

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

ERRATA:

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

Page 854—New draft H. P. 1804, L. D. 1031—Should be H. P. 1704, L. D. 1031.
Page 882—Should be Tompkins of Houlton.
Page 885—Hamel of Wales should be Ham.
Page 888—An Act Relating to the Forty-eight Hour Law, (H. P. 1060) (L. D. 184)—Should be (H. P. 1060) (L. D. 450)
Page 897—An act for the regulation of the practice of hairdressing and beauty culture (H. P. 1513, L. D. 833)—Should be (H. P. 1513, L. D. 823)
Page 900—An act regulating the manufacture and sale of ice cream and other frozen desserts (S. P. 287, L. D. 544)—Should be (S. P. 297, L. D. 544)
Page 912—An Act to provide for a constitutional convention to pass on the proposed twenty-first amendment to the Constitution of the United States (S. P. 661, L. D. 1024)—Should be (S. P. 661, L. D. 1042)
Page 951—Mr. President in 1st paragraph should be Mr. Schnurle.
Page 951—Fernald of Penobscot should be Fernandez.
Page 963—(H. P. No. 1152) (L. D. No. 607) An act relating to state salaries for persons receiving pay from United States Government.—Should be (H. P. No. 1152) (L. D. No. 601)
Page 994—Resolve in favor of the chaplains of the Eighty-sixth Legislature—Should read Senate chaplains.
Page 1000—Act for protection of savings banks and depositors (S. P. 500)—Should be (S. P. 590)
Page 1004—Resolve in Favor of Harriet R. Cushman, (L. D. 1027)—Should be Lilian R. Cushman.
Page 1005—“On this twenty-second nay of—Should be day of.
Page 1011—Delete second (S. P. 639, L. D. 1026)
Page 1011—Delete (L. D. 360) in (S. P. 670) (L. D. 360)
Page 1016—“Resolve in favor of the town of Arrowsic”. (H. P. 244)—Should be (S. P. 244)
Page 1017—“Resolve in favor of the town of Garland.” (H. P. 294)—Should be (H. P. 295)
Page 1018—“Resolve in favor of Highland Plantation.” (H. P. 303)—Should be (H. P. 505)
Page 1018—“Resolve in favor of the town of Knox.” (H. P. 273)—Should be (H. P. 293)
Page 1018—“Resolve in favor of the town of Leeds.” (H. P. 353)—Should be (H. P. 253)
Page 1018—“Resolve in favor of the town of Marion.” (H. P. 678)—Should be (H. P. 679)
Page 1018—“Resolve in favor of the town of Morrill.” (H. P. 302)—Should be Merrill.
Page 1020—“Resolve in favor of the town of Warren.” (H. P. 222)—Should be (H. P. 522)
Page 1021—“An Act for the assessment of a state tax for the year nineteen hundred thirty-three.” (1751)—Should be (H. P. 1751)
Page 1023—An act to provide for a constitutional convention to pass on the proposed twenty-first amendment of the Constitution of the United States (S. P. 661, L. D. 1043)—Should be (S. P. 1023, L. D. 1042)
Page 1058—Town of Knox, H. P. 273—Should be 293.
Page 1058—Town of Leeds, H. P. 353—Should be 253.
Page 1059—Town of Warren, H. P. 222—Should be 522.

HOUSE

Thursday, March 30, 1933

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

Prayer by the Rev. A. W. Brown of Gardiner.

Journal of the previous session read and approved.

From the Senate: Ordered, the House concurring, that S. P. 197, a resolve pertaining to wharf at Popham Beach, in the town of Phippsburg, be recalled to the Senate from the committee on Ways and Bridges (S. P. 664)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: Joint Order relative to Express and Parcel Transportation for Packages for Members and Officers of the Legislature; (S. P. No. 658) which was passed in the House on March 28th in concurrence and a motion to reconsider passage failed, and which was recalled from the files by Joint Order March 29th.

Comes from the Senate passed as amended by Senate Amendment "A" as follows in non-concurrence:

"Amend said order by striking out in the 4th line the words, 'three dollars' and inserting in place thereof 'two dollars', and further amend said order by striking out after the word 'Department' the words 'and the unexpended balance at the close of the year 1933 shall be available for use in 1934'."

In the House, Senate Amendment A read.

The SPEAKER: After this order was passed in the House a motion was made to reconsider, which was killed. The only way the House can now reconsider this order is to suspend the rules which prevent reconsideration, after such reconsideration has been once moved and defeated. To suspend the rules on reconsideration would require the affirmative vote of two-thirds of the members present. All those in favor of suspending the rules so that this matter may be reconsidered will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had, Eighty-nine voting in the affirmative and none in the negative, the rules were suspended.

The SPEAKER: The question now is shall the House reconsider its action taken yesterday whereby this order was passed? All those in favor will say aye, contrary minded no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question now is on the adoption of Senate Amendment A in concurrence.

Mr. HILLS of Northport: Mr. Speaker. I move that the order be indefinitely postponed.

The SPEAKER: The situation at present is that we have Senate Amendment A, and the gentleman from Portland, Mr. Carleton, has an amendment to offer. The gentleman from Northport, Mr. Hills, has moved that the order be indefinitely postponed. Under our Rules a motion to amend takes precedence of a motion to indefinitely postpone. The question now is that of concurrence with the Senate in the adoption of Senate Amendment A. All those in favor will say aye, contrary minded no.

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

Mr. MACK of Veazie: Mr. Speaker, may I ask the parliamentary situation?

The SPEAKER: The order came in amended by Senate Amendment A. While we were getting ready to discuss that, the gentleman from Northport, Mr. Hills, moved that the order be indefinitely postponed in non-concurrence. Under our rules we act on the amendment first and the amendment failed of adoption in non-concurrence. Mr. Carleton of Portland has an amendment which he is prepared to offer if the motion of the gentleman from Northport, Mr. Hills, that the order be indefinitely postponed in nonconcurrency. All those in favor will say aye, contrary minded no.

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

From the Senate: Bill "An Act regulating the Manufacture and Sale of Ice Cream and other Frozen Desserts" (S. P. No. 640) (L. D. No. 1024) which was indefinitely postponed in the House on March 29th, in non-concurrence.

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

Messrs. Robie of Cumberland
Hathaway of Piscataquis
McDonald of Washington

On motion by Mr. Farris of Augusta, the House voted to insist and join in the committee of conference.

Thereupon the Chair appointed as conferees on the part of the House, Messrs. Farris of Augusta, Wallingford of Auburn and Gray of Brooksville.

From the Senate: House report of the committee on Banks and Banking reporting ought to pass in new draft on bill an act relating to rate of interest charged by small loan agencies, H. P. 23, L. D. 19. The new draft was and is H. P. 1690, L. D. 1004.

In the House the report was accepted and the bill was passed to be engrossed on March 29.

Comes from the Senate, the report and bill indefinitely postponed in non-concurrence.

In the House:

Mr. BREEN of Lewiston: Mr. Speaker, I move that we recede and concur with the Senate in the indefinite postponement of this bill.

Mr. SOPER of Newport: Mr. Speaker, if it is in order, I move that we insist and ask for a committee of conference.

Mr. CARLETON of Portland: Mr. Speaker, I move that we adhere.

Mr. FERNALD of Winterport: I move that the members be permitted to smoke, under suspension of the rules.

(That motion prevailed)

The SPEAKER: The Chair now has before it three motions, bearing on this same bill. Under our rules the one made by the gentleman from Lewiston, Mr. Breen, which was to recede and concur takes precedence and should be acted on first. Is there any debate?

All those in favor of the motion of the gentleman from Lewiston, Mr. Breen, that the House recede and concur with the Senate in the indefinite postponement of this bill will say aye, contrary minded no.

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

The SPEAKER: The gentleman from Newport, Mr. Soper, now moves that the House insist on its action taken yesterday and asks for a committee of conference.

A viva voce vote being doubted,

A division of the House was had, Seventy-seven voting in the affirmative and 11 in the negative, the motion prevailed, and the Chair appointed on the conference committee, Messrs. Soper of Newport, Blanchard of Wilton and Mace of Aurora.

From the Senate: Report of the Committee on Federal Relations on Bill "An Act to provide for a Constitutional Convention to Pass on the Proposed Twenty-first Amendment to the Constitution of the United States" (S. P. No. 488) (L. D. No. 803) reporting same in a new draft (S. P. No. 661) (L. D. No. 1042) under same title and that it "Ought to pass"

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

In the House, Senate Amendment A read.

Report accepted in concurrence.

Miss LAUGHLIN of Portland: Mr. Speaker, I would like to have this tabled until later in the day. I would certainly like to offer an amendment to Section five because the number of names on the petition to my mind is ridiculous.

Thereupon the bill was tabled, pending first reading.

From the Senate: Report "A" of the Committee on Judiciary on Bill "An Act to Define and Limit the Jurisdiction of Courts sitting in Equity and for other purposes" (S. P. No. 83) (L. D. No. 99) reporting same in a new draft (S. P. No. 649) (L. D. No. 1041) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. Holmes of Androscoggin—of the Senate; Farris of Augusta, Fernald of Winterport, Goudy of South Portland, Miss Laughlin of Portland—of the House.

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

Report was signed by the following members:

Messrs. Weeks of Somerset, Holman of Franklin—of the Senate;

Hill of So. Portland, Tompkins of Houlton, Eldridge of Eastport—of the House.

Comes from the Senate with Report "A" accepted and the new draft passed to be engrossed as amended by Senate Amendment "A"

In the House:

Mr. FARRIS of Augusta: Mr. Speaker, I move that we concur with the Senate in the acceptance of Report A, which was ought to pass in new draft.

The motion prevailed.

Senate Amendment A read.

Mr. FARRIS: Mr. Speaker, this amendment simply changes the injunction proceedings and the labor dispute, and I move its adoption.

Thereupon Senate Amendment A was adopted in concurrence, the bill had its two several readings and this afternoon assigned.

Orders

Mr. Valley of Sanford presented the following order and moved its passage:

Ordered, the Senate concurring, that all lobbyists be driven from the State House and the Superintendent of Buildings be instructed to use tear gas, if necessary, to enforce this order. (Laughter and applause)

Miss LAUGHLIN of Portland: Mr. Speaker, that order really should have come in a little earlier in the session. (Applause)

Mr. FARRIS of Augusta: Mr. Speaker, I agree with the comment of the lady from Portland, Miss Laughlin, and for that reason I move the indefinite postponement of this order.

The motion prevailed, and the order was indefinitely postponed.

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

Ordered, that the Attorney General of the State of Maine prepare and issue a ruling, and the reasons therefor, as to the constitutionality of Sections 82 to 89 of Chapter 117 of the Revised Statutes and amendments thereto, and to report the same to the Secretary of the Senate and the Clerk of the House of Representatives of the Eighty-sixth Legislature.

The SPEAKER: The Chair recognizes the gentleman from Lagrange. Mr. Rea.

Mr. REA: Mr. Speaker, I will just

say that I presented a Joint Order yesterday morning and this is a House order. For some reason or other the Joint Order was pigeon-holed or laid on the table in the Senate. This is something where quick action is necessary, so I present this House order.

At this point a communication was received from the Senate, through its Secretary, proposing a Joint Convention of both branches of the Legislature, to be held in the hall of the House of Representatives forthwith, for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as pleases him.

The SPEAKER: The House hears the message.

On motion by Mr. Carleton of Portland, the House voted to concur with the Senate in the request for a Joint Convention.

Thereupon the Clerk conveyed to the Senate the concurrence of the House, subsequently reporting that he had performed the duty with which he was charged, which report was accepted.

The SPEAKER: We are proceeding under orders, particularly the order of the gentleman from Lagrange, Mr. Rea.

Mr. FARRIS of Augusta: Mr. Speaker, I read in the paper this morning that a Joint Order was on the table, having been tabled in the Senate yesterday. This is a little out of the ordinary to pass a House order before the Joint Order is disposed of; and I move that this order lie on the table until afternoon, until we see what action the Senate takes.

The motion prevailed, and the order was tabled until afternoon.

IN CONVENTION

The President of the Senate in the Chair.

On motion by Mr. Viles of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon Honorable Louis J. Brann, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the hall of the House of Representatives, and to extend to him an invitation to attend the Convention and present such com-

munication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee on the part of the Senate:

Messrs. Viles of Kennebec, Robie of Cumberland, Cooper of Waldo, and on the part of the House:

Messrs. Carleton of Portland, Plouff of Dexter, Wright of Bath, Hussey of Augusta, Fenlason of Anson, Tupper of Calais, Thompson of Belfast

Subsequently, Senator Viles, for the Committee, reported that the Committee had discharged the duty assigned it, and that the Governor was pleased to say he would attend forthwith.

The report was accepted.

Thereupon, the Honorable Louis J. Brann, Governor, and suite entered the hall amid applause, the audience rising, and the Governor addressed the Convention as follows:

To the members of the 86th Legislature:

A serious situation has developed in the financial affairs of our State.

Immediate and decisive action is necessary to safeguard the credit of the state.

The causes are:

First: Uncollected taxes due from cities and towns amounting to \$1,223,670.00.

Second: The falling off in the present fiscal year of estimated indirect state income of approximately \$2,000,000.

Third: The immediate and direct cause of the treasury situation is that the State has on deposit in closed or restricted banks the sum of \$1,048,000.00. This sum is not available for current needs.

The collection of direct or indirect taxes will be further delayed:

First: By the fact that many cities and towns have their funds in closed banks.

Second: By the inability of the State to collect seasonably if at all, the bank tax from closed banks.

Third: The inability of those owing indirect taxes to the State to pay, due to their checking accounts being in closed banks.

The State today has available \$335,000.00.

The unexhausted borrowing capacity of the State is only \$400,000.00 and this must be immediately utilized to retire and pay the interest on bonds accruing on April 1, amounting to \$310,500.00.

In addition, salaries, legislative expenses and current bills must be immediately paid to preserve the credit of the state.

The Legislature and the Executive have taken the position that the state tax should not be increased notwithstanding the decrease in state income.

I believe in a firm adherence to this policy.

We should first employ all our powers to reduce, limit and curtail expenditures, and to produce a balanced treasury situation.

The future income of the state from all sources is of a highly problematical nature.

The great need is for the power to establish flexibility in the handling of state revenues and expenses.

The Legislature is about to adjourn.

