Houlton and Valley of Sanford.

From the Senate: Bill "An Act relating to Absentee Voters" (H. P. No. 93) (L. D. No. 50) on which the House accepted the Minority Report of the Committee on Judiciary reporting a new draft (H. P. No. 1610) (L. D. No. 939) and passed the bill to be engrossed as amended by House Amendment "B" on March 27th.

Comes from the Senate with the Majority Report "Ought not to pass" accepted in non-concurrence.

In the House, on motion by Miss Laughlin of Portland that body voted to insist and ask for a committee of conference.

The SPEAKER: The Chair will appoint the committee in a few moments.

From the Senate: Bill "An Act relating to Corporations for the Protection and Development of Forests" (S. P. 578) (L. D. 871)

which was indefinitely postponed in non-concurrence in the House together with the report of the Committee on Judiciary reporting a new draft (S. P. 578) (L. D. 871) on March 27th.

Comes from the Senate that body insisting on its former action whereby the report was accepted and the new draft passed to be engrossed, and asking for a Committee of Conference and with the following conferees appointed on its part:

Messrs. WEEKS of Somerset
HOLMAN of Franklin
VILES of Kennebec

In the House:

Mr. SANBORN of Weld: Mr. Speaker, on March 27 the House voted to indefinitely postpone this

bill. It seems to me, from what I have been able to ascertain and from talking with some members of the Legislature that this is a piece of class legislation and that it would be a benefit to the larger forest owners and a detriment to the small individual owners. I move that the House adhere to its former action.

Mr. SCATES of Westbrook: Mr. Speaker, I move that the House insist and grant the request of the Senate for a committee of conference. That is only fair.

The SPEAKER: The motion of the gentleman from Westbrook, Mr. Scates, under our rules, has precedence over the other motion. The pending question now is the motion of the gentleman from Westbrook, Mr. Scates, that the House insist on its action and join in the committee of conference. The gentleman from Westbrook still has the floor.

Mr. SCATES: Mr. Speaker, I would say that I have no sympathy here for the wild land owners. They have, through their high stumpage rates and in conjunction with the high rates of the railroads, destroyed the lumber business, the lumber manufacturing business of this state; but if you saw your worst enemy drowning you would throw him a life preserver.

As I understand this bill, it is not a tax measure in any way. It simply provides that any number of land owners can get together, form a corporation and get aid from the Reconstruction Finance Corporation to pay their taxes to the State. That is the meat of the whole bill as I understand it. They have taken it up with Washington and the bill has been drafted according to the ideas of the Reconstruction Finance Corporation in Washington. They merely want to get Federal aid from the Reconstruction Finance Corporation and get some money to pay the taxes which they owe the State and to carry on that business.

(On motion by Mr. White of Crystal, the rules were suspended and the members allowed to smoke during the remainder of the morning session.)

Mr. FARRIS of Augusta: Mr. Speaker, in view of the fact that this is such an important piece of legislation and affects the timberland interests and the pulp business in the State, I want to second the motion of the gentleman from Westbrook, Mr. Scates, and join in appointing a committee of confer-

ence. Of course we have got to be reasonable in this House and there will be no harm in the members of the House appointed on that committee joining with the Senators and see if they cannot work out something satisfactory that can be explained to the members who are opposed to the bill. Of course, it stands to reason that the Speaker will appoint someone who is against the bill in the House. For that reason, I hope that the motion of the gentleman from Westbrook, Mr. Scates, will prevail.

Mr. SANBORN of Weld: Mr. Speaker, it seems that the gentleman from Westbrook, Mr. Scates, and the gentleman from Augusta, Mr. Farris, do not fully understand the provisions of this bill. Section 2 of the bill gives the right to purchase and acquire forest lands to any corporation formed under this act, which in itself would be a detriment to the small land owner who may have to sell his land for taxes and who cannot get aid from the Reconstruction Finance Corporation. The intent of the bill is killed by Section 2. I think the gentlemen who have spoken misunderstand the intent of the bill.

Miss LAUGHLIN of Portland: Mr. Speaker, in voting upon this bill I hope that the members will notice that there is something more than what the gentleman from Westbrook (Mr. Scates) has said was in it. It is for the purpose of the formation of a private corporation so as to borrow money in the acquisition of timber land. You will notice that it gives the right to cut timber, but it goes further and it places a great number of duties on the Forest Commissioner which, if he fulfilled them, would take up probably more than would ever go to the State. The bill requires the State of Maine, through its Forest Commissioner, to carry out its provisions for the benefit of private corporations.

I think in voting upon this bill that we should at least realize that it puts upon the Forest Commissioner duties in aid of private corporations.

Mr. FARRIS: Mr. Speaker, we have already voted on this bill and the bill has been debated. The question here is shall we join with the Senate in a committee of conference. That is the whole proposition. There the matter can be taken up and the section objected

to by the gentleman from Weld (Mr. Sanborn) can be taken out and it may be the bill will be reported back here. That is the idea and purpose of the conference, and I hope the gentleman's motion will prevail.

Mr. BREEN of Lewiston: Mr. Speaker, I think this a dangerous piece of legislation and that we should go slow in these matters and be very careful of what we do before we do it.

Mr. SCATES: Mr. Speaker, that is my idea exactly,—go slow and have a committee of conference.

Now as far as the Forest Commissioner is concerned, that was insisted upon, as I understand it, by the Federal Government. It is a question of whether you want money from the Reconstruction Finance Corporation to be expended here in Maine or not. That is the whole question, and speaking about giving them a chance to buy land, if anybody will buy any timberland now they ought to have the privilege of doing it.

Mr. TOMPKINS of Houlton: Mr. Speaker, I would like to call the attention of the House to Section 11 of this act which is as follows: "Any earnings of such corporation in excess of the amounts necessary to pay dividends to stockholders at the rate set forth in Section 8 of this act shall be paid over to the State of Maine prior to the dissolution of such corporation."

Mr. REA of Lagrange: Mr. Speaker, there is too much in this bill for the ordinary layman to understand. As I said the other day, I cannot understand it. This bill has been studied carefully by three attorneys who are recognized as A No. 1 and each has declared this bill as being nothing other than vicious legislation. Now you cannot blame laymen like myself for not understanding this bill when lawyers do not. I doubt very much if some of those who voted the other day in opposition to the indefinite postponement understood very well what they were doing. A lot of lawyers I talked with do not understand it.

Mr. WRIGHT of Bath: Mr. Speaker, so far as I know this is the first time that the Senate has asked us for a committee of conference and I think it would be only courteous to accede to their request. Admittedly, it is a very important bill, and the delay which would be caused by a committee of

conference would not affect the final vote upon the bill. I hope that the House will allow a committee of conference.

Mr. SANBORN of Baldwin: Mr. Speaker, I would like to hear Section 17 of this bill explained.

The SPEAKER: Will the gentleman from Houlton, Mr. Tompkins, explain Section 17 as requested by the gentleman from Baldwin, Mr. Sanborn?

Mr. TOMPKINS: Mr. Speaker, Section 17 simply provides that any profit or any income shall be applied "first, to the payment of all fixed charges, and all operating and maintenance charges and expenses, including taxes, assessments, insurance, amortization charges and expenses." This money is set aside for the repayment of the loan from the Finance Corporation which I assume requires the mortgage to be amortized, that is a certain per cent set aside each year as a sinking fund to pay the debt "in amounts approved by the Forest Commissioner to amortize mortgage or other indebtedness and reserves essential to operation," that is, working capital. "Second, to surplus, or to the payment of dividends not exceeding the maximum fixed by this act, or both; third, the balance, if any, in reduction of debts." Any balance left over, under Section 11, goes to the State upon the dissolution of the corporation.

Mr. SANBORN: Who are these taxes paid to? Do they go to the town in which the property is situated or do they go to the State?

Mr. TOMPKINS: In an unorganized town they would of course go to the State, but in an organized town it would go to the town. Of course it does not take away the right of taxation.

Mr. SANBORN: It takes away the right to assess a tax.

Mr. TOMPKINS: No, nothing in that bill takes away the right of a town to assess taxes.

Mr. SANBORN: The valuation of that town comes under the head of the Forest Commissioner. Is that right?

Mr. TOMPKINS: In an organized town? I do not see anything here that says so. It does not take away the right of the local assessors to assess the tax.

The SPEAKER: The pending question is the motion of the gentleman from Westbrook, Mr. Scates, that the House insist on its action

and join with the Senate in a committee of conference. All those in favor of this motion will say aye, contrary minded no.

A viva voce vote being doubted, A division of the House was had, Sixty-one voting in the affirmative and 52 in the negative, the motion prevailed.

The Chair appointed as conferees on the part of the House, Messrs. Sanborn of Weld, Littlefield of Alfred and Quine of Bangor.

The SPEAKER: On the other bill, an act relating to absentee voters, L. D. 50, the Chair appoints as conferees on the part of the House Miss Laughlin of Portland, Messrs. Deering of Hollis and Hobbs of Hope.

The following communication:
STATE OF MAINE
Department of State

March 28, 1933.

To the Speaker and Clerk of the House of Representatives of the Eighty-sixth Legislature:

I am presenting, herewith, all the Public Acts which have been signed by the Governor to date, giving the chapter number and date of approval.

Very truly yours,
(Signed) ROBINSON C. TOBEY,
Secretary of State.

The communication was read and with the accompanying papers ordered placed on file.

At this point Mr. Sanborn of Weld introduced H. P. 1730, Memorial to the Congress of the United States, urging it to restore the two-cent postage rate.

Memorial to the Congress of the United States urging it to restore the two-cent postage rate.

Whereas the 86th legislature of the state of Maine, believing that the present postage rate has and will seriously affect the use of the mails and that the present rate has increased the overhead of business concerns to a large degree; makes the following recommendation:

Resolved: By the senate and house of representatives of the state of Maine in legislature assembled that we urge the Congress of the United States to provide for the restoration of the postal rate to the former 2-cent basis; and be it further

Resolved: That certified copies of this resolution duly certified by the secretary of state be forwarded

to the president of the senate and to the speaker of the house of representatives at Washington and to each of the several senators and representatives from the State of Maine to the Congress of the United States.

Read and adopted.

The following resolve was presented by Mr. Sargent of Brewer, H. P. 1732, resolve in favor of Harold E. Armour for services to the Eighty-sixth Legislature.

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

Mr. CARLETON: Mr. Speaker, this resolve came in late and it will be taken care of by the committee on Appropriations and Financial Affairs who are working this afternoon on salaries.

Orders

Mr. Rea of Lagrange presented the following order and moved its passage:

Ordered, the Senate concurring, that the Attorney General of the State of Maine prepare and issue a ruling, and the reason therefor, as to the constitutionality of sections 82 to 89 of Chapter 11 of the Revised Statutes, and amendments thereto and report the same to the Secretary of the Senate and Clerk of the House of Representatives of the Eighty-sixth Legislature.

