

MAINE STATE LEGISLATURE

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



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

Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

ERRATA:

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

- Page 473—An act to regulate the speed of motor vehicles (S. P. 357, L. D. 572)—Should be (S. P. 357, L. D. 512)
- Page 474—An Act to incorporate the Maine Reinsurance Company (H. P. 977, L. D. 313)—Should be (H. P. 877, L. D. 313)
- Page 475—Second act closing Middle Range Pond to ice fishing to be deleted.
- Page 478—Resolve regulating Fishing in Snow Mountain Pond (H. P. No. 462) (L. D. No. 228)—Should be (H. P. No. 562) (L. D. No. 228)
- Page 486—An Act relating to trapping muskrats in Sourdabscook Stream (H. P. 5351, L. D. 142)—Should be (H. P. 551, L. D. 142)
- Page 487—An Act providing for the calling of conventions for adoption or rejection of proposed amendment to the Constitution of the United States submitted by Congress to conventions.—Should be H. P. 1594.
- Page 487—House Paper 205, An act relating to the prepayment of taxes—Should be L. D. 205.
- Page 495—An Act empowering William L. Milliken of Presque Isle in the County of Aroostook to Erect and Maintain Piers, Piles and Booms in the Aroostook River (H. P. 67) (L. D. 85)—Should be (H. P. 67) (L. D. 29)
- Page 504—resolve providing for a State pension for Leland Palmer of Carmel H. P. 685, L. D. 727—Should be H. P. 645, L. D. 737.
- Page 509—An Act to establish a board of finance of the City of Waterville. (H. P. 1551, L. D. 860)—Should be (H. P. 1551, L. D. 868)
- Page 537—Resolve providing for a state pension for Anne Foley of Lewiston (H. P. 907, L. D. 340)—Should be (H. P. 907, L. D. 840)
- Page 537—Resolve in favor of American Liability Insurance Company of Boston in the Commonwealth of Massachusetts (S. P. 206)—Should read American Mutual Liability Insurance Company.
- Page 538—"An Act relating to beautification of landscape and roadsides" (S. P. 385)—Should be (S. P. 355)
- Page 567—An Act providing for sentences and the imposition thereof. (S. P. 596, L. D. 568)—Should be (S. P. 283, L. D. 568)
- Page 569—Error in spelling (the county).
- Page 571—"An Act relative to the fishing in the Mousam River" (S. P. 173)—Should be (S. P. 178).
- Page 587—(S. P. No. 564) (L. D. No. 832) Resolve regulating fishing for Pickerel in Oxford and York Counties.—Should be in York County.
- Page 587—(H. P. 560, L. D. 144) Resolve regulating fishing for pickerel in Oxford and York Counties.
- Page 600—Resolve appropriating money to pay World War Veterans claims heretofore approved by the Committee on Claims (S. P. 892, L. D. 948)—Should be (S. P. 592, L. D. 948)
- Page 601—Resolve extending open season on Mousam River. (S. P. 610, L. D. 993)—Should be (S. P. 610, L. D. 983)
- Page 601—The majority of the Committee on Bill "An Act relating to manufacture of intoxicating liquor" (S. P. 116, L. D. 163)—should read—The majority of the Committee on Temperance, etc.
- Page 601—The majority of the Committee on Bill "An Act relating to the pauperizing of unemployed wage earners" (S. P. 42, L. D. 26) should read—The majority of the Committee on Labor, etc.
- Page 601—(Signed) Holmes of Franklin—Should be Holman.
- Page 602—"An act relating to state aid for academies." (S. P. 1000, L. D. 577)—Should be (H. P. 1090, L. D. 577)
- Page 621—Resolve Providing for a State Pension for Augusta O. Goodwin of Augusta, (H. P. 75) (L. D. 670)—Should be (H. P. 75) (L. D. 671)
- Page 622—Resolve Providing for an Increase in State Pension for Lester Pagen of Hermon (H. P. 56) (L. D. 706)—Should be Lester Patten.
- Page 622—Resolve Providing for a State Pension for Arria S. Sargent of Auburn, (H. P. 383) (L. D. 08)—Should be (H. P. 383) (L. D. 708)
- Page 622—Resolve Providing for a State Pension for Fred E. Stevens of Chelsea, (H. P. 991) (L. D. 40)—Should be (H. P. 991) (L. D. 740)
- Page 622—Resolve Providing for an Increase in State Pension for Grace Griffin of Auburn, (H. P. 139) (L. D. 715)—Should be (H. P. 1397) (L. D. 715)
- Page 623—Resolve Providing for a Pension for Laura Witham of Lisbon, (S. P. 535) (L. D. 788)—Should be (S. P. 535) (L. D. 799)
- Page 633—Resolve in favor of several academies, institutes and seminaries (S. P. 598, L. D. 932)—Should be (S. P. 598, L. D. 942)
- Page 633—An act requiring the licensing of operators of creameries or milky distributing plants (H. P. 1618) (L. D. 953)—Should be milk distributing plants.
- Page 635—An act relating to Penobscot and Passamaquoddy Tribes of Indians (H. P. 1554, L. D. 875)—Should be (H. P. 1554, L. D. 857)

SENATE

Monday, March 20, 1933

Senate called to order by the President.