I respectfully suggest that as a primary means of meeting the present situation, legislation be forthwith enacted giving the Governor and the Council the power:

To readjust all appropriations in keeping with income;

To delay the expenditures of appropriations where no funds are available therefor;

To curtail whenever necessary departmental, institutional and all other governmental expenses;

To authorize transfers from one appropriation to another, whenever necessary;

To equalize and balance the budget;

To curtail, if necessary, work programs, and to readjust current expenditures to current income.

If this method fails the Chief Executive is under the solemn duty to reconvene the Legislature in special session.

I could not close this brief, yet important message, without public acknowledgment of my gratitude for your thoughtful, intelligent, and gracious cooperation with the Chief Executive.

Your willingness to consider the best interests of our state have been a constant source of encouragement to me.

You will leave for your several homes with my best wishes for yourselves and your families and for the happiness and well-being of your constituents. I thank you. (Applause, the audience rising)

The Governor and Council then retired.

The purpose for which the Con-

vention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to the Senate Chamber, amid the applause of the House, the members rising.

IN THE HOUSE

The Speaker in the Chair.

Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the legislature on Bill "An act to Reduce Certain Fees of Deputy Sheriffs for the next two years" (H. P. No. 1399) (L. D. No. 705) reporting that the House recede from its position whereby it adopted House Amendment "A" and passed the bill to be engrossed as amended, indefinitely postpone House Amendment "A" in concurrence, and adopt House Amendment "B" submitted herewith; and that the Senate recede from its position whereby it passed the bill to be engrossed and concur with the House in the adoption of House Amendment "B."

(Signed) Mr. Flanders of Auburn, Miss Laughlin of Portland, Mr. Rush of Millinocket—Committee on part of House; Messrs. Towle of Kennebec, Winn of Androscoggin, Page of Somerset — Committee on part of Senate.

The report of the Conference Committee was accepted.

Under suspension of the rules, the House reconsidered its action whereby this bill was passed to be engrossed; the House also reconsidered its action in adopting House Amendment A.

Thereupon House Amendment A was indefinitely postponed in concurrence.

House Amendment B to H. P. 1399, L. D. 705, entitled an act to reduce certain fees of deputy sheriffs for the next two years.

Amend said bill by striking out all after the enacting clause and substituting therefor the following:

"Sec. 1. Suspension of certain laws. From the effective date of this act the operation of all acts and parts of acts inconsistent with any of the provisions of this act are hereby suspended for a period of 2 years only.

Sec. 2. Fees reduced. Every deputy sheriff and court messenger while in attendance upon the supreme judicial court or the superior

court in their several counties shall receive for said attendance and service the sum of \$4.50 per day and said deputy sheriffs shall not receive any other or additional compensation for any services whatsoever performed by him while in attendance upon said courts or upon either of them. Every deputy sheriff, while performing special duties under order of the sheriff shall receive for such services, the sum of \$4.50 per day, together with necessary incidental expenses, including traveling expenses incurred in the performance of official business at not exceeding 7 cents per mile, to be paid from the county treasury, the bill for which shall be audited as provided in section 1 of chapter 48. Said deputy sheriffs shall not receive any other or further compensation for any services whatsoever performed in the capacity of deputy sheriff while performing said special duties under oath of the sheriff.

Sec. 3. Limitation of act. This act shall remain in effect for a period of 2 years only from the taking effect thereof.

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

Reports of Committees

Mr. Sargent from the Committee on Federal Relations reported "Ought not to pass" on Bill "An act to provide for a Convention to pass upon the Proposed Twenty-first Amendment to the Constitution of the United States" (H. P. No. 1538) (L. D. No. 846).

Mr. Rea from the Committee on Ways and Bridges reported same on Bill "An act relating to Snow Removal" (H. P. No. 131) (L. D. No. 66) as it is taken care of in another bill.

Same gentleman from same Committee reported same on Resolve in favor of the town of Thorndike (H. P. No. 525).

Reports read and accepted and sent up for concurrence.

Same gentleman from same Committee reported same on Resolve in favor of the City of Old Town (H. P. No. 946).

(On motion by Mr. Hickey of Old Town the report and accompanying bill were tabled pending acceptance

and specially assigned for later in the day.)

Mr. Fenlason from the Committee on Appropriations and Financial Affairs on Bill "An act relating to the Maintenance of the Androscoggin Lake Dam" (H. P. No. 66) (L. D. No. 48) reported same in a new draft (H. P. No. 1738) under same title and that it "Ought to pass."

On motion by Mr. Norris of Wayne, tabled pending acceptance of report, and the new draft ordered printed under the Joint Rules.

First Reading of Printed Bills and Resolves

(H. P. No. 1735) (L. D. No. 1043) An act relative to increase of the State debt limit.

(H. P. No. 1736) (L. D. No. 1044) An act to provide for the issue of bonds for emergency relief.

(H. P. No. 1733) (L. D. No. 1045) Resolve in favor of the city of Old Town.

(H. P. No. 1734) (L. D. No. 1046) 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 State or political subdivisions thereof.

Passed to be Engrossed

(H. P. No. 1152) (L. D. No. 607) An act relating to State salaries for persons receiving pay from United States Government.

Mr. GOUDY of South Portland: Mr. Speaker, for the reason that I feel that it is my duty as a member of the Legislature to do what I can to avoid passing a bill that is absolutely unconstitutional, is class legislation, is discriminatory and vicious, I move the indefinite postponement of this bill.

Mr. FARRIS of Augusta: Mr. Speaker, I rise to second the motion of the gentleman from South Portland (Mr. Goudy) I do not believe that the members of this Legislature realized what they were passing when they passed this bill here in the House. I do not believe that the gentleman from Caratunk (Mr. Sterling) realized how far-reaching the effects of this bill would be.

Under the provisions of this bill "no person shall hold a civilian office or position, appointive or elective, under the government of the State of Maine". Do you realize that

that means that a man receiving retired pay under this act would be disbarred from being a candidate for Governor for the State of Maine? I am heartily in accord with the opinion of the gentleman from South Portland (Mr. Goudy) that this is unconstitutional and should be indefinitely postponed.

Mr. STERLING of Caratunk: Mr. Speaker, I think the gentleman from Augusta, Mr. Farris, is speaking about the first bill and not the new draft. I had hoped that we would not have to make any fight in the House on this bill. I have not changed my mind about the bill and I do not believe the members of the Legislature have changed theirs, either. Therefore, I hope that the motion to indefinitely postpone does not prevail.

Mr. FARRIS: Mr. Speaker, there is another reason why I think it is unconstitutional and that is because the bill which the gentleman from Caratunk, Mr. Sterling, has spoken of really discriminates against certain employees of the State who are now receiving compensation. It strikes at the retired army officer and exempts the smaller officer, so it is in the category of class legislation and I still insist that it is unconstitutional. We do not want to go on record here and pass an unconstitutional law in this body. I hope that the motion of the gentleman from South Portland, (Mr. Goudy) will prevail.

The SPEAKER: The gentleman from South Portland, Mr. Goudy, moves that this bill be indefinitely postponed. All those in favor will say aye, contrary minded no.

A viva voce vote being doubted,

A division of the House was had

Sixty-four voting in the affirmative and 49 in the negative, the motion prevailed and the bill was indefinitely postponed.

Mr. FARRIS: Mr. Speaker, I move that we reconsider our vote just taken whereby we indefinitely postponed this bill and I hope that my motion will not prevail.

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

Passed to be Enacted

(S. P. No. 313) (L. D. No. 521) An act relative to the making and publishing of rules and regulations by the Commissioner of Inland Fisheries and Game.

(S. P. No. 602) (L. D. No. 947) An

act relating to commitment to hospitals by municipal officers.

(H. P. No. 32) (L. D. No. 95) An act relative to the trial terms of the Superior Court.

(H. P. No. 1638) (L. D. No. 972) An act relating to elections in the City of Biddeford.

(H. P. No. 1689) (L. D. No. 1002) An act amending the Blue Sky Law.

(H. P. No. 1697) (L. D. No. 1019) An act relating to disclosures of the affairs of corporations and the place within counties in which disclosures are to be made.

(H. P. No. 1708) (L. D. No. 1022) An act relating to minimum wages for laborers.

(H. P. No. 1710) (L. D. No. 1036) An act providing for town line signs.

Finally Passed

(S. P. No. 112) (L. D. No. 1011) Resolve providing for an increase in State pension for Addie L. Coombs, of Montville.

(S. P. No. 631) (L. D. No. 1012) Resolve providing for a State pension for Hattie Boynton, of Montville.

(S. P. No. 632) (L. D. No. 1013) Resolve providing for a State pension for Valdimir B. Jones, of Waldo.

(S. P. No. 633) (L. D. No. 1015) Resolve providing for a State pension for Elida F. Whitcomb, of Montville.

(S. P. No. 635) (L. D. No. 1010) Resolve in favor of Township No. 10.

H. P. 804, L. D. 1037: Resolve in favor of the town of Veazie to reimburse said town of Veazie for support of Archie L. Mishio and family, State paupers.

Passed to be Enacted

(Emergency Measure)

H. P. 1706, L. D. 1021: An act providing for the temporary support and regulation of insurance companies.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

One hundred and fifteen voting in the affirmative and none in the negative, the bill was passed to be enacted.

The following paper from the

Senate was taken up out of order under suspension of the rules:

From the Senate: Bill "An act to provide Flexibility in the Handling of State Revenue and Expenditures during the period of the present State Cash Stringency." (S. P. No. 666)

Comes from the Senate received by unanimous consent under suspension of the rules, given its two several readings without reference to a Committee and passed to be engrossed, and sent down for concurrence.

In the House:

The SPEAKER: This is the bill suggested by His Excellency, the Governor, this morning in his address to the Joint Convention providing means to meet the serious emergency that confronts the State in its finances. Is it the pleasure of the House that the bill be received by unanimous consent and under suspension of the rules.

Mr. FERNALD of Winterport: Mr. Speaker, I regret the necessity of disagreeing with the Governor, but I feel that there is another alternative. We are elected as members of the Legislature to carry out certain legislative functions. It is quite evident, from what the Governor has said, that we have not balanced the budget. That is our responsibility.

Now the alternative is that we come back here next week and calmly and clearly make a study of the situation and pass some revenue measures. There have been plenty of revenue measures presented before this Legislature that would have helped balance the budget, but they have been thrown out the window without due consideration.

Now the people in Maine expect us as their representatives to be their representatives, and I am willing to come back here at \$2.00 a day, if there is a necessity of it, and finish my job. I am not going to say right now as a Representative in the Maine Legislature that we have been here three months and we cannot do our job, and that we have got to hand over our authority to the Governor and Council.

I believe there are 151 members here who can sit down sanely and candidly consider the situation when they realize the true situation and settle this point. I have confidence in our ability to settle this question and to balance the budget and to provide revenue. I

do not believe this Legislature is willing to say "Let's quit and turn it over to somebody else." I do not believe in passing the buck that way. I do not believe in shifting responsibility to the Governor and Council. Now we, as the duly elected representatives of the people of Maine are as well informed as to what our people want as a small group of men. Now I have full confidence in the Governor and the Governor's Council, but I believe it is our function, it is our duty and our responsibility, to do our job and to do it right and to do it right here in Augusta before we go home, and I cannot, under the oath of office that I assumed here in January, give my consent to the introduction of this bill.

Mr. FARRIS: Mr. Speaker, it does not seem to me that the gentleman from Winterport (Mr. Fernald), senses the times that we are now facing.

The SPEAKER: The Chair did not understand whether the gentleman from Winterport, Mr. Fernald, objected to receiving this bill by unanimous consent.

Mr. FERNALD: I do, Mr. Speaker.

The SPEAKER: Then that ends it so far as present proceedings are concerned and it cannot be received under our Rules.

Mr. WRIGHT of Bath: Mr. Speaker, I would like to inquire of the Chair if there is any other way that this bill can be introduced by vote of the members.

The SPEAKER: We have taken some bills into both branches under an order suspending the joint closing order and I assume that will be attempted in the case of this bill.

Orders of the Day

The Chair lays before the House the first matter tabled and specially assigned for today, bill an act relating to the licensing of aircraft, S. P. 277, L. D. 1038, tabled March 29 by Mr. Belanger of Winslow, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Belanger, the bill was given its third reading and that gentleman presented House Amendment A as follows:

House Amendment A to S. P. 277, L. D. 1038, bill an act relating to the licensing of aircraft.

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

fees. All resident aircraft owners shall register such aircraft with the Secretary of State, and the fee for such registration shall be one dollar. All resident pilots shall register with the Secretary of State and the fee therefor shall be one dollar. All non-resident aircraft owners coming into this State for commercial purposes shall register with the Secretary of State and shall pay a fee of fifteen dollars. All non-resident pilots coming into the State for commercial purposes shall register with the Secretary of State and shall pay a fee of ten dollars."

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

The Chair lays before the House the second matter tabled and today assigned, House Amendment A, L. D. 1047, to bill an act relating to the making of local regulations for fishing and game sanctuaries, S. P. 643, L. D. 1032, tabled March 29 by Miss Laughlin of Portland, pending adoption; and the Chair recognizes that member.

On motion by Miss Laughlin House Amendment A was adopted and the bill had its third reading as amended by House Amendment A and was passed to be engrossed in non-concurrence.

The Chair lays before the House the third matter tabled and today assigned, resolve in favor of the Pownal State School for additions and improvements, S. P. 638, L. D. 1025, tabled March 29 by Mr. Hawkes of Richmond, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Hawkes, the resolve was retabled and specially assigned for this afternoon.

The Chair lays before the House the fourth matter tabled and today assigned, resolve in favor of the Pownal State School for additions and improvements, S. P. 639, L. D. 1026, tabled March 29 by Mr. Hawkes of Richmond, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Hawkes, the resolve was retabled and specially assigned for this afternoon.

The Chair lays before the House

the fifth matter tabled and today assigned, House order relative to list of Ways and Bridges resolves, tabled March 29 by Mr. Farris of Augusta, pending passage; and the Chair recognizes that gentleman.

On motion by Mr. Farris, retabled and specially assigned for tomorrow morning, awaiting the report of the Ways and Bridges committee.

The Chair lays before the House the sixth matter tabled and today assigned, resolve proposing an amendment to the Constitution raising the State debt limit, H. P. 851, L. D. 262, tabled March 29 by Mr. Fernald of Winterport, pending final passage; and the Chair recognizes that gentleman.

On motion by Mr. Fernald retabled and specially assigned for tomorrow morning.