Mr. CARIGNAN of Sanford: Mr. Speaker, may we have an insight into that Statute at this time?

The SPEAKER: The gentleman from Sanford, Mr. Carignan inquires of the gentleman from Lagrange, Mr. Rea, to what particular statute it refers.

Mr. REA: It has reference to the Auxiliary State Forest law which was repealed within the last ten days.

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

Mr. CARIGNAN: Yes, Mr. Speaker,

Thereupon the order received passage and was sent up for concurrence.

Mr. Bailey of Woolwich presented the following order and moved its passage;

Ordered, that the committee on Ways and Bridges prepare and deliver to each member of the House of Representatives a list containing all the resolves reported favorably by it under the provisions of sub-

section No. 5 of section two of Chapter 251 of the Public Laws of 1931, first, giving the name of town to which said resolve is in favor, second, full amount of said resolve, third, year when said resolve is proposed to be expended.

On motion by Mr. Farris of Augusta, the order was tabled and specially assigned for tomorrow morning.

Reports of Committees

Mr. WRIGHT from the Committee on Appropriations and Financial Affairs on Resolve proposing an Amendment to the Constitution to provide for a Bond Issue, the Proceeds to be Disbursed for the Emergency Relief of Destitution (H. P. No. 1117) (L. D. No. 626) reported a Resolve under title of "Resolve proposing an Amendment to the Constitution to provide for a Bond Issue, the Proceeds to be Disbursed for the Relief of conditions Threatening the Peace, Health and Safety of the Inhabitants of the State or Political Subdivisions thereof" (H. P. No. 1734) and to provide the necessary law to make said amendment effective, if adopted, asked leave to report two bills without reference to a committee under title of "An Act relative to Increase of the State Debt Limit" (H. P. No. 1735) and "An Act to provide for the Issue of Bonds for Emergency Relief" (H. P. No. 1736) and that they "Ought to pass"

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

Mr. FENLASON from same Committee reported "Ought not to pass" on Resolve in favor of the Purchase of One Hundred Copies of "The History of Oxford County" (H. P. No. 643) (L. D. No. 999)

Report read and accepted and sent up for concurrence.

Mr. Smith from the Committee on Indian Affairs on Bill "An Act relating to Appropriations Dealing with Indian Affairs" (H. P. No. 599) (L. D. No. 553) reported a Resolve (H. P. No. 1733) under title of "Resolve in favor of the City of Old Town" and that it "Ought to pass"

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

Passed To Be Engrossed

S. P. 277, L. D. 1038: An act relating to the licensing of aircraft.

(Tabled by Mr. Belanger of Winslow, pending third reading and specially assigned for tomorrow morning)

S. P. 642, L. D. 1034: An act relating to roadside improvement.

S. P. 643, L. D. 1032: An act relating to the making of local regulations, for fishing and game sanctuaries.

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

House Amendment A to S. P. 643, L. D. 1032, entitled: "An act relating to the making of local regulations for fishing and game sanctuaries."

Amend said bill by striking out in the 24th line of said bill the word "may" and substituting therefor the word 'shall'; and by adding after the word "lie" in the 26th line thereof the following words: 'and the representative to the legislature from the city, town or class district and the senators of the then existing legislature from the county within which said waters or lands to be effected lie.' Further amend said bill by striking out in the 27th line the words: "upon the expiration of the period during which said hearings are to be held the commissioner with the advice and consent of the advisory council", and substituting in place thereof the following: 'after the holding of the hearing the commissioner with the advice and consent of the members of the advisory council, the representative and the senators aforesaid.'

On motion by Miss Laughlin of Portland, tabled pending adoption and specially assigned for Thursday, March 30, and ordered printed.

Passed to be Engrossed—continued

H. P. 1690, L. D. 1004: An act relating to rate of interest charged by small loan agencies.

S. P. 638, L. D. 1025: Resolve in favor of the Pownal State School, for additions and improvements.

(On motion by Mr. Hawkes of Richmond, tabled pending second reading and specially assigned for tomorrow morning)

S. P. 639, L. D. 1026: Resolve in favor of the Pownal State School, for additions and improvements.

(On motion by Mr. Hawkes of Richmond, tabled pending second reading and specially assigned for tomorrow morning)

S. P. 648, L. D. 1039: An act re-

lating to expenditures in connection with the nomination of candidates for elective office.

H. P. 1705, L. D. 1030: An act relating to licenses for retail stores.

Mr. PIPER of Bangor: Mr. Speaker, I rise to a matter of personal privilege.

The SPEAKER: The gentleman may state his point.

Mr. PIPER: In my remarks on the chain stores yesterday, I find I am misquoted in the Record as published in the Kennebec Journal this morning. I am reported to have said that the gentleman connected with one of the leading stores went through bankruptcy, once in Boston and once in Vermont. What I said was that he was employed in the store of a concern which went through bankruptcy in Vermont and that he was again employed in a store in Boston which failed. The gentleman, so far as I know, did not go through bankruptcy, and if I had known that he did go through bankruptcy I would not have published the fact on the floor of the House. I have spoken to the Reporter of the House this morning and he has agreed to correct by substituting the word "which" in both statements in the permanent Record of the Legislature.

Passed to be Enacted

(S. P. No. 283) (L. D. No. 568) An act providing for sentences and the imposition thereof.

(S. P. No. 347) (L. D. No. 696) An act relating to dealer's registration, fees for plates, etc.

(S. P. No. 348) (L. D. No. 697) An act relating to payment of tax must precede registration.

(S. P. No. 351) (L. D. No. 509) An act relating to taxation of motor vehicles.

(S. P. No. 575) (L. D. No. 863) An act to reduce salaries of county attorneys.

(S. P. No. 613) (L. D. No. 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. No. 622) (L. D. No. 995) An act relating to trust fund of the State Military and Naval Children's Home.

H. P. 862, L. D. 304: An act to provide for the appointment of a Board of Commissioners of Police for the city of Augusta.

H. P. 1027, L. D. 461: An act relating to bounty on bears,

On motion by Mr. Smith of Masardis, the House voted to reconsider its action whereby this bill was passed to be engrossed, and that gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to bill an act relating to bounty on bears, H. P. 1027, L. D. 461.

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

"R. S. c. 38, Sec. 79, second paragraph suspended. The provisions of this second paragraph which relate to the payment of bounty on bears of Section 79 of Chapter 38 of the Revised Statutes are hereby suspended for a period of two years from the day this act takes effect."

Mr. SMITH: Mr. Speaker, I am speaking as a farmer, one having worked in conjunction with and for the farmers perhaps much more than the average member of this House, and I would be the last one to report a bill in any way detrimental to the farmers.

At the opening of this session the Inland Fisheries and Game committee was called into conference before the Governor, and he thought at that time, purely as an economy measure, that perhaps it would be best to suspend all bounties. We finally suspended the porcupine bounty for two years and it was thought wise to suspend the bear bounty for two years. The State has been willing to pay for all sheep killed by bears. In 1931 the State paid \$4125.85 for 505 sheep killed by bears, a price per head of \$8.17. Bounty on bears for this same period being \$4,250.

This last fiscal year they paid \$5,659.20 for 993 sheep killed at a price of \$5.69 9/10 per head, and the bounty paid was \$15,925.

As I say, this is simply and purely an economy measure and I would ask the members to support me in this amendment presented. (Applause).

Mr. RUSS of Woodstock: Mr. Speaker, I will say that I was trying to economize when I presented this bill, I reduced the bounty forty per cent, from \$25 to \$15.00, and I think we should consider before we take the bounty entirely off that, as the gentleman states, there has been \$15,000 paid out for bounties and that can only be paid in sections where damage is being

done. It seems to me it would not be economizing to cut off this bounty. Somewhere around six hundred bears have been killed in these sections where the damage was being done and certainly those dead bears will not kill any more deer. I hope the motion will not prevail.

Mr. CLARKE of Cooper: Mr. Speaker and members: There is a tax on dogs and that tax is used to pay these damages to domestic animals by dogs and wild animals. I do not think that, in justice to the agricultural part of the State, we should cut out these bear bounties. This matter was gone into very thoroughly before the agricultural committee and it was unanimously decided that the bounty should be reduced but should not be cut out. Now get the matter straight in your minds: It does not come under any general appropriation but is paid from the dog tax. I hope the motion does not prevail.

Mr. SANBORN of Weld: Mr. Speaker, it would seem to me a question of whether this would be an economy measure or not. The number of bears killed under the reduction of the bounty to fifteen dollars would be approximately the same. Under this law, if passed, there would not be any bears killed for two years which would mean a consequent increase in number to be paid for in two years time to offset the economy measure now. I hope the motion does not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Masardis, Mr. Smith, that House Amendment A which suspends the bounty on bears for two years, be adopted. All those in favor will say aye, contrary minded no. A viva voce vote being taken, House Amendment A was adopted.

Thereupon the bill as amended was passed to be engrossed.

Passed to Be Enacted—Continued

H. P. 1635, L. D. 971: An act relating to certain non-resident operators and exempting from registration certain vehicles owned by non-residents.

H. P. 1691, L. D. 1005: An act relating to hunting and trapping bear.

On motion by Mr. Crowell of Weston, the rules were suspended and the House voted to reconsider its action whereby this bill was passed to be engrossed, and that gentleman offered House Amend-

ment A and moved its adoption as follows:

House Amendment A to H. P. 1691, L. D. 1006, entitled an act relating to hunting and trapping bear.

Amend said bill by adding at the end of the first sentence thereof, the following sentence: 'and it shall also be lawful for any farmer or owner of livestock to kill bear at any time while they are on his own property.'

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

Passed to Be Enacted

H. P. 1692, L. D. 1006: An act relative to the suspension of bounties on porcupines and hedgehogs.

H. P. 1693, L. D. 1007: An act appointing a Commission on Taxation. (H. P. No. 1694) (L. D. No. 1008) An act relating to pauper settlement.

Finally Passed

(S. P. No. 165) (L. D. No. 989) Resolve to repeal a resolve providing for a State pension for Carrie E. Fitch.

(H. P. No. 621) (L. D. No. 995) Resolve in favor of the State Museum.

(S. P. No. 623) (L. D. No. 997) Resolve appropriating money for certain departmental deficiencies.

(H. P. No. 1620) (L. D. No. 962) Resolve in favor of Daniel Mahar, of Bangor.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Lebanon, Mr. Lord.

Mr. LORD: Mr. Speaker, a large percentage of the House members are aware of the fact that my colleague from York, Mr. Young, has passed through a deep sorrow in the loss of his daughter last Saturday morning. My attention has just been called to the fact of the passing of the other daughter, his last child, and I wish to offer these resolutions.

The SPEAKER: The gentleman from Lebanon, Mr. Lord, offers the following resolutions which the Clerk will read:

WHEREAS, the House of Representatives has learned with profound sorrow of the passing of the daughters of Honorable Elmer Young of York, a member of this House:

THEREFORE BE IT RESOLVED, that the sympathy of the members of this House be conveyed to our fellow member, Honorable Elmer Young and his wife, and a copy of these resolutions be sent to the members of his immediate family.