Prayer by the Rev. Herbert E. P. Pressey of Augusta.

Journal of Friday, March 17th read and approved.

The **PRESIDENT**: The Chair would like to read a comment from an Associated Press dispatch this morning:

"Senate President Murchie of Washington has been an advocate of early adjournment since the beginning of the session, and indications are that he will drive the upper branch mercilessly during the present week."

I would like to advise the members of the Senate that I have not with me, nor do I own any whip for driving purposes. The question of the speed with which the Senate will conclude its work depends necessarily upon the will of the members in the separate bodies. It is my hope that we may be able to transact our business in an orderly manner and conclude during the present week, but it is not my desire nor intention to crowd any member of the Senate unnecessarily.

On motion by Mr. Kitchen of Aroostook, the rules were suspended and that Senator presented out of order, the following order, and moved its adoption.

In Senate, March 20, 1933

WHEREAS: It appears to the Senate of the 86th Legislature that the following are important questions of law and the occasion a solemn one, and

WHEREAS: A bill has been enacted by the 86th Legislature suspending the operation of the law providing for the assessment of a tax of one mill on all property within the State for highway purposes and further providing for the distribution of certain indirect revenues of the State in highway work, and

WHEREAS: In the opinion of the Legislature the necessity for making said Act immediately operative was so acute that the emergency clause was attached thereto, and

WHEREAS: Questions have arisen as to the constitutionality of certain of the provisions contained in said Act and as to the sufficiency of

the emergency clause attached thereto, and

WHEREAS: If said Act is unconstitutional public necessity requires that a new bill shall be enacted to carry into effect the will of the people of the State of Maine as expressed by their representatives in Legislature assembled.

ORDERED: That the Justices of the Supreme Judicial Court are hereby requested to give to the Senate, according to the provisions of the Constitution on this behalf, their opinion on the following questions, to wit:

First

Under the terms of Article LII of the Constitution of Maine amending Section 17 of Article IX of said Constitution as theretofore amended, it is provided that bonds may be issued by the State, the proceeds of which shall be "devoted solely to the construction of the present system of State Highways."

Under the terms of the act passed by the 86th Legislature and already signed by the Governor, designated "An Act to Create and Allocate a General Highway Fund for State Aid and Third Class Highway Construction, and to temporarily suspend certain statutes," it is provided, by the terms of Section 8 thereof, that authority is vested in the State Highway Commission "To use highway loan funds and general highway funds to meet outstanding contract obligations including obligations or expenditures of towns incurred by them in anticipation of aid for state aid or 3d class highway construction projects."

Question No. 1

Does the provision contained in said Section 8 that the State Highway Commission may use highway loan funds to meet outstanding contract obligations incurred in anticipation of aid for state aid or 3d class highway construction projects contravene the 17th section of Article IX of the Constitution as amended by said Article LII?

Question No. 2

If the provision contained in Section 8 of said Act does contravene the Constitution and becomes void because of such contravention, does the unconstitutionality of said Section or any particular provision thereof make the entire Act and all the provisions thereof unconstitutional?

Second

The emergency preamble at-

tached to said Act reads as follows:

"EMERGENCY PREAMBLE. Whereas, many people are out of work throughout the state, thus placing a heavy burden upon many local communities, and

Whereas, an early beginning on the road program will help to relieve this situation to a large degree, and

Whereas, many town meetings will be held shortly at which action should then be taken to take proper advantage of the conditions of this bill, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,"

An examination of the operation of the Act will disclose in the opinion of the Senate that the effect of the suspension of the operation of the law providing for the imposition of a tax of one mill for highway purposes is to reduce rather than to increase the funds available for highway construction. In addition, it is manifest in view of the existing law which provides that the fiscal year of the State close on June 30th, that said legislative Act cannot in accordance with its terms "take effect when approved," but that its actual operation will commence at the opening of the next fiscal year on July 1, 1933.

Question No. 3

Under the circumstances above set forth, is the emergency clause attached to said Act and hereinbefore quoted sufficient to prevent the operation of the referendum provision contained in said Article XXXI of the Constitution of the State of Maine?

Question No. 4

Does the requirement of Article XXXI of the Constitution providing that emergency legislation "shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety" restrict the operation of such emergency clause to those cases where an emergency in fact exists, and is recited, or is it sufficient notwithstanding the recital in the Constitution that "the facts constituting an emergency shall be

expressed in the preamble of the act" if the Legislature merely recites any set of circumstances and concludes that the declaration that "in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety?"