The Chair lays before the House the seventh matter tabled and today assigned, majority report ought to pass in new draft, new draft Legislative Document 1000, and minority report ought not to pass 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. 168, L. D. 160, which came from the Senate the majority report accepted, Senate Amendments A, B and C withdrawn and a new Senate Amendment A adopted, and the bill as amended passed to be engrossed. Both reports tabled March 29 by the gentleman from Belfast, Mr. Thompson, pending acceptance of either.

You have before you, on your desks, mimeographed copies of Senate Amendment A, the one and the only one that was finally adopted in the Senate, and is now pending. The Chair recognizes the gentleman from Belfast, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker, I now move the acceptance of the majority report in concurrence.

The SPEAKER: The pending motion is that made by the gentleman from Belfast, Mr. Thompson, that the majority report ought to pass in new draft be accepted in concurrence.

(Mr. Williams of Dover-Foxcroft assumes the Chair)

Mr. TOMPKINS of Houlton: Mr. Speaker and members of the House: This is probably the most important legislation that the members of this House will have to consider in the closing days of this session.

This is 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 regulation and control of such motor vehicles.

The declaration of policy in this act says: "The business of operating motor trucks for hire on the highways of this State affects the interests of the public. The rapid increase in the number of trucks so operated, and the fact that they are not effectively regulated, have increased the dangers and hazards on public highways, . . ."

How does this act propose to remedy trouble? In Section 2, on page 3 of this act, it is provided: "A certificate shall be granted as a matter of right when it appears to the satisfaction of the commission, after a hearing, that an adequate and reasonable service is being rendered by the applicant over the route or routes covered by the application, and that the applicant has been operating substantially uninterrupted service over said route or routes from the first day of October, 1932, and in cases where such service has been rendered, the operation may lawfully be continued pending the issue of such certificate, provided application therefor is made within 15 days from the effective date of this act." Except as above provided if 2 or more operators who have been engaged in the transportation of property as common carriers before this act becomes effective apply for a similar certificate authorizing them to perform substantially the same service in the same territory under similar conditions, and if the commission shall be of opinion, in accordance with the provisions of this section, that certificates should be granted to some but not all of such applicants, preference shall be given to the operator or operators who have been long engaged in such service, . . ."

The first section which I read, and which refers to these carriers who have been engaged in the public transportation of property previous to March 1, 1932, is known as the "grandfather" clause. That is what the railroad attorneys called

it in the public hearings which were held here this session of the Legislature. I would call it the "great-grandfather" clause, because the second section applies to those carriers who institute services described in this section after March 1, 1932. So they are great-grandfathers.

Now this section does not take away from or drive out any of the carriers who had been operating before March 1, 1932, so that the hazards that they speak of in the preamble are in no way reduced by this bill. What this bill does is not to reduce the hazards of the highways, but it regulates the tariffs that may be charged by public carriers upon the highways. That is what it does.

Now there are two classes of carriers under this bill. First, there is the common carrier, so called. He is the carrier who has an established business along an established line in the State, and he is called a common carrier and has to file his tariff schedule. I have no quarrel with that section whatever, but the section of the law that I do quarrel with is the one regulating the contract carrier, and that is the one that all the citizens of the State are vitally interested in.

This contract carrier is the man who goes out and hires his services to carry goods, not over an established route, but anywhere in the State. This act would attempt to circumscribe his activities. It would require him first to get a permit from the Public Utilities Commission, and the contract carrier, I submit, is not a public utility. Then, after he has obtained his permit, he must file rates, and Section 5 provides the rates that he shall file, but in Section 5 (D), if you will notice the last five lines, it says nothing in this paragraph shall apply to the transportation of property by motor vehicles of any common carrier whose "rates charged to the public for transportation of such property are already published and filed with the commission."

Now that applies to the railroads. They do not have to file their rates if they propose to carry freight by truck.

This bill has already had submitted an amendment in the Senate, and this amendment makes provision to this effect—I refer to Section 2 of the amendment:

"Further amend said bill by adding thereto a new section to be numbered section 10-A, and to read as follows:

"Carrier trucks when carrying property to warehouses, railroads or boats for re-shipment by rail or vessel, and when carrying logs, wood or lumber to mills for manufacture, shall not be subject to rate regulation for such service."

Now that is Section 10-A.

If you will turn to the printed bill, you will find that Section 13 "Validity of act," provides that "If for any reason, any section, subsection, sentence, clause or phrase of the foregoing sections 1 to 9, inclusive, of this act shall be held unconstitutional, such decision shall not affect the validity of any other portion."

If this act should be held unconstitutional—I am not going to say that it is unconstitutional—it is my guess only that it might be, the court has the last guess on it—if it is held unconstitutional, it will not affect the rest of the sections in this act, and the act would stand in its present form.

It seems to me that this is a step backwards, because it is a bill which in reality will block progress that has been acquiring momentum in this country many years. The same cry is being put up today against the trucks that was put up against the railroads when they first came into operation in this country, and I do not think that by enacting a measure of this sort that you can regulate the carriers of this country in that way, without doing great harm and great damage to the citizens of the State and of the Nation.

The highways are the property of the public. This bill in no way protects the highway; it is only a bill to regulate tariffs for trucks. I hope the motion of the gentleman from Belfast (Mr. Thompson) will not prevail.

Mr. FARRIS of Augusta: Mr. Speaker, I agree with the gentleman from Houlton (Mr. Tompkins) that this is one of the most important measures that is coming and has come before this Legislature. It affects the welfare of every man and woman in the State of Maine from an economic standpoint. It also affects the economic welfare of the entire State as a commonwealth.

Now we recognize that prosperity cannot be achieved until the railroads are put on a sound earning and financial basis, first, because the railroads are the second largest industry, exceeded only by agriculture.

Second, upon the conditions of the railroads of the United States depends the welfare of every American citizen.

Third, eighteen billion dollars of the savings of the great mass of our people are tied up in railway securities. Five billion of them are held by insurance companies and savings banks. You all know that the savings banks in Maine, and many of our trust companies, are on the verge of bankruptcy today. They have large investments in railroad stocks and bonds, and the market is in such condition that they cannot raise money to pay their taxes.

Fourth, in normal times 1,700,000 families depend on the railroads directly for their livelihood; millions indirectly.

Fifth, every industry shares in the benefits of the \$6,000,000,000 the railroads disburse annually when they are prosperous.

Sixth, National, State and Local Governments collect from the railroads a million dollars a day in taxes.

Now you know that the railroads of the State of Maine are paying an excise tax of four per cent on their gross earnings in these times of stress, when the income from direct taxes has fallen off to such an extent that our Governor has come before us this morning, asking us if we would give extraordinary powers to the Governor and Council so that when we go home they can balance appropriations to meet the income. The return of prosperity of the railroads is necessary for the return of prosperity to the entire State. The ability of the railroads to pay a fair return on their investment affects practically every one in almost every walk of life. The normal purchasing power of the railroads constitutes our country's greatest single market.

Increased employment in almost all industries depends largely on the restoration of the purchasing power of the railroads.

Now it is time for action in this State, to place the trucks and competitors, common carriers, on an equal basis with the railroads.

We recognize the need, in fact the absolute necessity for bringing about a proper balance between railway and highway transportation. The State needs both. Each has its part to play in the welfare of the State, and an economic equilibrium is established thereby. Let us not handicap either industry, but give both an even break.

Now the gentleman from Houlton (Mr. Tompkins) has raised the question in regard to Section 5. I see nothing dangerous in Section 5. Of course it is very easy to stand up here and take a bill and pick it to pieces. I want to say in this connection that this bill was referred to the Joint Committees, and was considered by twenty men of those two committees, and the committee reported eighteen ought to pass in new draft—and two signed the minority report. This bill has been in those two committees for several weeks, and they have given it serious consideration, have redrafted various provisions and have had many hearings on it, and now this is the concerted effort of that committee, and I plead that we should uphold the report of this committee, after all this work.

Now the gentleman has mentioned Amendment A which has come in from the Senate, in regard to further exemption. I did not hear him cite any authorities as to the unconstitutionality of this amendment, because I do not believe he has any. I have been unable to find any, because this is not a discrimination in regard to the regulation of trucks upon the highways; it simply applies to rates.

That matter was brought up before the Supreme Court of South Carolina upon the same point, and the Supreme Court of South Carolina decided that the bill passed by the Legislature of that State was not unconstitutional regarding the rate-fixing. This exempts certain carriers: "Carrier trucks when carrying property to warehouses, railroads or boats for re-shipment by rail or vessel, and when carrying logs, wood or lumber to mills for manufacture shall not be subject to rate regulations for such service." But they are still subject to other regulations which are set up in this bill, so that it puts the trucks upon an even basis with the railroads.

Now about forty states in the United States have passed legisla-

tion regulating trucks, putting them on an even footing with the railroads. Yesterday, the House of Representatives of the State of New Hampshire passed an act of this sort, based on the same proposition, by a vote of nearly three to one, and I think the matter comes up before the Senate in the State of New Hampshire today, and we as citizens of the State of Maine should be in step with the times.

I hope that the motion of the gentleman from Houlton (Mr. Tompkins) will not prevail, and that the committee report which was accepted in the Senate yesterday will be accepted in this House in concurrence.

Mr. ASHBY of Fort Fairfield: Mr. Speaker and members of the House: I am glad that Mr. Farris brought out one point, that the railroads are second in importance to agriculture. Now Aroostook County today is the largest agricultural district in New England, and it is a matter there of whether the railroads or agriculture are going to exist, which one is going to exist.

Now let me go into a little history to illustrate my point. Before the war we landed potatoes from Central Aroostook County into Boston for 21 cents. During the war a crisis existed, and the rates were raised to 39 cents, or nearly double. Well, under the circumstances, the people of Aroostook County accepted the raise, but now the war is over—I do not know as the B. & A. has found out that the war is over yet—however, the war time rates still prevail, although everything that enters into the cost of railroad-ing must be as cheap or cheaper than it was before the war. Arbitrarily, they have maintained their rates, and unless Aroostook County is going to be wiped off the face of the earth as a potato-raising section, we must have some relief, and that relief comes only through trucks.

Now this bill provides that this shall be placed under the Public Utilities Commission, and they tell us that we are safe there, I wonder if that is so! The other day I happened to be in Portland, and I inquired the bus rate of the Boston and Maine buses, which are under the Interstate Commerce Commission, and I found out that the fare from Portland to Boston was \$1.25. When I bought my ticket to come

to Augusta, it cost me \$2.40, nearly twice as much for a little more than half the haul. Well, I paid it, but I felt much as the old Jew did when he was in Palestine and wanted to ride on the Lake of Gallilee, made famous as the place where Christ walked on the waters. He hired a boatman and went out on the lake for a few minutes, but the water was rough and the boat came back; they were gone only about five minutes. He asked the boatman what the charge was, and the boatman told him five dollars. Well, the Jew paid, as I did, but he shrugged his shoulders in the Jewish fashion and he said "No wonder Christ walked." (Laughter)

I paid that \$2.40. I nearly had to walk to Augusta myself. I maintain the Public Utilities Commission in that particular case licensed the Maine Central Bus to hold me up in a typical highway fashion and made me pay \$2.40 of my good money.

The same thing will happen to freight rates on trucks, and we will find ourselves in the same position as we are in today. I want to tell the members of this House that Aroostook County, with its back to the wall, fighting for its very existence, and having the admiration of the whole country for its pluck and courage, is today under the thumb of the most greedy, the most selfish, the most heartless corporation that ever existed in the State of Maine, in the person of the B. & A. Railroad Company. While this typical Nero, President Todd, is, in a figurative sense fiddling, Aroostook County is perishing, and he absolutely refuses to give us relief.

Now they have referred to these exceptions. While we can haul potatoes to the coast, it does not say that we can haul fertilizer back again. It says we can haul logs to the mill, but it does not say that we can bring back the finished products; as a matter of fact, it has made it almost unlawful.

I hope the motion to accept the minority report on this bill will prevail.

Mr. HILL of South Portland: Mr. Speaker and members of the House: The situation with which the State of Maine is today confronted in connection with the use of the highways is, in my mind, a situation which makes it necessary, if not imperative, that there be a

proper regulation of the many trucks and truck lines that are now operating upon those roads and transporting freight over the public highways.

The public highways were built and maintained by public enterprise at public expense and for the public use and convenience; but so great has become the use of the highways by the trucks that our roads are becoming the place of private enterprise, the market place of public gain, and that in no inconsiderable degree affects and impairs the public use of those roads.

It seems to me that there are three elements directly interested in this legislation. The first is the public, and the second is what I might call the legitimate truck owners; and the third is the railroads. Now in what way is the public interested in this bill? Under the present situation any truck owner, and I think this is done largely by out-of-the-State truck owners—any truck owner may send a truck and a driver into the State of Maine, compel that driver to take a long trip—over our highways, we will say, perhaps, from Worcester, Massachusetts, or perhaps from New York City, or he will drive up to Bangor at all hours of the day and night, return back again without sufficient sleep, without sufficient rest so that the driver is unfitted for the time being to discharge his duties carefully in the driving of that car.

Under the bill, in Section 8, the length of time which a driver will be permitted to drive is limited to not more than twelve hours' continuous duty or not more than sixteen hours in the aggregate out of any twenty-four-hour period. Now that provision is, of course, made for the protection of the travelling public, and that is one way in which hazards to the public are protected by the bill.

Now another thing is this: I have in mind an accident which occurred here in the city of Augusta. There was a driver of a truck who drove up to this State, came from outside the State, and negligently crashed into a building and did great damage to the building. The owner of the building immediately sought to take action to protect his rights and obtain compensation for the damage he had suffered. It was found, however, upon investigation, that the company which

owned the truck had no assets, no insurance, and no means of paying any judgment which the owner of the building might recover in the courts. The owner did attach the truck, and then it developed that the truck was mortgaged for more than it was worth, so that there was no equity and the owner of the building had to go without any recompense for his damage.

That simply illustrates what may happen and what does happen under the law as it exists today; but under Section 9 of this bill the operator of the truck would be required to furnish either a sufficient policy of insurance or an ample surety bond for the protection of those whom it might damage, either in property or in their life.

Now the owners of truck lines in this State, the owners of common carrier trucks, are particularly interested in this bill, as well as the public, and as well as the railroads. The operators of common carrier trucks are crying out for protection against the discriminatory, cut-throat, cut-rate practices that are carried on by some of these cheap truck lines that come in from outside the State, and I believe it is true that all the common carrier truck owners who appeared at the hearing before the committee on this bill, all of the owners of these trucks who have expressed themselves in any way as being either in favor or against this bill, have expressed themselves as being in favor of it.