On motion by Mr. Lord, the above resolutions were adopted by a rising vote.

The SPEAKER: Under Orders of the Day the Chair lays before the House the first matter tabled and today assigned, resolve proposing an amendment to the Constitution raising the State debt limit, H. P. 850, L. D. 262, tabled March 27 by Mr. Stern of Biddeford, pending final passage. The gentleman from Biddeford, Mr. Stern has sickness in his family and was obliged to leave this morning. The Chair recognizes the gentleman from Winterport, Mr. Fernald.

Mr. FERNALD: Mr. Speaker, I will explain what we are trying to do before making a motion. You will note that out of order this morning we passed certain bills that came to us from the Appropriations committee concerning the debt limit and other matters, sponsored by Mr. Scates of Westbrook. Some time in the very near future this matter which is before us will likewise be disposed of. In the meantime, as a member of the Judiciary committee, and at their request, I move that this matter be tabled and be specially assigned for tomorrow.

The motion prevailed and the resolve was retabled, pending final passage and specially assigned for tomorrow.

The Chair lays before the House the second matter tabled and specially assigned for today, Senate report ought to pass in new draft of the committee on Inland Fisheries and Game on bill an act relating to Back Bay Sanctuary, S. P. 312, L. D. 700, second new draft, S. P. 637, L. D. 1028, under title of an act relating to the Back Bay Sanctuary in the city of Portland, reporting that it ought to pass. In the Senate the report was accepted and the second new draft passed to be engrossed. In the House the bill was tabled yesterday by the gentleman from Portland, Mr. Plummer, pending acceptance of the report in concurrence; and the Chair recognizes that gentleman.

Mr. PLUMMER: Mr. Speaker and members of the House: I wish to move at this time the indefinite postponement of this bill, and I will ask the House to listen for a short time to a statement that I wish to make in regard to this Back Bay Sanctuary. There has been a Back Bay Sanctuary in Portland for many years and it is a sanctuary that people have known about all over the country. The old original sanctuary started at the Grand Trunk Railway bridge and covered Back Bay west of that point. That part of Back Bay in the winter season froze solid, and the birds which were there—thousands of birds were there—and during that time to feed they were forced to drop down into the unprotected bay.

Two years ago ex-Governor Baxter drew a bill extending this sanctuary to include the island which he owns east of this point. I presented it by request. The bill was supported by all of the bird lovers in Cumberland county. The Audubon Society of Portland supported it, Mr. Smith, the United States Warden, supported it and the bill was passed. This bill clearly defined the territory that was to be preserved. It started from Fish Point and ran down to include Mackeys Island, then went to a point on the Falmouth shore then swung around to Martin's Point Bridge and following right in back of the Point, clearly defining that section. The only opponent of the bill was a Mr. Witherle who owned a sporting camp above Martin's Point bridge.

In drawing this bill Mr. Baxter, and all those interested, were very careful not to interfere in any way with Mr. Witherle's sporting camp. There were some who asked that the bay above be included but it was not included.

This year when this bill was first put in it repealed the law that was passed two years ago. It has been re-written twice since and is a second or third draft or whatever you might call it. It starts at Fish Point, runs way down to The Brothers, then comes back and passes close to Mr. Baxter's island and then leaving a lot of the best feeding ground for the birds above, crosses to the Marine Hospital and then follows the line down below. It leaves the territory in there where Mr. Baxter's bridge is where

poachers or anybody can lie right close to that island and right along side the sanctuary and shoot these birds. Mr. Baxter has no interest in this bill except as a bird lover. He is interested, as everybody knows, in wild life; and it seems to me that as Mr. Baxter has presented to the State of Maine, both this year and last, a large amount of territory,—it seems to me that it would be a very courteous thing for us not to change the only piece of legislation that he has put in here for two years.

(At this point Mr. Fogg of Rockland assumed the Chair.)

Miss LAUGHLIN of Portland: Mr. Speaker, I wish to support the motion of the gentleman from Portland, Mr. Plummer, to indefinitely postpone this bill. All of you who have driven along Back Bay in Portland will remember the part which is left in the sanctuary. It is absolutely black with ducks, which birds have learned that they are safe there. Now in this part of the sanctuary to which the gentleman has referred there is sometimes open water when it is frozen in other parts. Of course the birds all alight in that open water, and to pass this bill and take that open water portion out of the sanctuary is practically to keep a private preserve. These ducks have been there so long undisturbed that they have come to believe that they are safe and you can count hundreds and thousands there at a time, that whole section is black with them. If they simply go to the open water and are shot, you practically destroy the value of the sanctuary as it now is and would be opening a private preserve. It amounts to that because the ducks have learned that they are safe at that point and congregate there.

Mr. DOW of Portland: Mr. Speaker, I rise to second the motion to indefinitely postpone this bill.

The SPEAKER pro tem: Are you ready for the question? All those in favor of the indefinite postponement of S. P. 637, L. D. 1028, will signify it by saying aye; contrary minded no.

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

The Chair lays before the House the third matter tabled and today assigned, Senate report ought to pass in new draft of the committee

on Public Health on bill an act regulating the manufacture and sale of ice cream and other frozen desserts, S. P. 297, L. D. 544, new draft S. P. 640, L. D. 1024 which came from the Senate report accepted and new draft passed to be engrossed, tabled on March 28 by the gentleman from Augusta, Mr. Farris, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. FARRIS: Mr. Speaker, first I want to move the indefinite postponement of this bill, and I will briefly state my reasons in support of that motion.

This bill was introduced into this Legislature on February 8th, and was referred to the committee on Agriculture, before which committee a hearing was held. I attended that hearing, with many of the retail ice cream dealers in this State, and we had a full hearing and the committee reported ought not to pass. The report came back into this House as such from the committee on Agriculture.

By some juggling act and lobbying the bill was committed to the committee on Public Health and went back there over the objections of the House Chairman of the committee on Agriculture who moved that the bill be tabled. Now the bill has come out from the committee on Public Health ought to pass in a new draft.

The original bill carried with it an emergency preamble, and also provided for a license fee for manufacturers of frozen desserts and ice cream. In the original bill, which is Legislative Document 544, it provided a license fee of fifty dollars for each manufacturing plant doing a wholesale business, manufacturing and selling frozen desserts, and a license fee of ten dollars for each manufacturing plant doing a retail business, and so forth.

Now the new draft has eliminated the emergency clause. It has also changed the license fee. The new draft is Legislative Document 1024, and eliminates the emergency clause, and also scales the license fee to five dollars and to one dollar,—five dollars for the manufacturer and one dollar for the retailer.

Further, under sections 4, 5 and 6, adulteration is defined in this bill. It is also defined in the Revised Statutes. We have in our Revised Statutes, under Chapter 41, protection against adulteration of food,

regulations in regard to the packing of food, packing of apples, and the manufacture of beverages and so forth. The statutes covers this entire bill which we have before us and on which I have moved the indefinite postponement.

This bill sets up, in section 6, many definitions: Frozen desserts, milk products, frozen custard, ice milk, milk sherbet, ice or ice sherbet, imitation ice cream. It goes on and defines all these different desserts and ices and ice creams, and sets up a formula by which they shall be manufactured. In my opinion, that is a blow against the retail dealer, the producer and the small dealers who have ice cream for sale.

To show you some evidence in regard to this, I have here a bulletin issued by the Grand Rapids Store Equipment Corporation, which sells these small counter freezers where they keep ice cream:

"National chains of dairy and ice cream units, backed, we believe, by the International Association of Ice Cream Manufacturers, are promoting legislative action in various states and municipalities directed primarily against the use of counter type freezers.

"It is very evident, and those who are fighting the counter freezer have so admitted, that the freezers are cutting heavily into the manufacturers' volume of ice cream sales. Consequently, they are doing everything in their power to cause the users of counter freezers as much inconvenience as possible."

At a convention, early this year, of the dairy men and ice cream manufacturers, this discussion took place:

"A lurid discussion of counter freezers, however, resulted in a resolution being referred to the general convention (it was subsequently approved) the intent of which is to drive through every agency at the command of the organization to place counter freezers on the same basis as established ice cream manufacture, basis of sanitary and factory control, public health and ethical practice."

Further along in that convention this resolve was adopted:

"Resolved, that it be sense of this meeting that the secretary be authorized and directed to contact with all legislative bodies, both state and municipal, and urge them to enact uniform sanitary laws governing the manufacture, storage or dis-

posal of dairy products within this state, to the end that all manufacturing plants and other places large or small engaged in the manufacture of ice cream, butter and other dairy products shall be subservient to the same sanitary regulations and other conditions as are recognized as standard."

Now what the big manufacturers are trying to do is to get a standard uniform law through all the States, so that the manufacturer will have a monopoly on the ice cream business in this country. The large manufacturers in this State are behind this bill. It is a blow to the farmer and the dealer, the farmer who wants to make ice cream to sell at a wayside stand, and the retailer in his store.

As I said before, we have in the Revised Statutes of Maine, at the present time, plenty of law to cover this subject. The term "food is defined in the statutes under Section 2 of Chapter 41 of the Revised Statutes:

"The term 'food' as used herein shall be held to include all articles, whether simple, mixed or compound, used for food, drink, confectionery or condiment by man or animals." Then the statute defines different ingredients.

Under Section 18, in the second paragraph, it states:

"In the case of food: First. If any substance has been mixed and packed with it so as to reduce or injuriously affect its quality or strength"—that is, if it contains terra alba, barytes, talc, chrome yellow, and so forth. It provides in that section and defines those things which this bill attempts to cover.

Now the eighth paragraph of this section provides:

"If it does not conform to the standards of strength, quality, and purity, now or hereafter to be established by statute or fixed by the Commissioner of Agriculture: Provided, that no food except clams, oysters, and scallops shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated, so as to be understood by the non-professional person, upon the container thereof, although the standard may differ from that established by statute or fixed by said commissioner."

So you can see that we have laws aplenty on our statute books in re-

gard to this matter. The regulation of ice cream at the present time is under the control of the Commissioner of Agriculture, and also the percentages are fixed by statute in regard to butter fat contained in different ices and ice creams. They have inspectors in the Agricultural Department, men going around the State, at the present time, checking up on these different things.

For that reason I am opposed to this bill, because it is a bill to control and monopolize the ice cream business. I hope my motion will prevail.

Mr. CARSWELL of Gorham: Mr. Speaker, I am very certain the members of this House, if they will thoroughly read this bill, can find no objections to it. It accomplishes one purpose. This bill is recommended by the Health Department and has the approval of the Commissioner of Agriculture. It does not hurt the farmer; it helps him. It does not injure the small ice cream dealer; it benefits him.

As the gentleman has told us, there are laws regulating the manufacture of ice cream. Those laws specify that ice cream shall be made from cream containing 18% of butter fat, and the finished product shall be 14% of butter fat.