The order received passage.

On motion by Mr. Holmes of Androscoggin, the rules were suspended and that Senator presented out of order, the following resolution:

"Resolved, the House concurring, that any effort to speed the business of the legislature merely for the purpose of early adjournment is liable to result in the enactment of hasty and ill-considered legislation, and is therefore contrary to the public welfare. Consequently, it is the sense of the legislature that it should remain in session for whatever time may be necessary to give deliberate consideration to all measures which may be proposed affecting the financial condition of the State or its people." (S. P. 617)

On motion by Mr. Weeks of Somerset, the resolution was laid upon the table, pending adoption.

Mr. HOLMES of Androscoggin: Mr. President, I ask permission, under the rule adopted by this legislature last week, to introduce two bills affecting the financial situation. I want to read them both as they are short, in order that the members may vote intelligently as to whether these measures should be introduced. Have I the floor, Mr. President?

The PRESIDENT: The Senator from Androscoggin, Senator Holmes, may proceed.

(Mr. Holmes then read, Bill, "An Act Requiring Trust and Banking Companies to Invest Their Savings Deposits Only in Securities Legal for Savings Banks Deposits" (S. P. 616), and Bill, "An Act Forbidding Interlocking Directorates of Savings Banks with Other Banks" (S. P. 615).

Mr. HOLMES: Mr. President, I ask permission of the Senate to introduce these two bills, and suggest they be referred to the Committee on Banks and Banking.

The PRESIDENT: The Senator from Androscoggin, Senator Holmes,

offers for introduction, "An Act Requiring Trust and Banking Companies to Invest Their Savings Deposits Only in Securities Legal for Savings Banks Deposits." This bill, coming at this stage of the session will be barred by the closing rule adopted on the opening day of the session, but may be admitted under the joint order adopted on March 15th, which joint order calls for the opinion of the majority in the body in which the measure is offered. The Chair will read the order, "that notwithstanding the terms of the closing order adopted on the day of the convening of this Legislature, the separate bodies receive for consideration such measures as in the opinion of a majority of the body in which any measure is offered are designed solely for emergency relief in view of the existing financial and credit situation." Is it the pleasure of the Senate that this measure be admitted, as being designed solely for emergency relief in view of the existing financial and credit situation?

Mr. HOLMES: Mr. President, that, of course, is open for debate from the floor. I want to say, in my opinion, if we had had two such laws, and especially the one regarding investment of savings deposits of trust companies, that the savings banks of this State, or those who were interested for them, would not have introduced one of the two bills introduced last week, referred to as the "Savings Bank Bill" which is now on the table in the House, and I think that if we had the other one as a law, the one which, if it becomes a law, requires the savings departments of trust companies to invest their savings deposits only in the kind of securities that are legal for savings banks, we would not have had the shiver of fear that went through this State, and we probably would not have had introduced the bill in regard to savings banks which is on the table in the House. We would not have had the rumors going around, how many hundreds of thousands of working people which have been putting into savings banks, thinking they were safe and would draw a low rate of interest because they were safe, how many hundreds of thousands of dollars have been deposited in trust companies which, perhaps are shaky? I think if it is important for this Legislature to pass, as it did, the so-called Trust Company bill of

last week, and if it is important to hold on the table with a view of possibly passing the Savings Banks bill which is now on the table, which may be passed in some form, it is equally important at the same time to pass these two bills.

If there is anything that we people of New England and the East, and especially New England and New York state, have been proud of for many years, it is our mutual savings banks. It is an institution almost unknown in most parts of the west and the south, but we have long regarded them, and with justice, as the institution for the working man and the small home owner who wants primarily to know that his savings are safe, and in my opinion, it is very important now since this Legislature is considering banking legislation for this emergency which has arisen by reason of the crashing of the financial system of the country, very important to finish the work that we have begun.

Now, on a hearing before a committee, I may turn out to be mistaken and it may be pointed out to me that interlocking directorates of savings banks with trust companies and national banks is a good thing, and it may be pointed out to me that it is all right to trust the savings in the trust companies to the good judgment of the directors without the law holding any oversight over them except supervision by the Bank Commissioner. I may change my mind, but at least, I think the matter is important enough in this emergency for us to take two or three days more, if necessary, to once and for all straighten out this emergency before we leave here. We would not want to be called back for a special session two or three weeks after we get home.