In South Portland, the city which I represent, there are hundreds of people who in normal times are employed by railroads. That is true in many cities of the State. We have a large population which is directly affected by the condition of the railroads. Now nobody would contend that the lack of prosperity of the railroad in the present day is due primarily to competition from trucks. It is due, of course, primarily, to the economic depression, but it is affected by unfair competition from the trucks, and if the people who are employed in normal times by the railroads are to be benefitted; if the people who hold the securities of these railroads are to be benefitted; if the people who have funds on deposit in our banks which hold securities of these railroads are to be benefitted, this is one means of providing that benefit, by enacting this legislation, to put the railroads

on a fair basis of competition with the truck lines.

Now I would like to point out, lest there be some misunderstanding, some of the things that this bill does not do. This bill is not a revenue measure. It is not designed for producing revenue, or taxing the trucks, or taxing the trucks out of existence, or anything of that kind. It is simply a regulatory measure. The bill, furthermore,—and I think there may have been some misunderstanding on this point—does not provide that the rates to be charged by any truck line must be on a par with the rates charged by railroads. There is nothing of that kind in this bill. It simply provides that the truck rates must be fair and reasonable in consideration to the particular service that the truck line performs.

Now the gentleman from Fort Fairfield (Mr. Ashby), has attacked the Bangor and Aroostook Railroad. I am not here to defend the Bangor and Aroostook, or any other railroad. The Bangor and Aroostook Railroad is not on trial before this body. That is not a question with which we are confronted. The question is whether or not this bill should pass as a fair measure, providing fair regulation for the operation of trucks. The opposition, so far as has developed here this morning, seems to come from Aroostook County. The opposition seems to be based upon a fear that the farmers in Aroostook County will be put at a disadvantage, put under some hardship by the measures of this bill. If I thought that this bill were to be operated in that manner, I should not be urging this House to pass it.

Objection has been raised to the new Senate Amendment A. I would like to read part of that amendment:

“Sec. 10-A. Further exemptions. Carrier trucks when carrying property to warehouses, railroads or boats for re-shipment by rail or vessel, and when carrying logs, wood or lumber to mills for manufacture, shall not be subject to rate regulation for such service.”

Now what is the reason for that amendment? That amendment is offered, as I understand, simply for the additional protection of the farmers in Aroostook County who wish to ship their potatoes by truck to Searsport or Bucksport, to be re-shipped by water. Under the

terms of that part of Senate Amendment A, those trucks would not be subject to the rate regulation. The Senate Amendment, as has been pointed out, does not exempt those trucks from any of the other provisions of the bill, the provisions designed to protect public safety and convenience in the use of the highways apply equally to trucks hauling Aroostook potatoes as to any other trucks.

The gentleman from Houlton, Mr. Tompkins, has raised the question of the constitutionality of Senate Amendment A. He said that it would be his guess that that amendment would be unconstitutional. I have here something a little more definite than a guess.

This provision, essentially the same provision as is incorporated in Senate Amendment A, is now in effect in several of our states, including Georgia, Virginia and South Carolina. The gentleman from Augusta, (Mr. Farris), has mentioned the decision of the Supreme Court of South Carolina. In South Carolina Motor Vehicle Carriers' Law, Section 2, the provision is: “Provided, however, that nothing in this act contained shall apply to motor vehicles or lumber haulers engaged in transporting lumber and logs from the forests to shipping points.” Now that is essentially the same provision that is in Senate Amendment A, for the purpose of exempting the carriers of Aroostook potatoes from rate regulations. The question of the constitutionality of that provision was raised in the case of State Ex Rel Coney et al vs. Hitkin which was a decision handed down by the Supreme Court of South Carolina on January 27th of this year, sustaining the validity of that provision.

I have here the Virginia Motor Vehicle Law, which contains a similar provision, which I will not read. Insofar as I know, the constitutionality of that act in Virginia, and the constitutionality of that act in Georgia has never been questioned. If it was unconstitutional to exempt from the rate-making provisions of this act the haulers of Aroostook potatoes, it would follow that some of the law upon which we have proceeded in this State for the last twenty years, some of the Public Utilities law, and some of the laws of the Federal Government, would be equally unconstitutional, for, insofar as the railroads are concerned,

they are permitted, under the Interstate Act and its amendments, to exempt certain property which is carried to agricultural expositions, or to certain other places. That is exempted from rate-making regulations. And that law is recognized in the Public Utility law of the State of Maine, which makes the same exemptions as the Federal Government. So that I submit that the constitutionality of Senate Amendment A is amply fortified with the best legal authority.

Certain other things that are exempted from the act are these: No person who operates a truck of his own, to carry his own produce or his own goods to market is affected in any way by this act; he does not come under the provisions of it. And the local truckman, who operates within a radius of fifteen miles in any direction from the limits of the city in which he operates is not included in this act.

The purpose of the measure is simply to improve the condition on our highways, make them safer, more convenient for public use, regulate the rates of the trucks for the particular services that they perform, so as to make competition among the truckmen themselves on a fairer basis, and so as to place competition with the railroads on a more fair basis.

Mr. THOMPSON of Belfast: Mr. Speaker, we all have the greatest sympathy for the citizens of Aroostook County in the trucking of potatoes for re-shipment by rail or vessel, also for the citizens of Maine who are engaged in the carrying by trucks of logs, wood, and lumber to mills for manufacture; but we should realize that the new Senate Amendment A takes care of these citizens and of their problems.

Now I am asking for just a little sympathy for Waldo County and the city of Belfast, which I represent. The city of Belfast owns \$500,000 worth of stock for which we have issued bonds in the Belfast and Moosehead Railroad, a railroad which has always served well the citizens of Waldo County, and a railroad which serves besides Belfast the towns of Waldo, Knox, Thorn-dike, Brooks and Unity.

Now during these days of depression and unregulated motor transportation, this railroad has suffered greatly, and unless we receive aid from some source we are very likely to face financial ruin, not only by

our city but also by the many citizens and towns which also own stock in this railroad.

This bill providing for the regulation of trucks would help our condition greatly. One of my constituents conducts the Belfast Motor Express, his route being from Belfast to Bangor, and Belfast to Rockland. He is also very much in favor of this bill.

I would like to quote from the address of President Roosevelt, delivered at Salt Lake City, September 17th, 1932: "We do not desire to put motor vehicle transportation out of its legitimate field of business, for it is a necessary and important part of our transportation systems; but motor transportation should be placed under the same Federal supervision as railroad transportation."

I am asking for a little sympathy for Waldo County.

Mr. ASHBY: Mr. Speaker, I realize that a layman is at a disadvantage when it comes to points of law, in a host of lawyers, but in regard to the constitutionality of that amendment, regardless of what the gentleman from South Portland (Mr. Hill) and the gentleman from Augusta (Mr. Farris) says—it is perhaps fortunate they are not the only legal talent in Maine, and equally eminent talent says there is a grave doubt as to its constitutionality, and if it should be unconstitutional, it then puts the bill right back where the original bill was.

Now the gentleman from South Portland, Mr. Hill, put a good deal of stress upon Section 9. I do not think, if you will look up the records, that you will find that there has been as much damage done by trucks in proportion to the number on the roads as there has been done by motor cars, and if you are going to put regulation on the trucks to protect the public and buildings, and so forth, why not extend the regulation to motor vehicles of all kinds? The man with a car who does damage is just as liable to be irresponsible as the man who drives the truck.

Now in regard to your amendment. Even if it were constitutional, as I pointed out to you before, while we may truck potatoes to the coast and not be subject to a freight rate, we cannot truck back fertilizer, many thousands of cars of which come into Aroostook County every year, and which hits us pretty

nearly as hard as the potato business does.

In regard to the trucks using the roads, of course they use the roads, but, according to my understanding, the roads were built for the people, and if the trucks are serving the people, why should not the use of trucks on the roads be for the benefit of the people as much as it is for the truck owners? I still believe that the roads should be maintained open, and that all those who choose, with reasonable regulation, should be allowed to use them. I have no objection to increasing the license fee on trucks, or any other legal regulation, but I do protest against putting this under the Public Utilities Commission, and putting the Public Utilities Commission in a position where they may fix an arbitrary freight rate that will coincide with the railroad rate which I consider is reasonable.

(At this point Speaker Burkett resumed the Chair).

Mr. COLLINS of Caribou: Mr. Speaker, this question is much greater than hardly any of the members of this Legislature realize. I first want to start by making the broad statement that there is not a grower or shipper in Aroostook County who does not want to ship each and every potato he raises by railroad, and then I want to take up, the best I can, the reasons for the difficulties he is laboring under.

This question is broader than that. It is one of the steps to shut off potatoes from the Atlantic Seaboard for shipment, and I think I can bear this out by the facts and figures that I will try to present to this Legislature in my very inadequate manner.

I hold in my hand a letter written to me to use at this meeting, written by one of the most outstanding shippers and men that Aroostook County has. I will read that, with your permission, as it gives me a basis and figures to talk on:

"The rate on potatoes in car lots from Caribou, Presque Isle, Washburn, etc., to Searsport last year was 23 1-2 cents per cwt. This year, as you know, this rate has been increased to 30 cents per cwt."

Now, members, the Bangor and Aroostook had one of the most prosperous years that it ever had under the 23 1-2 cent rate, and why did it raise it to 30 cents this year? I will tell you. It was to put an

impediment on Atlantic Ocean shipments. I will tell you further that I have talked with leading men of the Boston and Maine, and they say that the independent shipping of potatoes by independent vessels must be regulated in the future. There is no reason to argue, because they are hauling potatoes the way they are now, that you can depend on it as a means of transportation.

I will take up this letter again and quote:

"The water rate on potatoes from Searsport to Philadelphia,"—I want you to bear these figures in mind as I read them to you—"for instance, is 14 cents per cwt. This combination makes a total cost of 44 cents per cwt. from Presque Isle to Philadelphia as against 60 cents all rail. The water rate from Searsport to New York and Jersey City is 16 cents per cwt., from Searsport to Baltimore, Md. is 16 cents; Searsport to New Orleans, La. 20 cents; Searsport to Miami, Fla. 25 cents; Searsport to Mobile, Ala. 25 cents; Searsport to Houston, Texas, 25 cents. These rates added to the rate from Presque Isle to Searsport will give you the rate from point of origin to destination which, in every instance, is materially less than either the all-rail shipment rate or the previous rail and water rate through the port of Boston.

"We here are keenly appreciative of the fact that there are strong arguments both for and against the so-called Truck Bill, but I believe that as far as Aroostook County is concerned that we must make a determined effort to make it possible for the Aroostook farmer to have the privilege of trucking his potatoes to seaport at no additional expense, until such time, at least, as we find the railroads showing an attitude of co-operation in putting their rate to Searsport in line so as to enable us to market on a competitive basis the production of the Aroostook potato crop."

Now if you will add these rates together in your mind, you will find the rate reckoned on the last year's basis of 23 1-2 cents, to Philadelphia, is 37 1-2 cents. Now our rate to Boston, all rail, is 39 cents. Our rate to Philadelphia is 60 cents, and our New York rate is 52 cents. You can easily see that the water rates increase our range

of sales from the limit of Philadelphia under rail, clear down along the length of the Atlantic Coast and clear around on the Gulf Coast.

Now in talking with this Boston and Maine official, he said the water rates must be regulated the same as the truck rates, and one of the starting points of the railroad last year was to raise that rate from 23 cents to 30 cents. I probably will get somewhat mixed up, but I will do the best I can to present this so you can see what is in my mind. I do not know whether I mentioned before the volume of potatoes that move under the 23 1-2 cent rate. Perhaps the Reporter will tell me. This 23 1-2 cent rate moved 13,000 cars of potatoes to market by water in 1931. This so frightened the railroads, losing this vast tonnage of potatoes, that they brought to bear, as I believe, on the Bangor and Aroostook, last year, and, aided by the financial interests that are common in all these roads, they changed the rate from 23 1-2 cents to 30 cents.

What does this increase mean under the prices that the Aroostook farmer has been receiving for more than two years? It means putting another half bushel of potatoes in every barrel to pay that 6 1-2 cents. Six and one-half cents a hundred is equal to 7 1-2 cents a barrel. When potatoes are selling for 50 cents, it is one-fifth more added for hauling potatoes just to Searsport. Now it is a well-known fact that the object of that increase of 6 1-2 cents was to take the potatoes that were going to Searsport clear to Boston and go by steamship beyond that point. This makes a two-hundred mile longer rail haul, and those steamship lines are under the Interstate Commerce Commission and do not grant nearly as cheap rates as the independent shippers or independent facilities, the same as independent trucks.

Now I would like to give a few illustrations of what this means. I said there were 13,000 carloads of potatoes shipped to Searsport in 1931. Now under this year's price of 30 cents a hundred, you start two trainloads of sixty-five cars a day, which was the average shipment for last year to Searsport, and it takes one trainload of cars to pay for the other trainload of

the farmers' potatoes at 30 cents a hundred, and besides you have to pay your freight in advance.

I probably am rambling somewhat, but I hope I have called your attention to some facts that are very pertinent to this question. The trucks are a means of finally bringing the railroads to a realization of the situation. They have locked up Aroostook for the past five years, and we have seen forty or fifty thousand cars ready for the rails, but with diminishing receipts from all sources, they have said "No" to every appeal we made for reduction of rates. So I will conclude by saying that I hope this bill will not pass. I thank you.

Mr. MAYERS of Hallowell: Mr. Speaker, I do not propose to discuss the merits or demerits of this bill. There probably are several sections of the bill that are rather intricate, and it might be impossible for many of the members of the House to fully understand them. In the beginning the House sent this to a double committee of twenty, who heard all the arguments that we have heard today, both for and against, and probably many others. After hearing those arguments, they reported this bill out in a new draft, eighteen for and two against, and yesterday I understand, in the Senate, that one of those who voted against the majority report voted for this bill, and I feel that the members of this House can, with perfect confidence, accept the opinion of these nineteen men as being the best bill that we could get out at this time for the regulation, if we were to have regulation, of trucks.

Mr. HILL: Mr. Speaker, I do not know that there is a great deal more to be said on this question. The gentleman from Caribou (Mr. Collins), has given us a very fine exposition of the rates paid by Aroostook potato growers on shipments to various points, but I fail to see where it has any connection whatever with the question which is before the House.