It is the purpose of this bill to protect those manufacturers of ice cream which comply with the standard, and that is what this bill accomplishes. It is a fact that you can manufacture any frozen dessert, call it frozen custard or anything you wish, and it does not have to comply with the State regulations requiring 14% of butter fat. If this bill passes, however, the manufacturers of frozen desserts must make their product comply with the regulations for ice cream, or contain 14% butter fat. Of course if fruit is used, or nuts, the finished product, according to regulation, would be 12%.

This law has been in effect for years. Under the efficient supervision of Mr. Soule, inspections are made, and ice cream dealers are required to have their product contain 14% of butter fat.

On the other hand, one may start a roadside inn, or a place of that nature, and sell what is practically ice cream under the designation of frozen desserts, frozen custard, or frozen dainty, and it may not perhaps contain more than 7% or 8%

of butter fat. This bill requires the manufacturers of ice cream to use cream of 18% butter fat in the manufacture, consequently it helps the farmer, because they must use his cream instead of milk. That is the prime purpose of this bill.

The bill introduced before the Agricultural Committee was indeed a different one. It was opposed and killed, because it has phrases in it relating to pasturization, sterilization, and so forth. But, ladies and gentlemen of this House, if you will look this bill over, you will find it is for the protection of the people, that they shall get a good, clean, pure product. It will assist the farmer and will not in any measure hurt the small dealer.

I sincerely trust the motion of the gentleman from Augusta (Mr. Farris) will not prevail.

Mr. CLARKE of Cooper: Mr. Speaker, I think that the gentleman from Augusta, Mr. Farris, has set forth the reasons that influenced the Agricultural Committee to report ought not to pass on this bill. I did not understand at the hearing that the Commissioner of Agriculture was greatly interested in the passage of it. I still think that it is a measure designed to hit the little fellow, and I wish to second the motion of the gentleman from Augusta, Mr. Farris.

Mr. VILES of Madison: Mr. Speaker, we have been told that Maine is an agricultural State. I just want to state my point of view on this. Maine consumes thousands of gallons of ice cream every year. Now if this law is not passed, they will still continue to bring in imitation ice cream, testing from 1 1-2% and up, but still it is ice cream. But if this bill goes into effect, they will be obliged to have the cream used in ice cream test at least 14%.

Now there are stores in Augusta, Lewiston, Brunswick and other cities which sell ice cream testing at least 14%, and if they sell ice cream testing 2%, what will be the effect on the store selling real ice cream? They will be put out of business.

There are dozens of farmers in the State selling cream to creameries where the cream goes entirely to make ice cream. If they are allowed to sell this imitation ice cream from other states, Massachusetts, New Jersey and Connecticut, in the form of frozen custard or anything else taking the place

of ice cream, it will just put these farmers out of business who are selling their cream to the creameries to make into ice cream.

It is really a branding law, to make people selling ice cream label their containers, and make them show the percentage of butter fat contained in the ice cream.

Now the people that sell fertilizer are required to put on the outside of the bag the percent of potash contained inside the bag. Why not make the people selling ice cream do the same?

I sincerely hope the motion to indefinitely postpone does not prevail.

Mr. GRAY of Brooksville: Mr. Speaker, I wish to protest against this bill. There are a great many summer hotels and recreation camps throughout the State of Maine that manufacture their own ice cream for their own consumption, and it would be a great detriment to those places if they had to comply with the various regulations set forth in this bill in addition to the ones we already have now. I claim conditions should govern the ice cream industry, and I am thoroughly opposed to this sort of thing. They are interested in the health of the people of the State. They have in here that any religious society may manufacture ice cream and put it out to people without being under this supervision. I do not think that is anywhere near right, because we have large numbers of people present at such times, and they would be endangered at those times, and it would be unfair. I hope the motion of the gentleman from Augusta, Mr. Farris, will prevail.

Mr. FARRIS: Mr. Speaker, in answer to the gentleman from Gorham, (Mr. Carswell) regarding the health measure, I will say when the bill was before the Agricultural Committee, there was a provision in there in regard to sanitation, cleaning of vessels, and so forth, to protect the public health, but when it got before the Public Health Committee, it was stricken out. So it is not a health measure, because they eliminated that and brought it back in the new draft.

Mr. CARSWELL: Mr. Speaker, in answer to the gentleman regarding hotels and small dealers, it is a fact that the majority of the smaller manufacturers of ice cream in the State of Maine are making a superior product. A great many

of them have a product which contains 14% or better. This bill requires the licensing of these manufacturers, but it eliminates from paying a license fee fraternal, benevolent, agricultural, educational and religious in order to manufacture ice cream to be sold at their gatherings.

Now this will make a uniform law. It will make all frozen dainties in the State of Maine contain a minimum of 14% of butter fat. It is a health measure, and it should be so. There are regulations governing all other food, and surely there is no food commodity in the State used so extensively as ice cream. I believe this measure should pass.

Mr. VILES: Mr. Speaker, the gentleman referred to the matter of public health. Now these stores selling ice cream are subject to inspection, and any time they do not pass this inspection, their license can be revoked by the Commissioner of Agriculture.

I want to read just a small section in regard to the enforcement: "The commissioner of agriculture is charged with the administration of this chapter and he shall by adequate inspection see that all the provisions of this chapter are diligently enforced. He shall after hearing, promulgate and adopt uniform rules and regulations to supplement the provisions of this act. . . . Such rules and regulations shall be on file and open for public inspection in the department of agriculture. All license fees, and all money and fines received by the commissioner of agriculture under the provisions of this chapter shall be paid by him to the treasurer of state, and the same are hereby appropriated to his use for carrying out the provisions of this act."

Now I sincerely hope the motion to indefinitely postpone by the gentleman from Augusta (Mr. Faris) does not prevail.

Mr. BENNETT of Presque Isle: Mr. Speaker, as a member of the committee on Public Health that had this bill before them, we reported it out unanimously that it ought to pass, after due public hearing.

When you speak about juggling this bill around into the Public Health Committee, there are certain gentlemen in this Legislature who are past masters in juggling, and

it is a term that I should not have thought would have been brought up here, after what has been going on in the last week or two—this juggling business.

The emergency measure was cut out of this new bill because we did not think it was an emergency. This bill is nothing more, members, than a branding law. That is what you want. You want this stuff that is sold in the stores, or wherever it is sold, branded, so that you will know what it is.

This bill sets up five standards, and those five standards must contain so much butter fat, and when this stuff is made and branded under one of these standards, you know exactly what you are getting, and that is exactly what we want, agricultural, benevolent, religious associations, schools and hospitals, and so forth, are exempt where they make the same and sell it at their affairs or socials.

Now Mr. Soule, of the Department of Agriculture, approved of this. Dr. Coombs of the Health Department, approved of it. It is no cost to the State; it does not add one particle of cost to the State, and when you buy something, you know what you are getting. That is why we approved it.

Up in Aroostook, I asked the man from the Agricultural Department about the testing of samples of ice cream and he said he has tested four samples from my county in the past year and every one of them tested 28 per cent cream. You see how honest they are up there—that is, I mean as far as butter fat. The butter fat was 28 per cent instead of 14 per cent in the ice cream—that is what I meant to say. So they do not cheat on their ice cream up there. But in some places they sell stuff that is imitation ice cream, and it is marked "ice cream," so we would like to have them conform to these various standards that are set forth in this bill, as we believe that the people of the State will be much benefited by having something to go by, and they will know what they are getting when they buy these products.

Miss MARTIN of Bangor: Mr. Speaker, I do not know very much about this bill, but I am interested in the extent of the endorsement of it. The gentleman from Presque Isle, Mr. Bennett, said it would not cost the State anything to enforce it. I would like to have that ques-

tion cleared up as to how it could be enforced without any cost.

The SPEAKER pro tem: The gentleman from Presque Isle, Mr. Bennett, may answer.

Mr. BENNETT: I asked Mr. Soule, of the Agricultural Department, and I asked Dr. Coombs of the Health Department, and they both said that the license fee, or the registration, or whatever you choose to call it—the fee of five dollars for the manufacturer and one dollar for the retailer—they said that would be ample to carry out the provisions of this act. Besides, there is a law on the statute books which requires samples to be tested, and that would be done anyway, just the same as it has been in the past. They tell me it would not cost the State one cent more than it has in the past.

Mr. Viles was granted permission to speak the third time.

Mr. VILES: Mr. Speaker, if this Legislature wants to sting the farmers of the State of Maine, they will kill this bill, and if they want to do something that is going to help the farmers of the State of Maine, they will pass this bill. If they want to hurt the farmers, they want to kill this bill, because this is to regulate the butter fat content in ice cream at 14 per cent, and if the bill is killed, they will continue to ship in from other states along the Atlantic Seaboard the imitation ice cream containing 2 per cent butter fat, and sell it.

Now most of the cream used in ice cream in the State of Maine comes from Maine farmers. Thousands of farmers are selling cream that goes into ice cream, and it will be a great help to those farmers if we pass this bill. If we do not pass it, we are giving the farmers a black eye.

The SPEAKER pro tem: Is the House ready for the question? The question is on the motion of the gentleman from Augusta, Mr. Farris, to indefinitely postpone Legislative Document 1024; all those in favor will say aye; contrary minded no.

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

Seventy-five having voted in the affirmative and 36 in the negative, the motion prevailed and the bill was indefinitely postponed.

The Chair lays before the House the fourth matter tabled and today assigned, House Amendment A

to bill an act relating to exemption of certain property from taxation, H. P. 1609, L. D. 936, tabled on March 28 by the gentleman from Wilton, Mr. Blanchard, pending adoption of the amendment; and the Chair recognizes that gentleman.

On motion by Mr. Blanchard, a viva voce vote being taken, the bill and amendment were tabled until later in the day, pending adoption of House Amendment A.

The Chair lays before the House the fifth matter tabled and today assigned, House Amendment A to L. D. 1018, to bill an act relating to State salaries for persons receiving pay from United States Government, H. P. 1152, L. D. 601, tabled on March 28 by the gentleman from Augusta, Mr. Farris, pending adoption of the amendment; and the Chair recognizes that gentleman.

Mr. FARRIS: Mr. Speaker, I yield to the gentleman from Lebanon, Mr. Lord.

Mr. LORD: Mr. Speaker and members of the House: My colleague, Mr. Young, who is absent for reasons with which you are familiar is very much interested in this matter. While I do not know just exactly what his attitude was, I do know that he felt this was a discrimination against ex-service men, of which he is one.

Personally, I am not willing to go on record as in favor of this bill. Simply because an individual has made the sacrifice to serve his country, that he should be discriminated against or penalized, as this bill provides, I think it is very gross discrimination.

As I understand, there are but very few, possibly one or two, in the employ of the State now that will be affected in any way by this legislation if this bill becomes enacted; but you know and I know that we have a large number of young men, ex-service men, who will be taking the places that we are leaving, and filling them more efficiently, I trust, than we are, and I dislike to think that this Legislature is going on record as discriminating against them.