The PRESIDENT: The Chair will state to the Senator from Androscoggin (Senator Holmes), and to the Senate, that during the present session a procedure never before adopted, has been followed in this Legislature, whereby bills, after the closing rule has gone into effect, were submitted to the Committee on Reference of Bills, and the Senate will perhaps recall that in every instance the Committee on Reference of Bills has brought in its recommendation or its interpretation that the bill fell within the closing rule and should be referred to the Eighty-seventh Leg-

islature, or that they fell without the rule and should be received. Had the Senator from Androscoggin, Senator Holmes, referred this measure to the Committee on Reference of Bills, it is the opinion of the Chair that it would have been the duty of the Committee on Reference of Bills to interpret the rule and recommend to the Senate either that the bills be accepted as falling within the order or that they be rejected as not falling within the order. Not having given that opportunity to the Committee on Reference of Bills, it seems necessary to the Chair that the Senate act in accordance with the order without recommendation. Again the Chair asks the Senate, is it the pleasure of the Senate that this bill be received as falling within the joint order adopted on March 15th.

Thereupon, the bill was received, and upon further motion by the same Senator, it was referred to the Committee on Banks and Banking, and five hundred copies ordered printed.

Sent down for concurrence.

The PRESIDENT: The Senator from Androscoggin, Senator Holmes, offers "An Act Forbidding Interlocking Directorates of Savings Banks with Other Banks." Exactly as the last bill would have been barred by the closing rule but for passage of the joint order of March 15th, so this bill, in the opinion of the Chair would be so barred; and the Committee on Reference of Bills having had no opportunity to interpret the order as it relates to this bill, the question must be submitted to the Senate.

Thereupon, the bill was received, and upon motion by Mr. Weeks of Androscoggin, it was referred to the Committee on Banks and Banking, and five hundred copies ordered printed.

Sent down for concurrence.

At this point Senator Gay was escorted to the Chair, the President retiring, amidst the applause of the Senate the members rising.

On motion by Mr. Murchie of Washington, the rules were suspended and that Senator presented out of order the following order and moved its adoption:

WHEREAS it appears to the Senate of the 86th Legislature that the following are important questions

of law and the occasion a solemn one, and

WHEREAS a Bill has been introduced into the Senate upon which the report of a duly constituted joint committee is being awaited providing for the creation of a constitutional convention to pass on the proposed 21st Amendment to the Constitution of the United States, and

WHEREAS questions have arisen as to the constitutionality of certain of the provisions contained in said act and as to whether or not the referendum provisions contained in article 1 of the Constitution of Maine apply thereto, and

WHEREAS it is of the utmost importance in the opinion of the Senate that an act to provide for a convention to pass on said amendment if it is to be enacted shall meet the requirements of the Constitution of the United States, and of the Constitution of the State of Maine,

ORDERED That the Justices of the Supreme Judicial Court are hereby requested to give to the Senate according to the provisions of the Constitution on this behalf, their opinion on the following questions, to wit:

First

Section one of an act entitled "An Act to Provide for a Convention to Pass on the Proposed 21st Amendment to the Constitution of the United States" (Legislative Document 801) provides that the date of an election to be held for the purpose of selecting delegates to a convention to pass on said amendment shall be fixed by the governor by proclamation and section six of said act provides that the election shall be by ballot "separate from any ballot to be used at the same election." Several acts and resolves also pending before the 86th Legislature call for a special election to pass on constitutional questions or on Legislative acts which special election according to the terms of said acts and resolves will be held on the second Monday in September, 1933

Question No. 1.

Can the governor, by proclamation under the terms of said act, fix as the date of said special election the second Monday of September, 1933 when an election is to be held in accordance with a legislative act or if a referendum is invoked under the provisions of

article XXXI of the Constitution on any Bill or resolve duly enacted or finally passed by the 86th Legislature and approved by the governor and a special referendum election held thereon, can the governor, under the terms of said act, provide for said special election to be held on the same date as such referendum election?

Second

The recitals contained in section three of said act provide that the results of the special election therein provided shall be "ascertained and certified in the same manner as in the case of the election of presidential electors.

Question No. 2.

In canvassing the returns of such special election what right, power, authority and duty have the governor and council to investigate and pass upon questions of fraud, irregularities and illegal practices in the conduct of the election?

Question No. 3.

If the governor and council, in the performance of their bipartite function, are unable to agree on the election of a full quota of delegates to the convention provided for by said act, is there a minimum number or quota of delegates who, after convening with certificates of election issued to them, will have authority to organize the convention therein provided and in accordance with the provisions of section nine thereof determine the election and qualification of candidates to fill the places left vacant through want of concurrent action by the governor and council and if less than a full quota may so convene what is the minimum number?

Question No. 4.

If the governor and council have authority in canvassing the returns to inquire into questions of fraud, irregularity and illegal practices in the conduct of the election, what duty is imposed upon them to reject individual ballots or to disregard the vote in election precincts where fraud, irregularity or illegal practice in the conduct of the election is shown?

Question No. 5.

In the event of the failure of concurrent action on the part of the governor and council as to the finding of fraud, irregularity or illegal practices in the conduct of

an election, are the ballots found by either the governor or the council to be fraudulent to be counted or rejected and are the returns presented in a precinct where fraud, irregularity or illegal practice in the conduct of the election is found by one branch of the bipartite board and not concurred in by the other to be accepted or rejected?