The alarm that seems to be present among the Aroostook Delegation is based on the fact that they believe this bill is going to increase the cost of their shipments of potatoes. In the first place, if the bill were to be applied to carriers of potatoes, I see nothing in the bill whatever, and I have not heard them tell us what it is, that would

warrant the assumption that the rates would be regulated at a higher point than the present rate. In the second place, if Senate Amendment be adopted, the bill does not apply, as has been pointed out, to the rates for shipment of these Aroostook potatoes. For that reason, I fail to see wherein the objections have any application. Mr. Speaker I move the previous question.

The SPEAKER: The gentleman from South Portland, Mr. Hill, moves the previous question. As many as are in favor of the Chair entertaining the previous question at this time will rise and stand in their places until counted and the monitors will make and return the count.

A sufficient number arose.

The SPEAKER: The question now before the House is shall the main question be put now? That matter is debatable five minutes by any member who wishes to debate it.

Mr. FERNALD: Mr. Speaker—

The SPEAKER: The merits of the bill are not open to debate at this time.

Mr. FERNALD: This is quite an important question and if any member has anything more to say, I think they should be permitted to say it. I do not disagree with the gentleman from South Portland (Mr. Hill). He has spoken twice and I think he should give the other fellow an opportunity to discuss the matter. As a matter of fact, I do not disagree with him, but I think everybody should have their day in court. This is a very important measure. I hope the previous question is not put.

Mr. FARRIS of Augusta: Mr. Speaker, when the motion was made, I saw the gentleman from Houlton, Mr. Tompkins, rise to his feet, and I believe he has something to say. I hope the main question will not be now put.

Mr. HILL: Mr. Speaker, if there is anyone who wishes to discuss the matter further, I should be very glad to withdraw my motion.

The SPEAKER: The House has heard the remark of the gentleman from South Portland, Mr. Hill. The pending question now is shall the main question be now put? All those in favor will say aye; contrary minded no.

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

The SPEAKER: The Chair recog-

nizes the gentleman from Houlton, Mr. Tompkins.

Mr. TOMPKINS: Mr. Speaker and members of the House: I thank you for your courtesy. I have not much more to say, but there are one or two matters to which I wish to call your attention. The question of railroad earnings has been spoken of here. They say that if the trucks are regulated better that the railroad earning will increase. I hold in my hand report of the National Transportation Committee of which Calvin Coolidge, Alfred E. Smith and others were members, and this is what they say—that although the railroads ascribe their situation largely to loss of business, the committee said that it has been estimated that less than twenty per cent increase in traffic would put most of them on an earning basis, making the railroad outlook far more hopeful.

Now the loss in traffic to the trucks is not the present cause of the predicament of the railroads. I hold in my hand a freight bill on a carload shipment of grain from Detroit, Michigan to Northern Maine Junction, a distance of some twelve hundred miles, and the rate is 27½ cents a hundred. The freight rate from Northern Maine Junction to Houlton, Maine, 120 miles, is 22½ cents—and that was on January 20, 1932.

Now I cite that only for one purpose, and that is to show you what will happen if this bill becomes a law. We have in this State what is known as the Public Utilities Commission, and it is their duty to regulate local rates of railroads as well as other rates of public utilities. Let me read to you briefly the finding of this Commission only last August, when the question of local rates was raised in the State of Maine. This is what they say, citing a decision from another state, to wit, 95 Florida, 14—and they cite this opinion as the reason why they could not act in that controversy in the State of Maine:

"Whenever the interstate and intrastate transactions of carriers are so related that the government of the one involves the control of the other, it is Congress, and not the State, that is entitled to prescribe the final and dominant rule."

They go on further and cite the opinion in the case of People vs. Long Island R. Co., 185 N. Y., and this is what that opinion says:

"The conclusion to be derived

from these authorities is that if Congress, or the Interstate Commerce Commission under authority of Congress, fixes rates for interstate carriers in any locality, and intrastate rates fixed by state authorities are different from the interstate rates, and the difference results in discrimination to the prejudice of individuals or localities, Congress, or the Interstate Commerce Commission acting under authority of Congress, has power, regardless of the action of the state authorities, to fix intrastate rates on the lines of such interstate carriers, so that such prejudicial discrimination shall be removed."

Now it has been said here this morning that forty states have adopted this bill. You can see the plan. As soon as enough states have adopted this bill, Congress will put it under the Interstate Commerce Commission, and your local Public Utilities Commission will have no more authority over the rates of the trucks in the State than they have over the rates of the railroads.

Mr. FARRIS: Mr. Speaker, in answer to the gentleman's statement which he has read, I want to quote from a little article from a Washington paper, dated March 4th:

"A commission of able and disinterested men including the late Calvin Coolidge, Alfred E. Smith, Bernard Baruch and others, made an exhaustive study of the plight of the roads. The report has little encouragement in it.

"For some years the railroads have been running down—and at the same time various forms of competition have been on the increase. Foremost among these rivals are the bus and truck lines. Airplanes are not getting much business as yet, but they will as time goes on. Pipe lines for oil and gas have taken a large volume of coal and oil traffic from the railroads. Water transportation also competes disastrously in many cases. And of course the general use of the automobile by the people has cut deeply into railroad revenues."

Now I still contend, even after the argument of the gentleman from Houlton (Mr. Tompkins), that we should have regulation in the State of Maine. I hope the motion of the gentleman from Belfast, Mr. Thompson, will prevail, and that the majority report be accepted and the bill in new draft have passage in this House.

The SPEAKER: The pending

question is the motion of the gentleman from Belfast, Mr. Thompson, that the majority report of the committee ought to pass in new draft, the new draft being L. D. 1000, be accepted in concurrence. All those in favor will say aye; contrary minded no.

A viva voce vote being doubted,

A division of the House was had.

Ninety-four voting in the affirmative and 31 in the negative, the motion prevailed.

Mr. ASHBY: Mr. Speaker, I have here Amendment A to S. P. 629, L. D. 1000, and move its adoption.

On motion by Mr. Thompson, the rules were suspended and the bill had its two several readings.

Thereupon, Senate Amendment A, by a viva voce vote was adopted in concurrence.

Thereupon, Mr. Ashby presented House Amendment A as follows:

House Amendment A to Senate Paper 629, Legislative Document 1000, an Act Providing for the Regulation of the Use of the Highway by Motor Vehicles transporting Property for Hire in the State of Maine, and for the Supervision and Control of such Motor Vehicles.

Amend said bill by striking out all of section 5 thereof.

The SPEAKER: Does the gentleman desire to speak on the amendment?

Mr. ASHBY: Mr. Speaker, I have nothing more to say except that with the contract carrier clause out of there I have no further objection to the bill.

Mr. FARRIS: Mr. Speaker, this amendment is offered in an endeavor to kill the bill. It seems to me the gentleman from Fort Fairfield (Mr. Ashby) has had plenty of time during the time this bill has been considered by the joint committee, if he had any amendment to offer, to have offered it to the committee so it could have been passed upon by the committee. Now he comes, after the bill has been accepted in the House, after the majority report has been accepted, and offers this amendment to emasculate the bill. Therefore I move the indefinite postponement of his amendment.

The SPEAKER: Is it the pleasure of the House that House Amendment A be adopted?—All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the amendment failed of adoption.

The SPEAKER: The Chair un-

derstands that the gentleman from Belfast, Mr. Thompson, moves that this bill as amended by Senate Amendment A have its third reading at this time.

Thereupon, the bill as amended received its third reading and was passed to be engrossed in concurrence.

From the Senate: **ORDERED**, The House concurring, the Governor having delivered a special message to this Legislature seeking to impress upon it the critical cash situation of the State at the present time and the necessity for emergency legislation to relieve the same, that any measure which in the judgment of the Committee on Reference of Bills is designed for that purpose be received; (S. P. No. 667).

Comes from the Senate read and passed.

In the House:

Mr. FARRIS of Augusta: Mr. Speaker, I move that this order have passage in concurrence which will enable us to receive the bill which has been turned down by the objection of one member. Of course the purpose of this legislation every member in this House knows after hearing the message of the Governor today. It stands to reason that we, as legislators, cannot be in session the entire two years. We have done our work and we are going home. In the meantime the Governor and Council will carry on the business of the State. They have authority under the Statute at the present time, and in view of the emergency existing they have to have a little extraordinary authority in regard to appropriations because, as the Governor says, they do not know the amount of income which will be coming in from uncollected taxes, or the revenue by direct taxation. Therefore, I move that this order have passage.

Mr. FERNALD of Winterport: Mr. Speaker, my good friend Mr. Farris of Augusta feels that we have done our work. I do not think so, because, if we had completed our work, we would have balanced the budget and when we raise some money for a necessary State expense we would have also provided for the revenue.

Now I do not like the spirit of defeatism that is prevalent in the State of Maine, in the press of Maine and in the Legislature of

Maine. I think we should look forward and look up and not look away. If the leaders of the Republican party could not in ninety days prepare a program, and if the leaders of the Democratic party could not present a program to balance the budget, I would not say that we had completed our work. I believe that we have people in this Legislature—a great many—who could get together and in a week prepare a program and a plan for this Legislature that would balance the budget.

Now our Governor suggested not only the passage of this bill that is being proposed, but an alternative,—a special session of the Legislature. I think that the orderly way, the calm way, and the easy way to handle this situation would be, perhaps, for us to go home for a week and get away from this hysteria and high pressure salesmanship that is prevalent in the atmosphere in Augusta today; go back to our homes and our communities and think awhile and then come back in a week and settle down to balancing this budget when we have a proposition before us that is definite and concrete. When we come back here in special session we will not have all these various brooks to close because we have them most all closed now. We will come back here for one purpose, to balance our budget and to find ways and means of doing it.

Just one illustration as to the way we have been handling things here. I refer to the little proposition of saving \$8200 on our newspaper printing. That was turned down; but one of my very good friends here has a bill already to spring on you sometime within a few hours to revive the proposition. Of course I would not say that I told you so, but, nevertheless, there are still things we can do to save money and I think that is our responsibility to do our duty. We were sent over here by the people of Maine to do something. I am not going back to my people and say that I have given up—I have advocated my authority delegated to me by you, the people of Maine. If it is necessary for us to stay another week and balance the budget, let's do it, do the job, and then go back and look the people of Maine squarely in the eye and say that we have come over here as your agents, accepted our six hundred

dollars and done our job. I do not think we want to "pass the buck", and I do not think that the people of Maine want to set up a financial dictatorship. We have been here three months and we have passed four or five hundred bills. We might just as well have adjourned the first week in January because all these appropriations and all these things that we have decided can be altered.

Now why all this pull-hauling and all this hot-air and all this talking and all this discussion if after all, we are going to delegate our authority to somebody else! The weather is getting fine around here in Augusta and I think perhaps we had better sit tight, go home perhaps for four or five days and then come back and do something constructive for the people of Maine.

I move you, sir, that the joint order be indefinitely postponed.

Mr. SCATES of Westbrook: Mr. Speaker, the condition in Maine is parallel to the condition in Washington two months ago when there was a Congress in session and they delegated powers to the President, and see the result! It is utterly impossible to determine the amount of money that will be received from the municipalities and these indirect taxes, and if we should meet the condition we would have to stay in continuous session from now until the first of next January. We may just as well face these things.

Mr. CARLETON of Portland: Mr. Speaker, the gentleman from Winterport (Mr. Fernald) has spoken about the hysteria here in this House. The only hysteria I have seen here is over there in the corner. (Laughter) That seems to be about the only hysteria we have had here.

I am in favor of giving the Governor and Council necessary power. If necessary, he can call in whoever he wishes to help out on this plan. I have perfect faith in our Governor and in our Council and such people as he will call in perhaps to advise him.

Mr. FARRIS: Mr. Speaker, it seems to me we now have three parties in the House, Democrats, Republicans and Obstructionists. The gentleman from Winterport (Mr. Fernald) has voted consistently against any measures to cut down State expenditures unless it was

something he introduced himself. He seems to be stirred up if we do not fall right in with his ideas. Of course we cannot expect much from any member who turns this Legislature into a Merry-go-round. He seems to think that if he had the power to balance the budget everything would be well. Now I feel that the member from Winterport (Mr. Fernald) knows no more about the budget than a lot of other members of the Legislature, including myself; but I do believe that the Budget committee, the Appropriations committee and the Governor and Council, who have been working on this thing for so long, know something about it. The Governor came before us this morning and told us the situation, and yet the member sits there smiling even as Nero fiddled while Rome burned. He does not realize his responsibility. I hope the order will have passage. (Applause)

Mr. FERNALD: Mr. Speaker, we have got along pretty well, the Governor and the Legislature, and so far as I can see we have granted every request that he has made; but now that we have granted every request that he has made that is not enough and the Governor and Council want all our authority. I am not going to criticize the Governor, but if there is some legislation or some legislative measure that is to be enacted, I think we should be informed definitely about it rather than give up our entire authority.

I am glad that the gentleman from Augusta (Mr. Farris) has remarked about the budget. We have been here nearly ninety days and it is about time some of us were informed on it. I still hope that my motion will prevail.

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

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

The SPEAKER: The pending question is on the adoption of the order in concurrence, it being an order suspending a previously adopted joint order. This requires the affirmative vote of two-thirds the members present. All those in favor of the motion of the gentleman

from Augusta, Mr. Farris, that this order have passage in concurrence will rise and stand until counted and the monitors will make and return the count.

A division of the House being had, One hundred and eighteen voting in the affirmative and one in the negative and 118 being obviously more than two-thirds the members present, the motion prevailed, and the order was passed in concurrence.

On motion by Mr. Berwick of Saco,

The House recessed until four o'clock this afternoon.

AFTER RECESS

(4 P. M.)

The SPEAKER: You will find on your desks this afternoon mimeographed copies of the House Advance Journal which our very efficient Clerk and his office force have prepared for you during the recess. It was announced this morning that we did not expect to have any House Journal except the morning Journal and from now on and after tomorrow morning's session, it will be impossible to prepare one. The Chair emphasizes the necessity of each member remaining within sound of the gong or in his seat. Is it the pleasure of the House to take up out of order a report of a committee, which report you will find on the second page of the Journal.

House Reports

Report of the committee on County Estimates to which was referred the county estimates of the several counties. The committee reports two resolves, namely, H. P. 1739, resolve for laying of the county taxes for the year 1933, and H. P. 1740, resolve for the laying of the county taxes for 1934.