I am going to move the indefinite postponement of this bill. As I understand it, the Judiciary Committee studied this very carefully from all angles, and they brought in a unanimous recommendation ought not to pass. I have in mind now a

man who is employed by the State, who has given thirty years of his life in the service of the Army, a retired commissioned officer, and that service has specially fitted him for the position he is in now, and we are discriminating against him. There are men here whose income exceeds the very small salary they are getting from the State, and we do not mention them; they are in private business.

I say it is unfair, it is contrary to our whole set-up of loyalty to those who have made their sacrifice, and in memory of those who made the supreme sacrifice I move the indefinite postponement of this bill.

Mr. BREEN of Lewiston: Mr. Speaker, it seems to me that in these times of stress that people should be satisfied with one good job, and, as I look at it, a person receiving about a three thousand pension from the government should be pretty well satisfied to take that in these times, and let the other fellow have a job. I am certainly against the motion of my good friend and next neighbor.

Mr. STERLING of Caratunk: Mr. Speaker, I introduced this bill in good faith, and I believe it ought to pass. I am in accord with my good friend, Mr. Breen, that men receiving good big pensions from the Government should not be holding down jobs in these times when other people are in need. The United States Government has seen fit to pass such a law as this. The Canadian Government has passed a law recently along the same lines. Several other States have passed these laws. I believe it is a good law, and I hope the gentleman's motion to indefinitely postpone will not prevail.

(At this time Speaker Burkett resumed the Chair, the gentleman from Rockland, Mr. Fogg, retiring, amid the applause of the House.)

Mr. CARLETON of Portland: Mr. Speaker, I wonder if there is not a little politics in this bill!

The SPEAKER: There is in most every bill.

Mr. CARLETON: Mr. Speaker, I think this is going to affect a man in the Highway Department who is very efficient. He has served thirty-one years in our Army, and worked up from a second lieutenant with small pay. We all know that the officers in our Army are paid very little, and he knew when he was

through that he was to receive a pension, after working in the Army for thirty-one years. Although I was not in the Army, I respect any man who defends his country. Now if this man was forced to resign, isn't it going to give the Governor an opportunity to appoint a Democrat in place of a Republican? (Laughter)

Mr. TOMPKINS of Houlton: Mr. Speaker, the public are notoriously ungrateful. In a few days we will celebrate the anniversary of our entrance into the World War. We know with what feeling we sent our boys away, and now, after sixteen years, it does not seem to me fair to give them this treatment. I am in favor of the motion of the gentleman from Lebanon, Mr. Lord.

Mr. CARIGNAN of Sanford: Mr. Speaker, when we consider the thousands of World War veterans who are unemployed and who are walking the streets, there are plenty of ex-veterans who are not remunerated at all today. I hope the motion will not prevail.

Mr. GOUDY of South Portland: Mr. Speaker, I did not mean in any way to say anything for or against this bill, but in looking the bill over I am wondering if there is not some question as to its constitutionality. It does not seem to me right to say to a person that because you have got a certain amount of money, you cannot have a job. I am inclined to believe that this bill may be declared unconstitutional. I think it is a matter we ought to look into before we pass it.

The SPEAKER: The Chair calls attention to the fact, although it does not appear on the calendar, that we are talking about Legislative Document 1018 now, as House Amendment A was substituted for the entire bill.

Mr. WRIGHT of Bath: Mr. Speaker, I simply wish to call attention to the fact that the amendment deleted the complete bill, which I think Mr. Goudy was looking at.

Mr. FARRIS: May the Clerk read the amendment, Mr. Speaker?

The SPEAKER: It has been printed; it is Legislative Document 1018. The entire bill is in House Amendment A. Does the gentleman still desire it read?

Mr. FARRIS: No, Mr. Speaker. Miss MARTIN of Bangor: Mr. Speaker, of course this is all out

of my line, along with the ice cream business, but it says in one place "a pensioned officer," and, as I understand it, an officer receiving retired pay is not pensioned, but is receiving pay on the condition that at the time of call he will leave his job and immediately go into the service again. A pensioned officer is retired for good. The pay a retired officer gets—and any of you men who know more about it can correct me—is keeping our standing army intact, as it were. This being the case, there is an anachronism there, because it says "pensioned officer" and then goes on from there to speak of "retired officers' pay."

Mr. SCATES of Westbrook: Mr. Speaker, I would like to ask the gentleman from Portland, Mr. Carleton—he referred to the matter of politics—I would like to ask him which he considers the majority party in the State today?

The SPEAKER: The gentleman may answer if he cares to.

Mr. CARLETON: The Republican party.

Mr. SCATES: That being the case, the person to whom he refers, if he lost his job, a Republican would have to be appointed in his place.

The SPEAKER: The pending question is on the motion of the gentleman from Lebanon, Mr. Lord, that this bill be indefinitely postponed; all those in favor will say aye; contrary minded no.

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

Fifty-four having voted in the affirmative and 62 in the negative, the motion failed of passage.

Mr. STERLING of Caratunk: Mr. Speaker, I move the adoption of House Amendment A, which is Legislative Document 1018.

Mr. FERNALD of Winterport: Mr. Speaker, I did not intend to say anything, and probably some of you, after I get through speaking, will say I haven't said anything, but I did not think for a minute that the House was going to pass this proposition. It seems to me, before we pass it, we ought to know where we are going. It is clearly discriminatory legislation. I do not think you should penalize a man who is getting retired pay, because it is something that he has already earned. I think we should proceed with this measure rather carefully, because we do not want to put ourselves in a position

of passing something that is of no avail. I have no personal interest in the matter. I did not consider the matter very serious myself, because I did not think anything would come of it, but I think it is clearly unconstitutional. I have thought so all along, but I did not think it was necessary to get up on the floor of the House and say that. I thought you realized it.

Mr. STERLING: Mr. Speaker, I would like to inquire of the gentleman from Winterport, (Mr. Fernald) if it is unconstitutional, why has the United States Government passed a like law?

The SPEAKER: The gentleman from Winterport, Mr. Fernald, is asked by the gentleman from Caratunk, Mr. Sterling, why, if this is unconstitutional, did the United States Government pass a similar law. The gentleman may answer if he can. (Laughter).

Mr. FERNALD: In the first place, I do not know what law the gentleman refers to, and I do not believe that the United States Government has passed a law which says that nobody shall receive compensation from the Federal Government if they are receiving compensation from the State of Maine, because I know that today in the State of Maine there are people who are receiving aid from the State Government and receiving aid from the National Government, and I do not believe anybody feels for a minute that compensation from either the State of Maine or the National Government will be taken away from them. This proposition is a good deal like the proposition of saying that anyone who had a hundred thousand dollars should not be employed by the State. I do not think the question of employment should depend on a man's wealth, or a man's friends, or a man's religion or politics, or anything like that. The question is: Is he the man for the job? Can he produce the results? We are today in a competitive field, and it seems to me the man best fitted for the job should have the job, regardless of whether he is getting compensation from the United States Government or the Canadian Government or any other Government. I do not care to argue the matter further. I did not think it would be necessary.

Mr. BREEN: Mr. Speaker, for the information of the gentleman from Winterport (Mr. Fernald) I

wish to say that I think the postmaster of Lewiston, Captain Fisher, our postmaster, found out the Government did take a hand in it, and he had to relinquish one of the jobs, and left the post office.

The SPEAKER: The pending question is on the motion of the gentleman from Caratunk, Mr. Sterling, that House Amendment A be adopted. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed.

Thereupon, tomorrow was assigned for the third reading of this bill.

Mr. LORD: Mr. Speaker, I wish to offer House Amendment A to House Amendment A.

On motion of Mr. Lord, the House voted to reconsider its action just taken whereby this bill was assigned for third reading tomorrow morning.

Thereupon, the House voted to reconsider the adoption of House Amendment A.

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

House Amendment A to House Amendment A to House Paper 1152, Legislative Document 601, entitled an act relative to State salaries for persons receiving pay from the United States Government.

Amend said bill by adding at the end thereof the following words: 'Provided, further, that the provisions of this act shall not apply to any person in the employ of the State on January 1, 1933.'

Mr. STERLING: Mr. Speaker, I move the indefinite postponement of House Amendment A to House Amendment A.

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

Sixty-eight voting in the affirmative and 52 in the negative, the motion prevailed and House Amendment A to House Amendment A was indefinitely postponed.

Thereupon, House Amendment A was adopted and tomorrow assigned for third reading of the bill.

On motion by Mr. Fenlason of Anson,

The House recessed until 3 P. M.

AFTER RECESS

3 P. M.

The Chair lays before the House, the sixth matter specially assigned for today, House report ought not

to pass of the committee on Aeronautics and Radio Control on bill an act relating to aviation, H. P. 1081, L. D. 557, tabled on March 28th by the gentleman from Auburn, Mr. Flanders, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Flanders of Auburn, the ought not to pass report was accepted.

Mr. QUINE of Bangor: Mr. Speaker, I wish to withdraw my name from the committee of conference on an act relating to corporations for the protection and development of forests, S. P. 578, L. D. 871.

Permission was given for the withdrawal of the gentleman from Bangor, Mr. Quine, from the conference committee.

Thereupon the Chair appointed in his place upon that committee the gentleman from Presque Isle, Mr. Bennett.

The Chair lays before the House the seventh matter specially assigned for today bill an act relating to the parking of vehicles on highways, H. D. 1045, L. D. 446. The bill having been substituted for the ought not to pass report in the House and passed to be engrossed as amended by House Amendment A on March 22nd. This comes from the Senate the report accepted in non-concurrence. It was tabled on March 28th by the gentleman from Westbrook, Mr. Raymond, and the Chair recognizes that gentleman.

Mr. RAYMOND: Mr. Speaker, I yield to the gentleman from Westbrook, Mr. Scates.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: Mr. Speaker, I move, and I do it with some trepidation, that the House insist and ask for a committee of conference.

The motion prevailed.

The Chair lays before the House the eighth matter tabled and specially assigned for today, bill an act to provide for old age pensions, H. P. 1698, L. D. 1020, tabled on March 28th by Mr. Stern of Biddeford, pending passage to be engrossed; and the Chair recognizes the member from Portland, Miss Laughlin.

Miss LAUGHLIN: Mr. Speaker, Mr. Stern spoke to me last night. His wife is critically ill in Boston

and he asked me to present certain amendments to the bill to correct some simple, obvious errors; and in accordance with his request I now offer House Amendment A to this bill and move its adoption. I will explain that it is largely verbal but the words "no less than" were used for "no more than," changing the entire meaning of the bill. The amendments are in accordance with Mr. Stern's request to correct the bill.

House Amendment A to L. D. 1020.