Third

Under the terms of said act all the delegates to the convention provided for therein are to be elected at large in the entire state.

Question No. 6.

Does the provision of article V of the Constitution of the United States that amendments thereto shall be valid "when ratified by the legislatures of three-fourths of the several states or by conventions in three-fourths thereof as the one or the other mode of ratification may be proposed by the Congress" permit the ratification of an amendment submitted by the Congress to convention in the several states to be passed upon by referendum?

Question No. 7

If the provisions of article V of said federal constitution do not permit an amendment to said constitution to be ratified by referendum vote is it permissible for the state under the terms of said article V to organize a convention wherein the delegates entitled to participate therein are all to be elected in the state at large?

Fourth

Section five of said act provides for a system of nominations which excludes from groups to be designated on the ballot as provided by section six thereof as either "for Ratification" or "against Ratification" all electors in excess of twenty-one in each case and provides in addition that the nomination of candidates running as "Unpledged" shall be restricted to the same number.

Question No. 8.

Is it permissible, under the Constitution of the United States of America or under the provisions of the Constitution of the State of Maine, for the Legislature to authorize the convening of a constitutional convention which deprives any elector in the state from the opportunity of having his name voted upon at an election called for

the purpose of selecting delegates to such a convention?

Question No. 9.

If it is not permissible for the Legislature to bar by arbitrary provision all candidates for election to such a convention beyond an established minimum number is the Legislature free to establish two systems of nomination one of which will provide for a given number of candidates on any arbitrary or certified basis and the second because of the imposition of an unreasonable requirement, will in effect forestall any elector from using its provisions?

Fifth.

Under the terms of section six the ballot provided for said special election is arranged in such manner that an elector may vote with a single cross for the entire group of candidates appearing on the ballot as "for Ratification" or against ratification" or "Unpledged," and it is provided that no ballot shall be held void because any cross-mark used in voting such ballot is irregular in character.

Question No. 10.

Must a convention assembling in a state to pass upon an amendment to the Constitution of the United States and submitted by vote of the Congress to the action of conventions in the several states be a deliberative convention?

Question No. 11.

Is it permissible, under the terms of the Constitution, to provide for the election of delegates according to a group system or a party system so that the elector by a single cross may vote for a number of delegates equal to the total number entitled to seats therein?

Sixth.

The provisions of article XXXI of the Constitution provide that no act or joint resolution of the Legislature with certain exceptions not herein of importance, shall take effect until ninety days after the recess of the Legislature passing it and that upon written petition of not less than ten thousand electors properly filed it shall not take effect until after ratification by a majority of the electors on a proper submission of the same to such electors.

Question No. 12.

Do the provisions of article XXXI of the Constitution apply to an act of the Legislature providing for a

convention to pass upon an amendment to the Constitution of the United States submitted by action of the Congress to conventions in the several states?

The order received a passage.

Papers from the House disposed of in concurrence.

House Bills in First Reading

An act to amend the charter of the Northport Wesleyan Grove Camp Meeting Association. (H. P. 158, L. D. 635).

From the House:

The Committee on Claims on "Resolve in favor of the town of Veazie to reimburse said town of Veazie for support of Archie L. Mishio and family, State paupers." (H. P. 804) reported that the same ought not to pass.

In the House, recommitted to the Committee on Claims.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending consideration.

From the House:

The Committee on Inland Fisheries and Game on Bill "An act closing Pleasant River and tributaries to trapping" (H. P. 199, L. D. 108) reported legislation inexpedient and that it ought not to pass.

In the House, recommitted to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending consideration.

From the House:

The Committee on Inland Fisheries and Game on Bill "An act relating to Back Bay Sanctuary" (S. P. 312, L. D. 700) reported the same in a new draft (S. P. 573, L. D. 861) and that it ought to pass.

(In the Senate on March 15th passed to be engrossed.)

In the House, recommitted to the Committee on Inland Fisheries and Game, in non-concurrence.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending consideration.

From the House:

Bill "An act granting preference to Maine Bidders." (H. P. 153, L. D. 85).

(In the Senate on March 16th, indefinitely postponed.)

In the House, that body voted to insist on its former action whereby it passed the bill to be engrossed and

asked for a Committee of Conference, and the Speaker appointed as House members of such a Committee:

Messrs. Fernald of Winterport, Hussey of Augusta, Goudy of South Portland.

In the Senate:

Mr. SCHNURLE of Cumberland: Madam President, I rise to a point of personal privilege.

The PRESIDENT pro tem: The Senator may state his point.