The report of the committee was accepted, the rules were suspended and these resolves were given their two several readings at this time and passed to be engrossed.

The following papers were taken up out of order and under suspension of the rules.

Paper from the Senate disposed of in concurrence.

From the Senate: Report of the Joint Select Committee on Facili-

tating Legislative Work reporting a Bill under title of "An Act to Amend the Law providing for Continuous Revision of Statutes" (S. P. No. 659)—also a joint order (S. P. No. 669)—also a Senate Order—also a House Order as follows: ORDERED, That rule 48 of House Rules be amended by striking out the last sentence in said rule and substituting in place thereof the following: "A clerk in the office of the Revisor of Statutes shall serve as Clerk to the Committee on Bills in the Third Reading."

Comes from the Senate report read and accepted, the bill given its several readings under suspension of the rules and passed to be engrossed. The Joint Order indefinitely postponed in the Senate.

In the House, report read and accepted in concurrence, and the bill received its first and second reading.

Mr. Carleton of Portland presented House Amendment A and moved its adoption as follows:

House Amendment A to S. P. 659, an act to amend the law providing for continuous revision of Statutes.

Amend S. P. 659 by adding thereto the following section:

Sec. 2. The paragraph numbered three in section 2 of Chapter 210 of the Public Laws of 1931 is hereby amended by striking out said paragraph and substituting in place thereof the following:

"After each session of the Legislature to cause the Public laws to be printed on good paper and in suitable type and to distribute the same within the State to all citizens making a request therefor."

Thereupon House Amendment A was adopted.

The SPEAKER: This bill on which we are acting contained a typographical error in that it spoke of Chapter 210 of the Revised Statutes when it should have been Chapter 210 of the Public Laws of 1931; and the Chair understands that the member from Portland, Miss Laughlin, moves that the Clerk correct the obvious typographical mistake and the clerical error.

The motion prevailed.

The SPEAKER: If anybody has the slightest question about this bill the Chair would be willing to entertain a motion to have the third reading tomorrow and have it printed. If not, it is proper to give

it its third reading now and pass it to be engrossed.

(The Clerk read Chapter 210 of the Public Laws of 1931, entitled an act providing for a continuous revision of the Statutes and Legislative Assistant.)

The SPEAKER: This act strikes out and substitutes in place thereof a paragraph which the Clerk will read.

(The Clerk reads the paragraph in question)

The SPEAKER: The amendment offered by the gentleman from Portland, Mr. Carleton strikes out the paragraph just read and inserts in place thereof the paragraph which the Clerk will now read.

(Paragraph read by the Clerk)

Miss LAUGHLIN: Mr. Speaker, I rise to a point of information.

The SPEAKER: The member may state her point.

Miss LAUGHLIN: What is the status of the bill about printing of the laws in the newspapers at the present time? I am referring to the bill in the Legislature which came in to eliminate the section of the Revised Statutes about the printing of the laws in newspapers. Of course if that measure has not been passed, this would be a substitute for it and I wonder what the status of that bill is.

The SPEAKER: I will inquire of the gentleman from Winterport, Mr. Fernald, what happened to his bill to repeal the section in the Revised Statutes.

Mr. FERNALD: Mr. Speaker, on the motion of my colleague from Belfast, Mr. Thompson, it was indefinitely postponed.

Miss LAUGHLIN: The printing of the laws in the newspapers is still in full force and effect and this would be in addition as I understand it.

The SPEAKER: The Chair had understood that the Appropriations committee had made no appropriation for printing the public laws under the provisions of the Revised Statutes, which the bill of the gentleman from Winterport, (Mr. Fernald) sought to repeal. Can the gentleman from Portland, Mr. Carleton, inform the House of that situation?

Miss LAUGHLIN: I move that this matter lie on the table until we find out what the situation is.

Thereupon the third reading of

the bill was assigned for tomorrow morning.

Mr. MAYERS of Hallowell: Mr. Speaker, I would like to inquire of the gentleman from Portland, Mr. Carleton, what the difference in the expense would be between printing those laws in the form suggested here and in the form that they have been printed before in the newspapers.

Mr. CARLETON: About \$7200 less. There is a demand for these laws, and instead of circulating them through the newspapers, as has been done before when everyone gets three or four copies, this amendment would set up and have printed enough copies for everyone and they will be ready as soon as possible, almost immediately after we adjourn. Anyone who wishes a copy can have one by sending a postal card. We feel that it would save about \$7200 and everyone will have all they want.

Mr. SPEAKER: Are there any further questions?

Mr. MAYERS: Mr. Speaker, I think if the House understood that we were making a saving in this way more would be in favor of doing it in that manner than in the manner it has been done before.

The SPEAKER: The Chair understands that the Appropriations committee, by agreement with the Revisor of the Statutes, was not to make any appropriation for printing the public laws under the section of the Revised Statutes. Is that correct, Mr. Carleton?

Mr. CARLETON: We found that there was a demand and we have set up now \$2200 for printing these laws so that all members and attorneys, everyone who wishes, may have a copy immediately. This will save about \$7200, and those who want them can get them by sending a postal card to the State House. A lot of these laws have been sent all over the State that never have been read and this arrangement would do away with that.

The SPEAKER: The Clerk will now read the House order reported by the committee appearing on the calendar.

Ordered, that Rule 48 of House Rules be amended by striking out the last sentence in said rule and substituting in place thereof the following:

"A Clerk in the office of the Revisor of Statutes shall serve as

Clerk to the committee on bills in the Third Reading."

Thereupon the order received passage.

From the Senate: Joint Order relative to requesting opinion of Attorney General on Auxiliary State Forest Law, H. P. 1737, which was passed in the House on March 29.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Rea of Lagrange the House voted to recede and concur with the Senate in the indefinite postponement of this order.

Passed to Be Enacted
(Emergency Measure)

H. P. 1739: Resolve for the laying of the county taxes for the year 1933.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the final passage of this resolve will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

One hundred and thirty-four voting in the affirmative and none in the negative, the resolve was finally passed.

H. P. 1740: Resolve for the laying of the county taxes for the year 1934.

A viva voce vote being taken, the resolve was finally passed.

Further papers from the Senate, out of order.

From the Senate: Joint Order relative to survey under the supervision of the Secretary of State relative to manufacturing motor vehicle plates and highway markers at the State Prison at Thomaston (H. P. No. 1715) which was passed in the House on March 27th.

Comes from the Senate with Senate Amendment "A" read and adopted and the order as amended indefinitely postponed in non-concurrence.

In the House:

Mr. FARRIS of Augusta: Mr. Speaker, this order was presented by the gentleman from Brunswick, Mr. Lebel. It seems harmless to ask the Secretary of State to look into the question of whether or

not the automobile registration plates could be made in Thomaston by convict labor. It seems to have been amended and indefinitely postponed. It seems useless to appoint a committee of conference on this matter, and I yield to the gentleman from Brunswick, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, and members of the House: I did not intend to say anything on this order. I introduced it in good faith and I know that if it went through it would save the State ten thousand dollars a year. After what the Governor told us this morning about the financial condition of the State, I did not think the Senate would turn it down. I move that the House insist on its former action and ask for a committee of conference on this matter.

The SPEAKER: The Clerk will read Senate Amendment A.

Senate Amendment A read.

Mr. CHASE of Baring: Mr. Speaker, I might say, for the benefit of the gentleman from Brunswick, (Mr. Lebel), that the Secretary of State has this information and presented it to the committee on Legal Affairs in connection with a similar bill. He has proved to his own satisfaction that it is too expensive a proceeding for the State to undertake.

Mr. LEBEL: Mr. Speaker, in answer to the gentleman I will say that the Secretary of State read this order just before it came into the House and approved it. He said he would be glad to help in any way he could but, as I have no plan in mind, I will withdraw my motion that I just made.

Unanimous consent being given, the motion to insist and ask for a committee of conference was withdrawn.

Thereupon the House voted to recede and concur with the Senate in the indefinite postponement of this order.

From the Senate: Bill an act to regulate steam engineering, H. P. 1707, L. D. 1023, which was passed to be engrossed in the House on March 28 as amended by House Amendment A.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Michaud of Van Buren, a viva voce vote being taken, it was voted to recede and concur with the Senate in the indefinite postponement of this bill.

From the Senate: Bill an act providing flexibility in the handling of State revenues and expenditures during the period of the present cash stringency, S. P. 670, which the committee on reference of bills judges to be designed to relieve the present cash stringency and recommends that it be received for consideration in both bodies.

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

In the House:

Miss LAUGHLIN of Portland: Mr. Speaker, may we have the bill read in full inasmuch as it is not printed? I think it is short.

Mr. ASHBY of Fort Fairfield: Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: Does the member from Portland still desire to have the bill read?

Miss LAUGHLIN: I would like to hear it read.

The SPEAKER: Does the member desire to have the emergency preamble read?

Miss LAUGHLIN: I would like to inquire if 666 which we have is the same as the one which appears on the advance calendar as 670?

The SPEAKER: The Chair thinks it had better be read. The Chair would not want to say that it is exactly the same.

(Bill read by the Clerk)

The SPEAKER: The Chair rules that in accordance with the Joint Order passed this morning, this bill bearing the endorsement of the committee on Reference of Bills that it is designed to relieve the present cash stringency and recommending that it be received for consideration, the bill is accepted, and recognizes the gentleman from Fort Fairfield, Mr. Ashby.

Mr. ASHBY: Mr. Speaker, I yield to the gentleman from Wintertown, Mr. Fernald.

Mr. FERNALD: Mr. Speaker, I am wondering if we were in our home, at our town meeting, and if a proposition similar to this was put up to the voters in our various communities, that the three selectmen of our town shall provide thus and so, would they be permitted to have all this power? I am just wondering what the reaction would be back in rural Maine. I am inclined to think that more than one person at least would get up and want to know

what it is all about and say "Well, why couldn't something else be done?"

As I look across the hall I see my good friend Mr. Sargent from Brewer and I am wondering what will happen to our good old friend Lillian Cushman. I think Lillian is just out of luck. (Laughter) and as I look not quite so far I see my good friend Piper from Bangor and I wonder what will happen to Daniel Mahar and his moving pictures of Governor Parkhurst under this bill. And, as I look around and see some of the rest of you, I wonder how many more are just going to be holding the bag.

Now this may be all right, but if we will examine the Constitution of Maine and some of the decisions handed down by some of our Justices, perhaps this bill which at first glance, at first blush, seems to solve all our problems,—a lot of us feel now that perhaps with this measure the great Governor and Council will take up the White Man's burden and carry it on, and we can go back to our respective homes and attend to our own business. Only the other day my good friend, Mr. Friend from Skowhegan was told that the Kitchen-Friend bill was unconstitutional because it attempted to take certain money that the people of Maine in passing the Constitutional Amendment had said should be appropriated and spent in a particular way.

Well, now, this bill provides that any and all moneys, and so forth and so one can be shifted around and juggled and handled just as anybody wants to, so to speak. I am wondering if perhaps there would not be a Constitutional snag there, and I am wondering if we read in 121 Maine, 453, the opinion of Mr. Justice Spear in McKinney vs. Farnsworth, where he points out something that we all know, that the legislative power of the Legislature cannot be delegated to a Board. Now I think we should go carefully on this matter. Undoubtedly there is merit on this proposition, but I do not believe we should substitute one evil for another. I will admit that the State of Maine is in a tough place, but what is going to be the use of putting the State of Maine in a tougher place? If you should pass this law and it gets thrown out, you would have to come back and remedy it. Now I do not think we want to put any temporary blow-out

patches on the old Ship of State. We are here and we have got plenty of time, and I think that in the next four or five days or a week, if necessary, we can fix the old ship up, put a new set of sails on her and let her go right along in an ordinary, calm course.

Here is another thing! I have often wondered why it was that my good friends from Augusta, Mr. Farris and Mr. Hussey, never thought of the fact that in the State House there are people employed by the State that they represent who control 1200 votes in the city of Augusta. As I look at it, these people here in the State House, regardless of the measure that we passed yesterday or the day before that nobody should receive a cut who was receiving nine hundred dollars or less,—as I understand this proposition here that means nothing. Far be it from me to look out for my good friends from Augusta, but I think that the people in the State House, the employees, should have a certain knowledge that they are going to be maintained here at a fixed wage regardless of how small it is. The uncertainty of this whole situation would break down the morale of public service. They would not know from morning to morning whether they are going to get paid in full, or half, or what they are going to get; and I do not believe we want to set up a political dictatorship in the State of Maine. I do not believe we have reached that stage yet.

They say the State of Maine is in tough shape, but under one of the most recent loans, when they borrowed \$800,000, they borrowed it at less than one per cent. Well, now, that reflects, in a small degree at least, the credit of the State of Maine.

I think we all understand this bill. I think the right thing to do is to stay here until we complete our job and then go home and stay home and not go home and not know whether we are going to be called back here in six weeks or not. Stay here another week and finish your job, balance this budget! Now this is what the Governor said to you—you did not get it—when he came in here. (Laughter) The Governor came in here, and this is, with all due respect to the Governor, what he said to you people, "You have been over here ninety days and look how you have left us." He

did not tell you that you had left things in a mess, did he? But he said this: "You either give the Governor and Council the authority"—and that is the only personnel that is left—"when you go home or come back here in special session and fix it up yourself." That's what he said in plain three-word English. Now if you want to admit that you cannot fix up this situation, how are you fellows going back and explain it to your people?

(At this point the Senate, accompanied by the Governor, came through the aisles of the House, the members rising and applauding).

Mr. FERNALD continuing: I hope the next time we have visitors that the doorkeeper will lock the door and make it secure because the next time they come in here I would like to talk to them. (Laughter and applause).

As I understand it, there is a motion before the House, made by the gentleman from Fort Fairfield, Mr. Ashby. I think we are all familiar with the situation and I will try to summarize in brief what I have tried to say to you.

Assuming that you did pass this bill, you have no assurance that you will not be back here in a week or two. Well, now, we are here. We have got our feet placed. We are all acquainted and we are having an awfully good time. Why not have another dance, stay over another week and fix this thing up right?

The SPEAKER: The Chair will have to rule that the motion made by the gentleman from Fort Fairfield, Mr. Ashby, was not in order at the time, the bill not having been received. Does the gentleman desire to make a motion?

Mr. ASHBY: Mr. Speaker, I don't know as I exactly understand just where this bill is. Is it in the House or not.