Amend section six of said act by striking out in the fifth line thereof the word "less" and inserting in its place the word "more." Amend section eleven of said act by striking out in the sixth line thereof the figure "2-3" and substituting in its place the figure "1-2", and by striking out in the seventh line thereof the figure "1-3" and substituting in its place the figure "1-2".

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

The Chair appoints as conference committee on an act relating to the parking of vehicles on highways, L. D. 446, Messrs. Scates of Westbrook, Plouff of Dexter and Wright of Bath.

The Chair now lays before the House the ninth matter specially assigned for today, bill an act for the protection of savings banks and depositors therein, S. P. 590, L. D. 918, tabled March 28th by Mr. Tompkins of Houlton, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. TOMPKINS: Mr. Speaker, I yield to the gentleman from Westbrook, Mr. Scates.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Scates.

On motion by Mr. Scates, the rules were suspended and the House voted to reconsider its action whereby this bill was passed to be engrossed. That gentleman offered House Amendment B and moved its adoption, as follows:

House Amendment B to S. P. 590, L. D. 918, an act for the protection of savings banks and depositors therein.

Amend said act by inserting after the word "corporation," in the sixth line of section one of said act, the

words "and when the depositors representing at least a majority in amount of the total deposits subscribed thereto."

Mr. SCATES: I would say, Mr. Speaker, that that amendment is offered at the request of His Excellency because he thinks that it will better protect the depositors.

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

The Chair lays before the House the tenth matter tabled and specially assigned for today, House Amendment B to bill an act relative to a closed time on deer, H. P. 1645, L. D. 991, recalled from the engrossing department by Joint Order passed yesterday, and tabled yesterday by the gentleman from Cooper, Mr. Clarke, pending the adoption of House Amendment B; and the Chair recognizes that gentleman.

Mr. CLARKE: Mr. Speaker, I now yield to the gentleman from Calais, Mr. Tupper.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Tupper.

Thereupon unanimous consent was given Mr. Tupper to withdraw House Amendment B; and the amendment was withdrawn.

Thereupon the bill was passed to be engrossed in concurrence.

Mr. Plouff of Dexter, was granted permission of the House to introduce an order out of order, as follows:

Ordered, the Senate concurring, that the Treasurer of State is hereby directed to deduct the sum of sixty dollars from the legislative pay of each and every member of the Legislature.

Mr. SCATES of Westbrook: Mr. Speaker, I want to second that order. Now I am not going to say but what every member of this House has earned his six hundred dollars. That is a matter of opinion.

I remember the first time that I came to the Legislature I received \$150 for my salary. I am not going to tell you how much it cost to get home, but all I got was \$150. The next time I came I got \$300; the next time I got \$400; and the next time \$400. Last year I got \$600, and the same salary applies this year.

Now here are the facts: We members of the Legislature have cut the

salary of every employee of this State and cut it seriously. We have reduced the appropriation of every department in the State. Now isn't it fair that we ourselves take our little cut? I do not want to face the people of the State, I do not want to face the employees of the State and say "We cut you, but we would not take a little insignificant cut of sixty dollars."

Mr. CLARKE of Cooper: Mr. Speaker, I think the pros and cons of this affair have been discussed quite a bit in the past. The gentleman who has just spoken (Mr. Scates) suggests that sixty dollars is an infinitesimal sum, but it is not to the people of my section. As far as going back and facing the people of my section, I am perfectly willing to face them, and I hope the order will not pass.

Mr. MacPHERSON of Easton: Mr. Speaker, it seems to me that the Legislature has got the cart before the horse. I do not see how an order can supersede the statutes of the State of Maine. Regardless of how the gentleman from Westbrook (Mr. Scates) feels, I am perfectly willing to have my salary cut, but I do not like to do it while the employees of the State of Maine are riding around in Packard cars.

Mr. FLANDERS of Auburn: Mr. Speaker, Out in the cloak room I have an editorial, and I had one for each member of the Legislature here, and I am going to lay it on the desks tomorrow morning. I also had in mind to present an order similar to the order presented here today. I will say that after reading the editorial in the Journal last Saturday, which has been commented on by the Boston Herald, in regard to the Legislature of Maine, I feel, for myself, that I do not have the nerve to go home to my constituents or, as Mr. Scates, the gentleman from Westbrook, has said, to face the State employees.

We heard much yesterday about the situation in Mississippi in regard to the sales tax. In Mississippi, before they put on additional taxation, they cut the salary of everyone 33 1-3 per cent. I, for one, want to go on record as heartily in favor of the passage of this order. I realize it means a sacrifice to you gentlemen who live in Aroostook County and Washington County and Penobscot County, but I think when we give this matter serious

consideration that every one of us will want to vote for it.

Mr. FERNALD of Winterport: Mr. Speaker, I thought we probably would be confronted with this problem sometime during this session, and I came prepared to answer some of the arguments.

In the first place, I do not believe that we want to make the House of Representatives of Maine a Country Club. Second, I believe that it should be possible for every honest, popular and interested person in any part of Maine to come to the Legislature and receive at least sufficient expense money to pay his way here, his expenses while he is here, and his expenses home.

Now I am not asking anything as compensation or wages for the time that I have been in the Legislature, but I know from my experience that when I go home I will be from one hundred to two hundred dollars poorer than when I came, and that is not counting any expense whatsoever so far as campaign expenses are concerned.

Now there is a lot of hysteria around here about different things, and we have a lot of hysteria around here about cutting a lot of the salaries of the scrub women and the stenographers of the State of Maine. I, for one, believe that our expense money classifies us in the bracket covered by stenographers and scrub women of the State of Maine, because I believe an expense account of six hundred dollars brings us into that bracket.

Let us see what the facts are. Let us see whether we are being overpaid or not. Here is just one example, before I go further: Two years ago, when I left this Hall, around April 2nd, I went from here to Des Moines, Iowa, and I inquired as to the salaries received by Representatives in the State of Iowa, an agricultural state with people and problems similar to those in Maine, and I found there that the members of the Legislature in that State, who meet for approximately the same period as we do, received \$1,000 a session in wages, and \$500 more as expense money, and each one of the 111 Representatives in the Legislature had a stenographer whose expenses and salary was paid by the State of Iowa. That is just one example.

Now how do the amounts allowed to the members of the Maine Legis-

lature compare with the sums paid to the members of Legislatures in other States?

It is difficult to make absolute comparisons, as Legislatures meet annually or biennially, and in Alabama only once in four years. In 26 states payment is made by the day, and in 22 states a lump sum is allowed. The length of the session in the 48 states varies greatly. Massachusetts and New York impose no limit on the number of days a Legislature may sit, while Oregon, South Carolina and Wyoming have a 40-day limit, and Connecticut has a biennial session which may last five months. The most common limitations, however, are of 60 and 90 days.

Reasonably accurate comparisons are possible among the 22 lump sum states on the basis of salaries paid, if the variations in the length of sessions is disregarded.

In my tabulation the salaries of the annual-session states are doubled, so that the amounts stand in each case for the salary paid for two years. Outside of one or two possible recent changes, the salaries paid in the 22 lump-sum states are as follows:

New Hampshire, 462 members	\$200
Connecticut, 302 members	300
Vermont, 278 members	400
Maine, 184 members	600
North Carolina, 170 members	600
Virginia, 140 members	720
Nebraska, 133 members	800
South Carolina 170 members	800
Arkansas, 135 members	1,000
Colorado, 100 members	1,000
Iowa, 158 members	1,000
Minnesota, 198 members	1,000
Mississippi, 189 members	1,000
New Jersey, 81 members	1,000
Washington, 140 members	1,000
Ohio, 167 members	2,000
California, 120 members	2,400
Wisconsin, 133 members	2,400
Pennsylvania, 258 members	3,000
Illinois, 204 members	3,500
Massachusetts, 280 members	4,000
New York, 201 members	5,000

Now in the per diem states, 26 in number, we find Louisiana paying \$600; Arizona, \$900; Delaware, \$600; Kentucky, \$600; Montana, \$600; Nevada, \$600; Texas, \$1,200. Thus we see that at least twenty-six states pay a salary, if you may call it such, of \$600 or more.

You will note from these figures that only three States of the lump sum group, New Hampshire, Connecticut and Vermont pay a smaller

salary to their legislators than Maine, but when you consider the fact that Vermont has a membership of 278 as compared to Maine's 184, you will note that the total salary payment in Vermont exceeds that of Maine by \$800, yet each member gets only \$400 in Vermont as compared with \$600 in Maine.

Now I think that will satisfy any reasonable argument that we are not being overpaid on our expense account. I will repeat again the two reasons why I believe that we should not make this change, or should not adopt this order: First, the House of Representatives is the democratic body in our Legislature, and we want to keep it democratic in principle and economically. Second, this is not going to be a Country Club. And, third, I will say for myself that I am perfectly willing to stand on record as taking the \$600 and going home, and I am perfectly willing that every one of my constituents or anybody else should know that I take it.

Now if these philanthropic gentlemen that are here want to give \$60 to the State, let them go ahead and do it. There is no law in Maine that says they cannot. If they want to throw it out of the window, they can; if they want to give it to their own community, they can. There is nobody going to give them back that \$60. But I know, and you know, as Franklin D. Roosevelt said last fall, that there are people here who need that \$60, and there are people here who have earned that \$60. I do not doubt that every one of us has earned it, and why shouldn't we have it?

I am going to move, Mr. Speaker, that the order be indefinitely postponed.

Mr. VALLELY of Sanford: Mr. Speaker and members of the House: I am going to rise to oppose the motion of the gentleman from Westbrook, Mr. Scates. Mr. Scates is a wealthy man; I am not. I think I have earned my \$600 down here.

I think my friend here, Mr. Carignan, and I are the two most independent men ever sent down here from the town of Sanford, if I do say it. If we had not come down here, the corporation would have sent down two men. What would happen? They probably would have drawn their pay in the mill while sitting in the House here.

The people back home will not ask

whether we cut our salary. They will say "How did you vote?" I think I have voted for a lot of economic measures before the House. The first bill that came up was a bill to save the State of Maine \$50,000. That is in regard to the September election. How did some of our friends vote?

Now I have got other things to say. If you cut down the salary of your Representatives, what is going to happen in my town? You will not get any independent man down here, but the same old corporation will send the same old men down, and know how they are going to vote. When we go back next week, they will not say "Did you cut your salary?" No, they will not say that. They will say "Did you bring us back beer?" (Laughter)

Mr. HILL of South Portland: Mr. Speaker and members of the House, there are perhaps few members of this House who are less able to take a cut in salary than I am, but I want to say here that I agree heartily with what has been said by the gentleman from Auburn, Mr. Flanders, and the gentleman from Westbrook, Mr. Scates.

The gentleman from Winterport (Mr. Fernald), has cited statistics showing salaries paid in other states. It does not seem to me that that concerns the question that is before the House now. I will agree with him, and with the other gentlemen who take the same position, that the members of this House are not overpaid for the work which they do, but I think that same thing may be said of other state officials and other employees. I think it may be said of the members of the Public Utilities Commission, for example, or the Attorney General, that they are not overpaid, and yet, by vote of this House, they are obliged to take a cut.