Mr. SCHNURLE: Madam President and members of the Senate, I deprecate the fact that I shall find it necessary to take the time of this honorable body to reply to the insinuations made by a member of the Legislature last Friday to the effect that I was opposing this measure because of personal interests and selfish motives. I cannot, however, let the statement made by this loquacious member go unchallenged and I now ask your indulgence while I read briefly from the record of March 17th:

"Mr. FERNALD: * * * I introduced the bill, it was sent to the Committee on Judiciary, and was reported unanimous 'ought to pass'. It passed the House and went to the Senate and there was opposed by three gentlemen from Cumberland County. Now let's look at our biographical sketch book, page 11, Harold F. Schnurle—

"The SPEAKER: The gentleman will please not refer to members of the Senate or any action taken by that body. It is contrary to our rules."

It is rather obvious that this man of many letters has not yet secured his degree in parliamentary law.

"Mr. FERNALD: Page 11. We have a state representative of the Alpha Portland Cement Company. On page 7 we have another contractor."

I don't get the connection there.

"Now as I understand it, this cement is made in Pennsylvania. Consequently our Maine cement, made in Thomaston, would not be given the preference. Now I am for the Maine contractors. I am for the Maine cement dealer. I am for the Maine taxpayer."

I am now no longer reading from the record. In order to quickly refute the insinuation necessarily involved in the Billingsgate contained in that record that I would be personally effected by a passage of this measure, let me say that had he

made even a feeble attempt to secure information as to how the State purchased its cement for highway construction he would have found that the mill at Thomaston has been receiving preference ever since the State took over the buying of cement for highway work. Out of approximately two hundred thousand barrels used on highway construction last year every pound was purchased from the plant at Thomaston and it did not cost the taxpayers an additional two per cent.

Instead of injuring my business, as the member has insinuated, it is quite probable that it could be so handled as to act decidedly to my advantage. There would be nothing to prevent me from getting my local dealers throughout the State to bid upon all the State's requirements, and as they are all Maine concerns they certainly would have to be given some consideration.

While this situation would immediately be apparent to the average businessman, I rather doubt if the member has been able to take enough time off from his studies to learn even the rudimentary principles of business.

I now relinquish my right of personal privilege but I desire to hold the floor just long enough to state briefly my reasons for opposing this bill.

To begin with, if any such measure as this were passed I would like to argue in the reaction of those thousands of people who come annually into Maine to visit us. In other words, who are those people? Some of them, perhaps, are owners of industries. Some of them are stockholders in industries. Some of them, and probably a large percentage of them, must be at least employees of industries that would like at some time or other to do business with the State of Maine. And I ask you gentlemen whether or not they would feel that they had been discriminated against if this two percent preference law was put through.

Now, as far as the contractors are concerned, I do business with the contractor. Anything that I might do to actually favor a contractor would be a very fine thing because I could point out to them that I as a member of this Legislature had tried to do certain things for their protection and on their behalf. Instead of this legislation being a help to the contractors, I am opposing it because I believed it would

act just the reverse. What would hinder the set-up of dummy organizations, a contractor simply establishing an office, maybe an out-of-state contractor or maybe an in-state contractor, who really has no equipment and no facilities to do the job, what is to prevent him from setting up an office and bidding upon the job and then if he happened to be the low bidder going to the contractor who has an office here and who was within two percent of that contractor and hiring his equipment and so forth and saying to him, "You will actually do the job and I will take my two percent."

I think, gentlemen, that I am trying to protect the contractor. There is plenty of competition today right here among the State of Maine contractors themselves and I don't think they would welcome any more either from within or from outside of the State with that method of doing business.

And furthermore, gentlemen. I believe that if this bill were allowed to go through it would bring about reprisals from other states that would work further to the detriment of the State of Maine as I have been given to understand by men who have the knowledge that a very large percentage of our manufactured products and our agricultural products are sold without the State. Take for instance, Aroostook County, when they are getting good prices for their potatoes. I wonder if they would like to feel that all the potatoes they raise must be consumed in the State of Maine. I wonder what the potato market in the State of Maine would be if we had to eat all the potatoes raised here. In other words, if we discriminate against the other states we are going to bring about retaliatory measures against us.

I could go on and give you numerous reasons, but this is an un-American measure and it means building a tariff wall around the State of Maine, and I think in these times the states should pull together and not against each other.

I now yield to the Senator from Cumberland, Senator Jackson.

Mr. JACKSON of Cumberland: Madam President, May I have read once again, and very slowly, the names of the House conferees?

The SECRETARY: The paper

comes from the House, that body having insisted on its former action in passing the bill to be engrossed and asking for a committee on conference, the Speaker having appointed as House members of such a committee Messrs. Fernald of Winterport—

Mr. JACKSON: Madam President, it is enough. I move that the Senate now adhere.

The motion prevailed.

From the House:

Bill "An Act for the regulation of the practice of hairdressing and beauty culture" (H. P. 1513, L. D. 823)

(In the Senate on March 15th passed to be engrossed as amended by Senate Amendment "A" in non-concurrence).

In the House passed to be engrossed as amended by Senate Amendment "A", House Amendment "A", House Amendment "A" to House Amendment "A" and House Amendment "B" in non-concurrence.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending consideration.