The SPEAKER: We have received it now under the Joint Order. At the time you made your motion, the Chair had not then ruled that the bill had been received.

Mr. ASHBY: Does the Chair so rule now?

The SPEAKER: The Chair has so ruled, yes.

Mr. ASHBY: Again I move the indefinite postponement of the bill.

Mr. WRIGHT of Bath: Mr. Speaker, I wonder if we remember that the Governor was elected by a popular majority of all the voters in Maine? The Council were also elected by popular vote. This morning

the Governor addressed us and proposed a method whereby certain funds could be allocated from some parts of the treasury temporarily to meet current expenses. Now this bill provides that those funds shall be returned to the place from which they were taken when available.

The gentleman from Winterport (Mr. Fernald) made some mention of the fact that the last time we borrowed money, we borrowed it for less than one per cent. Yesterday we borrowed \$400,000 at something less than four per cent. This is his plan to temporarily relieve the situation, and I believe that it is the best plan available. We have, as you all know, not passed any legislation which brings in much revenue. The various bills bearing revenue have all been thrown out of the window. The budget and the State's affairs are very complicated as anyone knows who has been acting on that committee. It is true that we delegate a great deal of authority; but in handling this situation it seems to me that it is a necessary step, and I feel that the Governor would not have proposed it if he had not considered it necessary. I hope that the motion of the gentleman from Fort Fairfield, Mr. Ashby, will not prevail.

Mr. OLIVER of Bath: Mr. Speaker, my colleague, Mr. Wright, from Bath, may be in favor of this bill. I have not cluttered up the records of this Legislature with my oratory, but I want to go on record as being against this bill.

Mr. ASHBY: Mr. Speaker, what the gentleman from Bath, Mr. Wright, says is true. We have not passed any legislation that would give any increased revenue to speak of, but we have had plenty of opportunity to do so. If the Grange Initiative Bill imposing an excise tax on intangibles had been passed with the customary emergency clause and signed by the Governor, the revenue would have been available this spring, and that taxation would have brought a fine amount of revenue to Maine. Even the sales tax of the member from Bangor, Miss Martin, to my mind, is preferable to this. If we must have more money, we might just as well go out and get it by direct taxation and keep direct taxation to the minimum. If we must have more money, we must have it, and that is all there is to it, but, for Heaven's sake, let us keep the pow-

ers of a Legislature in this Legislature.

Mr. GOUDY of South Portland: Mr. Speaker and members of the House: I dislike very much to rise to discuss this proposition, but I was elected as a Representative to the Maine Legislature, the same as all the other members of this body. Now the members of the Maine Legislature have legislative duties to perform. At no time since this State was founded by our forefathers and the Stars and Stripes waved over our head has the Maine Legislature gone back to its constituents and enabled them to say "You have been tried in the balance and found wanting."

The Constitution of the State of Maine provides that there shall be a legislative body, an executive body and a judicial body, and the functions of the legislative body shall not be performed by the executive body. We have absolutely no right to delegate our authority, our duties and our functions to any other board or body. We are capable of coping with any problems with which we are confronted, and we are able to take any necessary steps towards alleviating the distress from which the whole State of Maine is suffering. I for one, am willing to stay here until our job is completed, until our duties are performed, and do anything that we can to help out the situation. I do not think, in justice to our forefathers, who have established precedents, that we should go home from this Legislature and say to the Governor and Council "We are unable to perform our duties. Whatever we did was incorrect. Take what we have done and arrange it any way you want to; undo what we have done, and do anything you want to." I do not think we should do it. I think it is poor legislation. I think we should establish our independence and individuality, and stand on our two feet. Any facts or figures they want to present to us, we will handle them and we will find an answer, just the same as every Legislature that has preceded us has done. (Applause)

Mr. BREEN of Lewiston: Mr. Speaker, it looks to me as though the Republican Brain Trust is trying to run this Legislature. The people of this State have got their eyes on this Legislature and every editorial from one end of the State to the other is making fun of this

Legislature. The people want something done, and I sincerely believe we should stand behind the Governor and have faith in him, and get down to business and stop fooling.

The SPEAKER: The pending question is on the motion of the gentleman from Fort Fairfield Mr. Ashby that this bill be indefinitely postponed. All those in favor will say aye; contrary minded no.

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

Mr. WRIGHT of Bath: Mr. Speaker, I move that the bill have its three several readings at this time under suspension of the rules.

A viva voce vote being doubted,

A division was had.

Mr. WRIGHT: Mr. Speaker, I heard some members say that they did not understand the motion. Will you kindly state it again?

The SPEAKER: The Chair understands that the gentleman from Bath, Mr. Wright, moves that the rules be suspended and that this bill, without reference to a committee, have its three several readings at this time.

Mr. PLUMMER of Portland: What was the result of Mr. Ashby's motion, Mr. Speaker? I thought the motion before the House was to indefinitely postpone.

The SPEAKER: The Chair rules that the motion was defeated that it did not prevail. The Chair did not hear anybody doubt that motion.

Mr. OLIVER: Mr. Speaker, the vote was doubted.

The SPEAKER: Well, we will go back again and take a vote on that.

Mr. SCATES of Westbrook: Mr. Speaker, I do not understand the temper of this House, but I do want to compliment the member of the Third Party here in the change that he has wrought.

I am not speaking for the Governor. I do not think the Governor wants to assume the responsibility, but he wants to look after the interests of the State of Maine and its institutions, and he does not want the State of Maine to default on the interest on its bonds.

Now it is up to you members. You can support the Governor and the Council, or you can take the responsibility.

Mr. FERNALD: Mr. Speaker, I agree with my colleague from Westbrook, Mr. Scates. I think we should finish our job. I think we should

take care of these State institutions, and the one member of the third party will do his part.

The SPEAKER: All those in favor of the motion of the gentleman from Fort Fairfield, Mr. Ashby, that this bill be indefinitely postponed will rise and stand in their places until counted, and the monitors will make and return the count.

A division being had,

Twenty-eight voting in the affirmative and 90 in the negative, the motion to indefinitely postpone failed of passage.

The SPEAKER: We will now start over again and the Chair understands that the gentleman from Bath, Mr. Wright, moves that the rules be suspended and that this bill, without reference to a committee, have its several readings at this time.

A division of the House was had, Ninety-two voting in the affirmative and 9 in the negative, 92 being obviously more than the two-thirds required to suspend the rule, the motion prevailed, and the bill had its three several readings under suspension of the rules, and was passed to be engrossed in concurrence.

The SPEAKER: The Clerk has in his possession the report of a conference committee which comes ahead of all other business under the Rules. The Clerk will read the report.

Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An act relating to Small Loan Agencies" (H. P. No. 1690) (L. D. No. 1004) reporting that they are unable to agree.

(Signed) Messrs. Soper of Newport, Blanchard of Wilton, Mace of Aurora—Committee on part of House; Blaisdell of Hancock, Fernandez of Penobscot, Holmes of Androscoggin—Committee on part of Senate.

Report read and accepted and sent up for concurrence.

From the Senate: Bill "An act to Repeal the Act Incorporating Number XIV Plantation in Washington County" (H. P. 623) (L. D. 184) on which the House accepted the minority report of the Committee on Judiciary reporting a new draft (H. P. No. 1614) (L. D. No. 968) and passed the new draft to be engrossed.

Comes from the Senate with the majority report of the Committee reporting "Ought to pass" accepted and the bill passed to be engrossed in non-concurrence.

In the House:

Mr. LINDSEY of East Machias: Mr. Speaker and members of the Eighty-sixth Legislature: I represented this bill before the committee. My friend, Mr. Clarke of Cooper, presented the bill by request. The majority of the citizens of Township XIV asked me to represent them in opposition to the disorganization of Township XIV. The bill came out of the committee, and the new draft had an emergency clause attached to it: "This act shall become effective when approved by the legal voters of Plantation Number XIV at any legally called annual or special meeting of the legal voters of said plantation under an article placed in the warrants of said plantation for that purpose."

I thought that let everybody out easy. When it came before this body, I moved the acceptance of the minority report, ought to pass, because I thought it was fair and just to the people of Plantation XIV to give them the right to say whether their plantation should be disorganized or whether it should not be disorganized, and that report was accepted by this body. I thought I did not have to argue any longer or any more over the matter. I felt we were through with it.

I hear that it went back to the Senate and they passed it by a fair majority, and somebody laid it on the table, and later on it comes back accepting the majority report.

Now, ladies and gentleman, I am not going to take much of your time, but in fairness to the citizens of that township I want to tell you a few things about it that I know, and then I am done.

There are thirty odd voters in that township of about seventy or seventy-five population, and I represent twenty-two of those voters out of the thirty-one or thirty-two or possibly thirty-five. The petition I put in the committee represented twenty-two of these. Now I think that is about two-thirds of the legal voters of that township that are against disorganization.

Now then, who wants the disorganization of this township? The non-resident land owners or, in

other words, the Dead River Land Company or Corporation are the people who want the disorganization because they think they can get rid of paying quite a large tax. I am not going into that; I will leave that for your consideration.

Now I have heard it rumored around that we should not accept this minority report because there was politics mixed up in it. Now I want to show you, ladies and gentlemen, how much politics is mixed up in it. It is admitted, and the records show that the plantation is Democratic, or was at the last election, but last week they had their annual meeting up there and they elected the most prominent Republican up there to represent the township. So I say to you, ladies and gentlemen, there is no politics mixed up in it whatsoever, because if it is Democratic today, tomorrow it may be Republican. There is no politics mixed up in it. It is simply and wholly a case of justice to the citizens of that township who want their rights as American citizens. If it is discontinued, they will have to come down into my town, or the towns of Cooper, or Marion or Dennyville, if they want the right to vote, and pay us taxes in order to vote. I do not think any of these towns want twenty or thirty outsiders coming into their towns, even if they do pay three dollars poll tax. It might upset the whole political regime of the town. I do not believe they would like it. I say that these citizens are entitled to self-government in Township XIV. I move to insist on our former action and ask that a committee of Conference be appointed.

Mr. CLARKE of Cooper: Mr. Speaker, I just want to indulge in a few minutes of your time. I introduced this bill at the request of some of my constituents in Plantation Number XIV. I told them at the time that I would introduce the bill but I was absolutely neutral in the matter. I thought it was sort of a family affair and that they should settle it among themselves, but I told them I would do what I could to see that each party was fairly represented, and I think that those who are acquainted with the matter agree that I was absolutely neutral, and that I have been. I am now; but I think I can say without breaking my pledge of neutrality that I

consider that the action that the House took in accepting the minority report which gave the citizens a chance to vote upon it was perfectly fair.

The **SPEAKER**: The pending question is on the motion of the gentleman from East Machias, Mr. Lindsey, that the House insist on its former action whereby the new draft was passed to be engrossed and ask for a committee of Conference on the non-concurring action of the two bodies. All those in favor will say aye; contrary minded no.

A viva voce vote being taken, the motion prevailed, and the Speaker appointed on the committee of Conference the gentleman from East Machias, Mr. Lindsey, the gentleman from Cooper, Mr. Clarke, and the gentleman from Bridgton, Mr. McKinney.

Mr. Eldridge of Eastport presented the following Memorial and moved its passage.

Memorial to the President of the United States inviting him to establish his summer home in Maine.

WHEREAS, The Honorable Franklin Delano Roosevelt, President of the United States of America, has for many years occupied a summer residence on the Island of Campobello immediately across the international boundary between the United States and the Dominion of Canada opposite to the city of Eastport in the County of Washington, State of Maine, and

WHEREAS, President Roosevelt has repeatedly not only shown but stated his enjoyment of the beauties of the territory in and around said summer home and along the coast of the State of Maine and his appreciation of the climate, and

WHEREAS, Although there is general recognition of the fact that a President of the United States should secure a change of residence during the summer months, custom dictates that such summer home as he may elect to use shall be situate within the limits of the United States of America, now therefore, be it

RESOLVED: That the people of the State of Maine speaking through their representatives in Legislature assembled cordially extend to the President of the United States an invitation to establish his summer residence and summer office where he can enjoy the scenery and cli-

mate which has so long pleased him, and be it further

RESOLVED: That the offer of the city of Eastport to furnish the use of the Blanchard Estate on Boynton Street in said Eastport be transmitted to President Roosevelt and that the State of Maine hereby extends a cordial invitation to President Roosevelt to accept it as his summer home; and be it further

RESOLVED: That a certified copy of this resolution duly certified by the Secretary of State be forwarded to the President of the United States.

Thereupon the House adopted the Memorial.

Passed to Be Engrossed

(H. P. No. 1736) (L. D. No. 1044)
An act to provide for the issue of bonds for emergency relief.

(H. P. No. 1735) (L. D. No. 1043)
An act relative to increase of the State debt limit.

(H. P. No. 1733) (L. D. No. 1045)
Resolve in favor of the city of Old Town.

(H. P. No. 1734) (L. D. No. 1046)
Resolve proposing an amendment to the Constitution for a bond issue, the proceeds to be disbursed for the relief of conditions threatening the peace, health and safety of the inhabitants of State or political subdivisions thereof.

(S. P. No. 649) (L. D. No. 1041)
An act to define and limit the jurisdiction of courts sitting in equity, and for other purposes.

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

From the Senate: An Act providing for the Temporary Support and Regulation of Insurance Companies (H. P. No. 1706) (L. D. No. 1021) which was passed to be enacted in the House earlier in the day, and passed to be engrossed on March 28th.

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

In the House under suspension of the rules that body voted to reconsider its action whereby this bill was passed to be engrossed this morning.

Senate Amendment A read by the Clerk and adopted in concurrence.

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

Passed to be Enacted

(S. P. No. 214) (L. D. 278) An act relating to taking of testimony.

(S. P. No. 634) (L. D. No. 1014) An act to protect the propagation and cultivation of quahaugs.

(S. P. No. 636) (L. D. No. 1016) An act to provide for alternative method of enforcement of tax liens.

(S. P. No. 642) (L. D. No. 1034) An act relating to roadside improvement.

(S. P. No. 342) (L. D. No. 547) An act relating to measurement of lobsters.

(H. P. No. 199) (L. D. No. 108) An act closing Pleasant River and tributaries to trapping.

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

(Emergency Measures)

S. P. 230, L. D. 796: An act to incorporate the town of Lincoln School District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors will make and return the count.

A division was had,

One hundred and twenty-one voting in the affirmative and none in the negative, the bill was passed to be enacted.