Now it seems to me that one material consideration on this point is the increase in the purchasing power of the dollar. It seems to me that we all must recognize the fact that \$600 today is worth more than \$600 was four years ago, or even two years ago, so that unless we take a cut we are really increasing our salary with respect to the purchasing power of money. It seems to me that unless we do take a cut, the members of this Legislature are really going to receive the highest pay that the members of any Legislature of the

State of Maine ever received. I am opposed to the motion for indefinite postponement.

Miss LAUGHLIN of Portland: Mr. Speaker and members of the House: Irrespective of the merits of the question, it seems ridiculous to me to attempt to pass an order here to supercede the statutes of the State, to attempt here to do by order what we know is illegal and unconstitutional to do by a bill an act passing this Legislature. I cannot see how, under such an order, the Treasurer of State could be protected in committing such an act, which is contrary to the statutes which prescribe it and which have not been changed. It seems to me that this is just an empty gesture to attempt to do this by order, whatever may be the merits of returning to the State a portion of the money paid the members of the Legislature. I think it would make us ridiculous.

Mr. HOBBS of Hope: Mr. Speaker, I rise to favor the passage of this order. It seems to be the attitude of a great many of us to talk economy here and then do just the opposite. It does not seem right to me for this Legislature to vote to cut the salaries of all the other officials and not vote to cut our own salaries. Now if we vote to cut our salaries, I am willing to take my cut with the rest of them. I want to do it, and I want to see it done without being covered up by any smoke screen.

Mr. ROUNDS of Portland: Mr. Speaker and ladies and gentlemen of this House: I will say in the first place, after we get paid for getting nominated we have to pay \$100 to the city committee, so that leaves us less than \$500; then we have to run our own campaign, after we give them one hundred dollars.

Now we have voted not to cut the employees of this State until ninety days after we adjourn. Next session we will come down here and we will know what we are going to get.

Now I can tell you right here that there is more money paid in a week for this Third House than there is for us for the whole thirteen weeks, and still you want to cut our small salary of \$600. My room rent is just as much as it was two years ago, four years ago, six years ago, and ever since the first time I came down here; it is just the same. The Augusta House

charges fifteen cents more than they did two years ago for a breakfast and a supper, and I have not seen anything that has come down for the legislators. Everything is just as much as it was before. I do not see why we should take a cut.

They told us they wanted \$2,500,000 saved when we came down here. If I am not mistaken, we took \$1,000,000 off of roads. Am I right, Mr. Speaker?

The SPEAKER: I think the gentleman is right.

Mr. ROUNDS (continuing): They took \$250,000 from the University of Maine. Now they tell us they have taken \$500,000 from education. Now this year they have not cut anything off from the help, but next year the employees will be cut from ten to thirty per cent. Now I do not know why we should take a cut before hand and then the next Legislature, in two years, shall take a cut of ten per cent, because it was understood when we were elected that we should have six hundred dollars.

Now I want to say one thing more. I put in an order and said that if you passed it by the 20th of March, that we would save the State of Maine a million dollars, and I meant it. I will tell you why. You would have taken \$2.50 from every ton of coal that came into the State of Maine. What did you do with that order? The first one that went in, a man jumped up, the leader of the Republican party, and tabled it. Pretty soon, the next day, one came in from the Senate.—Oh, the senators wanted me to let that order slip by, but I tabled it. At that time we could keep it on the table. What was the consequence? You haven't got anything. But I think, by that order coming in here, there will be \$2.00 off every ton of coal after the first day of April.

Now here is a man that stood with the money in his hand to pay a thousand dollars on a truck for a license. What was the consequence? You threw it out of the window. That truck bill that we had at that time you would have taken more out of them than you take out of your \$600 a year in the Legislature.

Now you are coming down here on the last days of the session, as I told you when I tried to get that rule in, that they should report a matter out inside of ten days after hearing—you have come down here

and stayed a week longer on that account, because you threw that rule out of the window. Now I know how it is done, and you have seen how it is done, you new men, that everything is kept until the last week to jockey it through, good, bad and indifferent.

I am opposed to the motion of the gentleman from Westbrook (Mr. Scates) for \$540 when you supposed when you were elected that you should have your six hundred dollars. (Applause).

Mr. REA of Lagrange: Mr. Speaker, I want to say just one word in reference to this matter that has been discussed. I am not at all ashamed to accept my six hundred dollars which it was decided by the membership of this House that I should have. I want to call your attention to just one little accomplishment since my being here. I introduced a bill during the session to repeal a certain law, which was repealed within the last ten days, which represents a saving of many millions of dollars to this State, which the State would not have saved if it had not been repealed. I do not take all the credit for that myself, because I had the co-operation of the members of this House. I feel I have earned my pay as far as that goes, but I am perfectly ready and willing to accept my cut along with the rest, if you so decide it, but I do not believe that it should be based rather on a mileage basis. I believe if the Aroostook people should be cut ten per cent, the membership within a radius of twenty-five miles of Augusta should be cut twenty per cent, if not twenty-five per cent. They can get home every night and attend to business, and live in their comfortable homes. Living farther away, I could not very well go home—of course I could, but I didn't. That is true of all of us who live a hundred miles or more away. People living way up in Northern Aroostook County—I claim it is an injustice to expect them to stand the same cut as people within a radius of a few miles of the State House.

Mr. WALKER of Rockland: Mr. Speaker, I am not going to get excited about this matter, whichever way it goes, but the progress of this though, through the session of the Legislature, has been interesting. If we had been able to do this the early part of the session, it would have been a graceful gesture which no doubt would have been appreciated,

could we have done it—I am not saying that we could.

But, as time went on, it seemed to be the ambition of the Legislature to get credit for cutting salaries without doing it, and we had some very curious subterfuges offered to attain that end, and which put us in a humiliating position, and the majority of this House is continually allowing itself to be manoeuvred by a superior strategy into the humiliating position that we are in this afternoon.

The Legislature seems about to adjourn without having a balanced budget. It keeps out of the red by counting its assets to the full value. That is the only way we are going to be able to go away and say anything about a balanced budget.

Now we are frittering away our time in this aimless way, apparently because the papers of the State of Maine have been attacking us, have held us up to scorn and ridicule for the last few weeks, and we have been driven into this predicament. If we are able to do anything of this sort, we shall have paid the price and will get no credit; we shall have done it simply because we were cowed into subjection by the slings and arrows of the press, which has little respect for the truth and considerable lack of information.

Now I wish that we could close this matter up in a kind of decent and manly way—I will not say womanly, because the three members of the opposite sex in the House have acquitted themselves about as manfully on this question as anyone else—they have been guilty of none of these subterfuges which have been presented here in order to get by.

Mr. LINDSEY of East Machias: Mr. Speaker and members of the Eighty-sixth Legislature: I come from a long way, like a great many of my Arrostook County friends. I came up here with the expectation of receiving \$600 salary when I got through, but I have been voting consistently ever since I came here to cut the salaries of the State officials, and to be consistent with my action that I have taken ever since I have been here, I am in favor of the order.

Mr. BELANGER of Winslow: Mr. Speaker, I rise to a point of information. Would it be out of order to make a motion to name a committee to investigate whether

it is constitutional or not for us to take a cut? There seems to be a divided opinion here among the legal minds of this House as to whether we can or cannot, and I think, before we discuss this any further, we should find out whether we can or cannot, and if we can, then let us vote on it.

The SPEAKER: The poor old Constitution has been abused a lot this winter. I do not think there is any constitutional question involved in the passage of this order. If the gentleman wants to make a motion for the appointment of a committee, the Chair will entertain it. Do you so move?

Mr. BELANGER: I do, Mr. Speaker.

The SPEAKER: We will have to dispose of this other matter first.

Mr. ASHBY of Fort Fairfield: Mr. Speaker, I am not going to oppose a cut, although I know there are a lot of members here, like myself, who need every cent they have expended in living here this winter to get by with. The banks are closed; our money is tied up, and we have not got a great deal to come and go on. But if I must take a cut, I do not believe the State is a bit poorer than our individual towns, and if I must take a cut I prefer to give it either to the State Treasurer to apply on the State tax for my own town or for the relief of the destitute in my own town. (Applause).

Now if the rest of the members want to go that far, I will go with them. I agree with Mr. Rea that a percentage cut here is decidedly unfair. For the first four weeks of this Legislature a great many of these members in the nearby towns attended four or five days a week to their business. They can come and go and live in their own homes at no extra expense. A few of us come here from the far north, like the gentleman from Eagle Lake (Mr. Burns) and myself, have had to stay here through the entire session, and I will tell you we have not got very rich out of it. Economy has not struck rents and board in Augusta; I have noticed that.

You take members living here in Augusta, for the first four weeks of the session it hardly caused a ripple in their business. For three or four more weeks, two or three days out of the week they attended to their own business. I have been stranded down here, and have had

to hire a man to take my place while I was gone and I am paying him pretty nearly as much as I am getting in salary. You even would deprive me of telephone calls to communicate with my home town. I wonder if the gentlemen advocating these cuts are wealthy men! Probably some of them inherited their money; I don't know. Anyway, I know there are people here like my friend Mr. Burns, from Eagle Lake, who cannot afford to take a \$60 cut. While I will take my \$60 cut if I have to, I prefer to give it to my own town rather than to the State of Maine, and I think my home town is just as hard up as the State of Maine is today.

The SPEAKER: The pending question is on the motion of the gentleman from Winterport—

Mr. SCATES: Mr. Speaker, in regard to the personal remarks of my friend from Sanford (Mr. Valley) I wish they were true. The fact of it is, a week ago last Saturday neither Mrs. Scates nor myself could scrape together eight dollars to pay a person that we owed. And in regard to my friend from Winterport (Mr. Fernald) I assume that the people of that town put a halter around him and dragged him down here. (Laughter). Now I am not as fortunate as that.

The SPEAKER: The pending question is on the motion of the gentleman from Winterport, Mr. Fernald, that this order be indefinitely postponed. All those in favor will say aye; contrary minded no.

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

Eighty having voted in the affirmative and 41 in the negative, the motion prevailed, and the order was indefinitely postponed.

The SPEAKER: The Clerk has in his possession several other matters that are not on the Calendar to be disposed of this afternoon.

In connection with this situation, the Chair wishes to notify all members that from now on for the remainder of this session, except for the morning sessions, it will be impossible to prepare an advance calendar and the calendar for the morning necessarily will not contain all matters to be acted on at the morning session. Papers are constantly coming from the Senate which have just been acted on in that body.

Now the only way that a member can protect himself against some other matter coming up in which he is interested is to be in his seat all of the time during further sessions of the House.

The Chair now lays before the House a matter that was tabled this morning and specially assigned for this afternoon, L. D. 936, an act relating to exemption of certain property from taxation. It was tabled this morning by the gentleman from Wilton, Mr. Blanchard, pending the adoption of House Amendment A, and the Chair recognizes that gentleman.