From the House, the following order:

Ordered, the Senate concurring, that the State Librarian be, and hereby is, directed to issue to each member of the 86th Legislature one copy of "The Maine Book" written by H. E. Dunnack. (H. P. 1643)

In the House, read and passed.

In the Senate, on motion by Mr. Page of Somerset, tabled pending passage in concurrence.

Order

On motion by Mr. Weatherbee of Penobscot, it was

Ordered, the House concurring, that there be recalled from the files to the Senate, An Act to permit the manufacture and sale of non-intoxicating malt beverages, to derive revenue therefrom, and to create a legal definition of the term "saloon" (H. P. 38, L. D. 22).

Sent down for concurrence.

Bills in First Reading

Resolve appropriating money to pay pauper claims heretofore approved by the Committee on Claims. (S. P. 591, L. D. 951)

Resolve appropriating money to pay World War Veteran claims heretofore approved by the Committee on Claims. (S. P. 892, L. D. 948)

Resolve in favor of several academies, institutes and seminaries. (S. P. 598, L. D. 942)

Resolve in favor of Celia I. Fowler of Ellsworth. (S. P. 599, L. D. 943)

Resolve regulating the taking of smelts in the York River and Smelt Brook in the towns of York and Elliott in York County. (S. P. 600, L. D. 944)

An act relating to by-laws of towns, cities and villages regulating vehicles. (S. P. 601, L. D. 945)

An act relating to commitment to hospitals by municipal officers. (S. P. 602, L. D. 947)

(On motion by Mr. Weatherbee of Penobscot, tabled pending assignment for second reading).

An act controlling public utility relations with affiliated interest involving contracts and loans. (S. P. 603, L. D. 946)

An act to provide for the nomination of candidates for elective office. (S. P. 604, L. D. 950)

(On motion by Mr. Harmon of Hancock, tabled pending assignment for second reading).

An act to provide a town council and manager form of government for the town of Washburn in the County of Aroostook. (S. P. 607, L. D. 949)

An act relative to closed time, daily bag limits and transportation of wild hares and rabbits. (S. P. 608, L. D. 981)

An act relative to transportation of deer within State (S. P. 609, L. D. 982)

Resolve extending open season on Mousam River. (S. P. 610, L. D. 993)

Reports of Committees

Mr. Jackson from the Committee on Library on "Resolve for the purchase of monograph on Geology, Conchology and Botany of Maine" (S. P. 25) reported that the same ought not to pass.

The same Senator from the same Committee on two remonstrances (S. P. 399 and S. P. 418) relating to stipend for free public libraries, reported that the same be placed on file.

Mr. Littlefield from the Committee on Sea and Shore Fisheries on Petition relating to change of law regarding the length of lobsters (S. P. 51) reported that the same be placed on file.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Jackson from the Committee on Pensions on "Resolve to repeal a resolve providing for a state pension for Carrie E. Fitch" (S. P. 165) reported that the same ought to pass.

Mr. Kitchen from the Committee on Ways and Bridges on Bill "An Act to acquire the American portion of the International Bridge at Calais in Washington County and to provide for its maintenance" (S. P. 30) reported the same in a new draft (S. P. 613) and that it ought to pass.

Which reports were read and accepted and the bills laid on the table for printing under joint rules.

The majority of the Committee on Bill "An Act relating to manufacture of intoxicating liquor" (S. P. 116, L. D. 163) reported the same in a new draft (S. P. 614) under a new title (An Act relating to transportation of intoxicating liquor" and that the same ought to pass.

(Signed) Weeks of Somerset, Holmes of Androscoggin, Holman of Franklin, Farris of Augusta, Goudy of South Portland, Eldridge of Eastport.

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

(Signed) Hill of South Portland, Fernald of Winterport, Laughlin of Portland, Tompkins of Houlton.

On motion by Mr. Weeks of Somerset, the Majority Report "ought to pass" was accepted and the bill was laid upon the table for printing under the joint rules.

The Majority of the Committee on Bill "An Act relating to the pauperizing of unemployed wage earners" (S. P. 42, L. D. 26) reported that the same ought to pass.

(Signed) Bissett of Cumberland, Winn of Androscoggin, Ryder of Brownville, Bushey of Waterville, Chase of Baring, Cobb of Gardiner, Laughlin of Portland, Chase of Limington, Alliston of Biddeford.

The minority of the same committee on the same subject reported that the same ought not to pass.

(Signed) Holmes of Franklin.

On motion by Mr. Bissett of Cumberland, the bill and the reports were laid upon the table pending acceptance of either report.

The Committee on Education presented its final report.

Which was read and accepted.

Sent down for concurrence.

At this point the President resumed the Chair, Mrs. Gay retiring, amidst the applause of the Senate, the members rising.