S. P. 570, L. D. 860: An act enabling cities and towns to take advantage of Reconstruction Finance Corporation loans for construction of waterworks.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division was had,

One hundred and seventeen voting in the affirmative and none in the negative, the bill was passed to be enacted.

The Chair lays before the House, tabled and specially assigned for this afternoon, S. P. 661, L. D. 1042, bill an act to provide for a Constitutional Convention to pass on the proposed Twenty-first Amendment to the Constitution of the

United States, tabled this morning by the member from Portland, Miss Laughlin, pending first reading; and the Chair recognizes that member.

Miss LAUGHLIN: Mr. Speaker and members of this House: If you will turn to Section 5 of this bill you will see the provision regarding the number of signatures that must be secured in order that any person may become a candidate for a member of this Convention and you will see that it provides that there must be signatures in the number of not less than ten per cent of the total vote cast for Governor in the gubernatorial election of 1932. I wonder if you have any idea what that means!

In the county of Cumberland that would mean that every person who is a candidate for the Convention would have to have 3,995 signatures to his petition in that county. Thirteen delegates would mean 52,000 signatures, and if we had both wets and dries running for ratification and against, it would be more than 100,000 signatures which must be written in Cumberland County. Nevertheless, there would have to be over 100,000 signatures for candidates on each side, and they would have to be secured under the further provisions of the bill in some thirty days. To my mind "ridiculous" is not the word to use in this connection but nevertheless it will do. Think of the absurdity of such a provision! The candidates for Governor at the last election were required to obtain through the whole State, in order to be a candidate for Governor, 1,495 signatures as a minimum. Now this bill proposes that in the County of Cumberland alone, to be a candidate for this Convention one must receive almost three times as many signatures as was necessary for a candidate for Governor in 1932. That is in Cumberland County.

Let us look at some of the other counties. I got these figures from the Secretary of State this noon. In the county of Androscoggin one would have to have on each petition 2,268 signatures; in the county of Kennebec, 2,364; in the county of Penobscot, 2,586; in the county of York, 2,391.

I think just the reading of these figures shows the complete absurdity, to put it mildly, of this provision. As I said, it would require nearly three times as many in Cumberland alone. It would be

almost an impossibility to secure those signatures.

Now I offer an amendment, which is in the hands of the Clerk, and move its adoption.

The SPEAKER: The Clerk will read House Amendment A.

House Amendment A to House Paper 1611, Legislative Document 1042, entitled An act to Provide for a Constitutional Convention to Pass on the Proposed Twenty-first Amendment to the Constitution of the United States.

Amend said bill by striking out the figures "10 per cent" in line three of section five and substituting therefor the figures "1 per cent;" and by striking out from line six of said section five the figures "5,000" and substituting therefor the figures '1,000.'

Miss LAUGHLIN: Mr. Speaker, in further support of this amendment, of course we are all familiar with the fact that a candidate running for office in any county has to secure a minimum of one per cent, and is prohibited from securing more than two per cent. It seems to me that in the nomination of persons for this Convention within their respective counties that we should follow the provisions that we have in nominating candidates for Senator and follow the same provision that is used in nominating candidates for other officers, and that is what this amendment provides, instead of the impossible provisions of the bill as it now stands.

Mr. BREEN of Lewiston: Mr. Speaker, I am heartily in accord with the lady member from Portland. I do not think it is necessary to secure 2,268 names in Androscoggin County. That is altogether too many. I think one per cent is enough. I stand behind the member.

Mr. VALLELY of Sanford: Mr. Speaker, I do not think it would be very hard to get 2,000 names in the county of York. On a petition here two years ago before the Legislature to open up a pond to fishing, we got 2,000 names on it. I think the dries are getting a little shaky.

Mr. HILL of South Portland: Mr. Speaker and members of the House: I take no issue with the member from Portland (Miss Laughlin) when she points out that ten per cent of the voters in the county is too high a figure to set for the number of signatures re-

quired on the petition. I should, however, as a member of the committee on Federal Relations, like to bring before the House the questions with which the committee was concerned when this high figure was inserted in the bill. The committee believed, in view of the decision of the Supreme Court rendered in answer to the question propounded by the Senate that this method of nomination of candidates seemed to be the only possible way, in the light of that opinion. As a result of this provision for nominating candidates, the committee thought it highly desirable to place the number of signatures required sufficiently high so as to prevent there being too many candidates on the ballot.

Now in Cumberland County the county would be entitled to thirteen delegates. We may assume there would be at least thirteen candidates for ratification and thirteen candidates against ratification. If the figure is set so low that it is an easy matter for any citizen to get his name on the ballot, then we should have so many candidates on the ballot that it would be very possible for a person who wanted to vote ratification to split his vote among the candidates for ratification. That is, suppose there were twenty candidates for ratification and thirteen candidates against ratification, the voters who desire ratification might so distribute their votes among the various candidates as to give the advantage to the other side, or vice versa. Consequently, the committee set this high figure.

I agree with the member from Portland (Miss Laughlin) that it is too large, but I question whether one per cent,—if I understood her correctly, it was one per cent of the voters—I question whether that is high enough to be desirable.

The SPEAKER: The pending question is on the motion of the member from Portland, Miss Laughlin, that House Amendment A be adopted. All those in favor will say aye; contrary minded no.

A viva voce vote was doubted.

Miss LAUGHLIN: Mr. Speaker, I wish to answer the gentleman from South Portland (Mr. Hill). He is afraid there would be too many. The way it stands, there would not be any in Cumberland County, or at least you could not get in thirteen. There would be necessary an expenditure of an unlimited amount of money to get that amount of

signatures which would preclude anybody who did not have a large amount of money from being a candidate. We have gone along for a long time in making a minimum of one per cent on nominations for candidates in every county for every office. I trust my amendment will be adopted.

Mr. HILL: Mr. Speaker, as I said before, I agree with the member that this figure is too high, but I should like a little information. I wonder whether the member from Portland (Miss Laughlin) or someone else could inform us as to how many signatures would be required in a small county such as Lincoln County, if it were one per cent.

Miss LAUGHLIN: I have the figures for all the counties, one per cent or two per cent or ten per cent. In Lincoln County—or, rather, Sagadahoc, which is the smallest—one per cent would be 69; Cumberland County, one per cent would be 400; Androscoggin County, one per cent 227; Kennebec County, 237; Penobscot County, 259; York County, 240, the same as it was for nominations for the Senate. Two per cent for Cumberland would be 800, and it would take some little work to get eight hundred when thirty days is all the time one has to get around in. The time is much shorter, only from the 5th of July to the 10th of August, and, leaving out Sundays, that is thirty days.

In the primary election, beginning January 1st, we have three months to get those signatures, and it requires only one per cent, and I find it takes a good deal of scurrying around to get them. In this case they have only thirty days to get those signatures.

Mr. MAYERS of Hallowell: Mr. Speaker, I cannot, in the first place, conceive of how anybody would want to be a candidate to that Convention and be put on the spot, either one way or the other, but I can conceive of this: That there are plenty of distilleries that would be willing to stand the expense of getting 5,000 names or 10,000 names in any county, because it is going to mean something to them. I am neither a wet nor a dry, as far as that is concerned, but I can conceive of a situation of that kind. I think we should go very slowly in this matter and give it due consideration. The higher you get it, the easier it is going to be for the wets

to get their nominees on the ballot, and the harder it is going to be for the dries. As I say, I am neither a wet nor a dry; I am neutral in this matter, but I want to call your attention to that fact.

Miss MARTIN of Bangor: Mr. Speaker and members of the House: I wonder if you realize the fact that we have no registered wet party or no registered dry party, and there is no reason under the sun why, if the wets wanted to, they could not put up an undesirable candidate on the dry side. Now in considering a small number on your petitions, you want to bear that in mind, and if you have a large enough group so it is going to be an effort, people are going to say "Is that person dry?" If you run into someone who knows that person, you can get a back-fire started so there cannot be any crooked business in the nomination of candidates.

Mr. SCATES of Westbrook: Mr. Speaker, there is no question but what ten per cent is too high, and there is no question but what one per cent is too low. Now let us be reasonable, let us be fair, let us do what is best for everybody. I have no particular interest in this thing, but I do like to see justice and fairness displayed in everything. I am not one of those cranks or radicals or anything of that kind. I look at everything in a calm, candid manner.

Now I would offer this amendment to the amendment of the lady from Portland, (Miss Laughlin): Instead of ten per cent, make it four per cent; instead of 5,000, make it 3,000, if the Clerk can remember those figures.

The SPEAKER: The Clerk will write that down for you.

Mr. WRIGHT of Bath: Mr. Speaker, may I ask a question of the lady from Portland (Miss Laughlin)?

The SPEAKER: The gentleman from Bath, Mr. Wright, asks a question of the member from Portland, Miss Laughlin, and she may answer if she chooses.

Mr. WRIGHT: It has been suggested that 3.2 might be a good figure. (Laughter)

Miss LAUGHLIN: Mr. Speaker, is Amendment A to House Amendment A before the House?

I still call attention to the fact that 1,600 signatures for every candidate in Cumberland County would

mean more than 40,000 signatures, if we had one of each, and I say it is too high, ridiculously high. Certainly the present extreme, two per cent, is the maximum we should have. But it does seem to me that the percentage we are using right along ought to be sufficient. That is easy enough for the Chairman of that committee, who comes from Franklin County, where at ten per cent he would only have to have 653. It is another proposition in my county, even on the gentleman's amendment. I am opposed to the amendment.

Mr. SCATES: I will say, Mr. Speaker, I think that is little enough on a matter as important as this, 1,600 names in the great county of Cumberland.

Miss LAUGHLIN: Mr. Speaker, may I call attention to the fact that in Androscoggin County it would mean 900 on each one; Kennebec, 940 on each one; York, 960 on each one.

Mr. Hill of South Portland was here granted unanimous consent to speak for the third time.

Mr. HILL: Mr. Speaker, the member from Portland (Miss Laughlin) pointed out that a larger number of signatures would be required in Cumberland County, but, if I understood her answer correctly, if this is to be set at one per cent, only 69 signatures would be required in Lincoln County. Lincoln County would be entitled to two delegates, and any person would be entitled to become a candidate by obtaining 69 signatures. It seems to me, in that county and the other small counties, that there would be grave danger of having so many candidates upon the ballot that it would be confusing.

Possibly the answer to this difficulty would be a provision which would set the percentage different in different counties. Perhaps it does not operate to the best advantage to carry out the same percentage through the several counties.

With the thought in mind that possibly over night some amendment could be prepared to better take care of this situation, I move that the matter be tabled and specially assigned for tomorrow.

A viva voce vote being taken, the matter was tabled and specially assigned for tomorrow morning.

The Chair lays before the House

the second matter tabled and specially assigned for this afternoon, House order relative to asking opinion of the Attorney General as to the constitutionality of the Forestry law, tabled by Mr. Farris of Augusta, pending passage; and the Chair recognizes that gentleman.

Mr. FARRIS: Mr. Speaker, this order asks for the opinion of the Attorney General as to the constitutionality of the Auxiliary Forest Law and was introduced this morning by the gentleman from Lagrange, Mr. Rea. Earlier in the session that gentleman introduced a bill repealing the Auxiliary Forest Law which was in the Revised Statutes of 1930, and we went along with him on that in this House. It went to the Senate and was passed in concurrence. It has been signed by the Governor and the law has been repealed. Therefore, it seems to me that there is nothing for the House to act upon and for that reason I move the indefinite postponement of the order.

Mr. REA: Mr. Speaker, personally I am not interested in this order but I was requested to present it for the purpose of getting an opinion from the Attorney General before the Assessors start out to assess taxes next Monday. The point was simply to get an opinion from the Attorney General as to its constitutionality, but if it is not perfectly proper, I am willing to withdraw the order. If it is proper, I would like to see it go through.

Mr. FARRIS: If the order is passed, it would have nothing to do with the Assessors at Lagrange. I believe the information could be obtained from the Attorney General without any order.

Mr. REA: Mr. Speaker, my request did not come from Lagrange, by the way. As I said before it is immaterial to me personally whether this order is passed or not and I will be glad to withdraw the order if it is not agreeable.

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Farris, that this order be indefinitely postponed.

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

The Chair lays before the House the third matter tabled and specially assigned for this afternoon, House report ought not to pass of the committee on Ways and Bridges on resolve in favor of

the city of Old Town, H. P. 946, tabled by Mr. Hickey of Old Town, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Hickey, retabled and specially assigned for tomorrow morning.

The Chair lays before the House the fourth matter tabled and specially assigned for this afternoon, resolve in favor of the Pownal State School, for additions and improvements, S. P. 639, L. D. 1026, tabled this morning by the gentleman from Richmond, Mr. Hawkes, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Hawkes, the resolve had its second reading and was passed to be engrossed.

The Chair lays before the House the fifth matter tabled and specially assigned for this afternoon, resolve in favor of the Pownal State School, for additions and improvements, S. P. 638, L. D. 1025, tabled this morning by the gentleman from Richmond, Mr. Hawkes, pending second reading; and the Chair recognizes that gentleman.

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

House Amendment "A" to S. P. 638, L. D. 1025, Resolve in favor of the Pownal State School for Additions and Improvements.

Amend said Resolve by striking out the twelfth (12th) line thereof the words "three officers' cottages" and inserting in place thereof "quarters for employees and officers."

Further amend said Resolve by adding at the end thereof the following paragraph:

"The construction authorized by this Resolve shall be completed before any other construction at the Pownal State School authorized by the 86th Legislature shall be undertaken.

On motion by Mr. Carleton of Portland, tabled, pending adoption of the amendment and specially assigned for consideration tomorrow morning.

Mr. FARRIS of Augusta: Mr. Speaker, I ask unanimous consent to present a resolve to authorize the State Highway Commission to convey certain property to the State. This property is located in Winterport. The purpose is for the State Highway Commission, in the name of the State of Maine, to convey the property they own, the old ferry property in Winterport and Bucksport. If I had not been assured by the Attorney General that the gentleman from Winterport, (Mr. Fernald) would not object, I would not have introduced it.

Thereupon, unanimous consent being given, Mr. Farris of Augusta introduced H. P. 1742, resolve authorizing the State Highway Commission to convey certain property of the State.

Thereupon the rules were suspended, and this resolve was given its two several readings, without reference to a committee, and was passed to be engrossed.

On motion by Mr. Sprague of Oakfield,

Adjourned until ten o'clock tomorrow morning.