Mr. BLANCHARD: Mr. Speaker, I yield to the gentleman from Houlton, Mr. Tompkins.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Tompkins.

Mr. TOMPKINS: Mr. Speaker and members of the House: This question is on the matter of the amendment offered to L. D. 936, H. P. 1609. This document, the original bill, amends chapter 13, paragraph three of section six, which exempts certain property from taxation. Among the different classes of property so exempted are the following: "The personal property of all literary and scientific institutions, the real and personal property of all benevolent and charitable institutions incorporated by the State."

Now in the State of Maine we have a great many summer camps. These summer camps are run for profit and L. D. 936 provides "that the provisions of this paragraph shall not apply to a summer camp, or other seasonal resort, which derives a profit on its actual operating and administrative expenses incurred thereat or within the State of Maine, nor to that part of its property from which it receives compensation in the form of rent. Such camp or resort shall keep full financial records which shall at all times be open and available to inspection by the tax assessors of the town or city wherein it is located." Now this amendment which has been offered to the proposed bill I have just read provides "nor to a summer camp, or other seasonal resort whose charitable benefits are conferred principally upon non-residents of the State of Maine." In other words, we have in this State summer camps run for the benefit of the poor children of cities outside

of Maine. They are sent down here for the summer for a short time to get a breath of fresh air and some good, wholesome food from this State, and it does not seem to me to be fair to tax the property of those institutions which are charitable in their object, regardless of the fact that the principal benefit is conferred upon non-residents. We receive their money here for the food they consume and for the other things that they bring to the State. It is a good advertisement for this State to have these summer camps, and I cannot see why we should tax them. I move that this amendment be indefinitely postponed.

A viva voce vote being taken, House Amendment A was indefinitely postponed, and the bill had its third reading and was passed to be engrossed.

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

From the Senate: Final report of the committee on
Banks and Banking
Taxation
Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Bill an act reducing the compensation of State officials and employees, S. P. 576, L. D. 866, which was passed to be engrossed in the House on March 28th as amended by House Amendment A in non-concurrence.

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

In the House:

Mr. CLEMENT of Berwick: Mr. Speaker, I wish to offer House Amendment B.

Thereupon, under suspension of the rules, the House voted to reconsider its action whereby this bill was passed to be engrossed.

Senate Amendment C was read.

Mr. FLANDERS of Auburn: Mr. Speaker, I for one do not understand the amendment and I would like to have it read again.

Senate Amendment C again read.

Mr. MACK of Veazie: Mr. Speaker, it seems to me that, if we are going to be called on to pass on matters here, we are entitled to a

little more careful inspection of the documents coming in and should have an opportunity to look them over. This, to my mind, seems to be trying to undo what we voted so carefully against the other day in not allowing the emergency clause to go on to this bill or a similar bill. I cannot see any other intent of this particular amendment. I do not know whether I am right in that, but to me it does seem that in matters of this kind and of such importance we should be conversant with the facts as they are brought in to us and that at least we should have a little explanation of them.

The SPEAKER: The Chair will be glad to attempt to explain any matters within its power. This particular amendment seemed so simple, as it is printed, that the Chair did not feel that any explanation of that was necessary.

Mr. Piper of Bangor: Mr. Speaker, does that come in here under an emergency clause?

The SPEAKER: No, it is simply a Senate amendment.

Mr. PIPER: Under the Constitution unless a bill or an act is protected by an emergency clause can it go into effect within ninety days after the Legislature adjourns?

The SPEAKER: I would rather not rule on a matter of Constitutional law.

Mr. PIPER: I would like to refer the question to the lady member from Portland (Miss Laughlin) and see if we can get information on that point.

The SPEAKER: The Chair understands that the gentleman from Bangor, Mr. Piper, inquires of the member from Portland, Miss Laughlin, the effect of this Senate amendment.

Miss LAUGHLIN: Mr. Speaker, I am puzzled to know just what the effect of that would be; but if it means anything it would seem to take effect at once and I suppose you could consider than an emergency clause if it got a two-thirds vote. I should think the effect of it would be to put it into effect at once, but that would require the same vote as an emergency clause. There is no law which shows the exact language to be used for an emergency. It seems to me that in effect would be an emergency clause and require a two-thirds vote.

The SPEAKER: The question is the adoption of Senate Amendment C in concurrence. The gentleman from Winterport, Mr. Fernald.

Mr. FERNALD: Mr. Speaker, the other night we voted here almost unanimously that we were not going to cut the State employees until July 1st. That is the way we felt about it. Now the Senate does not agree with us. My notion is that we want to stand the way we stood the other night. These State employees should not have their cut until July 1st. They should have a chance to get on their feet and get their budget straightened out. My motion is that Senate Amendment C be indefinitely postponed in non-concurrence.

A viva voce vote being taken, the motion prevailed.

Mr. ROUNDS of Portland: I move that we reconsider that vote and I hope that everybody will vote against it.

The SPEAKER: The gentleman from Portland, Mr. Rounds, moves that we reconsider our action just taken whereby we indefinitely postponed Senate Amendment C and he further states that he hopes his motion does not prevail.

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

The SPEAKER: The pending question is the motion of the gentleman from Berwick, Mr. Clement, that House Amendment B be adopted. The Clerk will read House Amendment B.

House Amendment B to S. P. 576, L. D. 866, entitled an act reducing the compensation of State officials and employees. Amend said bill by adding at the end of the first sentence of section two thereof, the following words: "provided, however, that no person that would otherwise receive nine hundred dollars or less per year shall be effected by this reduction, and provided further, that no person that would otherwise receive under the provisions of this act less than nine hundred dollars per year."

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Clement.

Mr. CLEMENT: I yield to the gentleman from Winterport, Mr. Fernald.

Mr. FERNALD: Mr. Speaker, this is not my amendment, by the way, (Laughter) and it does not affect anybody down in Waldo county that I am aware of. The gentleman's amendment, as I understand it, is this: If there is anybody working for the State of Maine and receiving nine hundred dollars, or seventeen dollars and

some odd cents a week, the gentleman's position is this: He does not feel that they should be given the ten per cent cut. Then if there is anybody receiving between nine hundred and a thousand dollars, and we give them the ten per cent cut, under this amendment, the cut would not be permitted to cut them below nine hundred dollars. In other words, this is to take care of the little fellow, the scrub woman and the stenographer and the fellow that is not getting enough to live on. It is to protect the janitors down stairs who are working eleven hours a night here and protecting this building so that some of the politicians won't steal it. It is to protect the little fellow. It is simple enough and that is all there is to it. I think it is fair and just. It would be too bad to take the bread and butter out of people's mouths who are just getting by now. We are not going to. We are not going to help present economic conditions in the State of Maine by taking bread and butter away from the workingman and the little fellow who is just getting by.

The SPEAKER: The Chair understands the gentleman from Berwick, Mr. Clement, moves that House Amendment B be adopted.

A viva voce vote being taken, amendment B was adopted, and the bill was passed to be engrossed as severally amended in non-concurrence.

From the Senate: Resolve in favor of Lillian R. Cushman, H. P. 1553, L. D. 1027, which was passed to be engrossed in the House on March 22nd.

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

In the House: Senate Amendment A read.

Mr. SARGENT of Brewer: Mr. Speaker, with the assurance that I have received from the members of the Inland Fish and Game Department and the Appropriations committee that this was not an attempt to send this resolve to the graveyard, I move that the House concur in the adoption of Senate Amendment A.

On motion by Mr. Sargent, the House voted to reconsider its action whereby this bill was passed to be engrossed. On further motion by the same gentleman Senate Amendment A was adopted in con-

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

From the Senate: Bill an act relating to pauperizing of unemployed wage earners, S. P. 42, L. D. 26, on which the House accepted the majority report of the committee on Labor and passed the bill to be engrossed and amended by House Amendment A on March 28th in non-concurrence.

Comes from the Senate that body voting to adhere to its former action whereby the minority report ought not to pass was accepted.

In the House:

The SPEAKER: Is there anybody interested in this bill at all? The Chair awaits a motion.

On motion by Mr. Breen of Lewiston, the House voted to insist on its former action and ask for a committee of conference.

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 adhered to its former action on March 27th whereby it accepted the majority report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on March 17th.

Comes from the Senate that body insisting on its former action whereby the minority report reporting "Ought to pass" was accepted and the bill passed to be engrossed and asking for a Committee of Conference and with the following Conference members appointed on its part:

Messrs. McLoon of Knox, Littlefield of York, Bartlett of Oxford.

In the House:

Mr. SMITH of Vinalhaven: Mr. Speaker, I move that we recede and join the Senate in this committee of conference. I will say that we are not taking back water. We have already conferred with the opposition and we are going to try and get together and have a Commission appointed to study the question and report to the Legislature.

Mr. GRAVES of Mt. Desert: Mr. Speaker, I would like to say that, as I understand it, all the Senate would like to have is the jacket of this bill, and in that they will put a resolve or an act to appoint a Commission. That is about the only way they can get at it. They would like to have the jacket if we are willing that they should have it.

The motion of Mr. Smith prevailed and the Chair appointed as con-

ferrees on the part of the House, Messrs. Smith of Vinalhaven, Peacock of Lubec, and Graves of Mt. Desert.

The SPEAKER: The Chair appoints on the conference committee on act relating to pauperizing unemployed wage earners, Mr. Breen of Lewiston, Miss Laughlin of Portland and Mr. Lord of Lebanon.

From the Senate: Majority report of the Committees on Public Utilities and Ways and Bridges jointly on Bill "An Act providing for the Regulation of the use of the Highways by Motor Vehicles Transporting Property for Hire in the State of Maine, and for the Supervision and Control of such Motor Vehicles" (S. P. No. 168) (L. D. No. 160) reporting same in a new draft (S. P. No. 629) (L. D. No. 1000) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. Weatherbee of Penobscot, Towle of Kennebec, Bissett of Cumberland, Hathaway of Piscataquis, Abbott of York, of the Senate. Lancaster of Canaan, Rand of Clinton, Bennett of Presque Isle, Jones of Winthrop, Soper of Newport, Graves of Mt. Desert, Ellis of Rangeley, Ryder of Brownville, Breen of Lewiston, Friend of Skowhegan, Flanders of Auburn, Rea of La Grange.

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

Report was signed by the following members:

Messrs. Kitchen of Aroostook, of the Senate. Scates of Westbrook, of the House.

Comes from the Senate the Majority Report accepted, Senate Amendments "A", "B" and "C" withdrawn, a new Senate Amendment "A" adopted and the bill as amended passed to be engrossed.

In the House: Senate Amendment A read.

On motion by Mr. Thompson of Belfast, the bill and accompanying reports and the amendment were tabled and specially assigned for tomorrow morning, the pending question being the acceptance of either report.

On motion by Mr. Mason of Raymond,

Adjourned until ten o'clock tomorrow morning.