Passed to be Engrossed

An act to revise the health and welfare laws. (S. P. 77, L. D. 926)

An act relating to beautification of landscape and roadsides. (S. P. 593, L. D. 927)

Resolve in favor of Julia A. Bradman Estate. (S. P. 594, L. D. 928)

An act relating to town meetings. (S. P. 595, L. D. 929)

An act to reduce salaries of certain county officials. (S. P. 597, L. D. 930)

(On motion by Mr. Weeks of Somerset, tabled pending passage to be engrossed.)

An act authorizing life insurance companies organized under the laws of Maine to pay pensions. (H. P. 75, L. D. 40)

An act requiring the filing and preservation of annual statements of insurance companies. (H. P. 125, L. D. 74)

An act relating to taxes on insurance premiums. (H. P. 126, L. D. 79)

An act relating to time limit for adjusting fire losses. (H. P. 127, L. D. 70)

An act to amend the charter of Parsonsfield Seminary. (H. P. 585, L. D. 234)

An act creating an Art Commission. (H. P. 618, L. D. 183)

An act relating to superintendents of schools. (H. P. 821, L. D. 682)

(On motion by Mr. Towle of Kennebec, tabled pending passage to be engrossed.)

Bill "An act relating to protection of quahaugs and mussels." (H. P. 1065, L. D. 452)

"Resolve proposing an amendment to the Constitution raising the state debt limit." (H. P. 851, L. D. 262)

Bill "An act to amend the charter of privileges of the West Bangor and Hermon Mutual Fire Insurance Company." (H. P. 1080, L. D. 434)

Bill "An act relating to state aid for academies." (S. P. 1000, L. D. 577)

An act relating to corrupt agreements by attorneys and others. (H. P. 1127, L. D. 590)

ersert, the Senate voted to take from the table, Joint Order, relative to "The Maine Book" (H. P. 1643), tabled by that Senator earlier in today's session pending passage in concurrence.

Thereupon, that Senator offered the following amendment and moved its adoption:

"Senate Amendment 'A' to Joint Order relative to 'The Maine Book'. Amend said order by including after the word 'member' in the second line thereof, 'and officers of each branch.'"

Thereupon, Senate Amendment "A" was adopted and the order as so amended received a passage in non-concurrence.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, An Act relating to Back Bay Sanctuary (S. P. 312, L. D. 700), tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator the bill was recommitted to the Committee on Inland Fisheries and Game in concurrence.

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, House Report from the Committee on Judiciary, Majority Report "Ought Not to Pass," Minority Report "Ought to Pass in New Draft" on An Act relating to offenses against habitations and other buildings (H. P. 1123, L. D. 632), tabled by that Senator on March 17th pending acceptance of either report.

Mr. WEEKS of Somerset: Mr. President, I move the acceptance of the Majority Report "Ought Not to Pass."

Thereupon, on motion by Mr. Holmes of Androscoggin, the bill and the reports were laid upon the table pending the motion to accept the majority report, and especially assigned for tomorrow.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Interior Waters "Ought to Pass in New Draft" on, An Act to extend the Charter of the Kennebec Reservoir Company (S. P. 149, L. D. 467), tabled by that Senator on March 17th pending acceptance of the report; and on further motion by the same Senator the report of the committee was

Orders of the Day

On motion by Mr. Page of Som-

accepted and the bill was laid upon the table for printing under the joint rules.

On motion by Mr. Kitchen of Aroostook, the Senate voted to take from the table, An Act to Provide for Further Issuance of State Bonds, (H. P. 1591) (L. D. 914), tabled by that Senator on March 17th pending passage to be engrossed; and the same Senator offered the following amendment and moved its adoption:

"Senate Amendment 'A' to Legislative Document No. 914. Amend said bill by striking out wherever they occur, the words 'and bridge.'"

Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, An Act Reducing the Compensation of State Officials and Employes, (S. P. 576) (L. D. 866), tabled by that Senator on March 13th pending second reading; and the same Senator offered the following amendment and moved its adoption:

Senate Amendment "A" to Legislative Document 866. Amend Legislative Document No. 866 by striking out the words "for a period of two years only" in the 1st section thereof and substituting in place thereof the words "until July 1, 1935" and by striking out the present section 4 and inserting in place thereof the following,—“the provisions of this act shall not apply to official salaries which the legislature has no authority to diminish, and further amend said act by inserting the following emergency preamble.

"WHEREAS: as a result of the existing world wide depression there has arisen in the United States and this State a financial emergency unforeseen when the appropriations were made by the last legislature for the present biennium and;

"WHEREAS: by virtue of such emergency the falling off in state revenues has been so great and continues to be so great that a considerable deficit for the current fiscal year is unavoidable and;

"WHEREAS: such deficit may be minimized by making immediately effective a revised schedule of salary payments for public officials and

"WHEREAS: in the judgment of this legislature these facts create an emergency within the meaning of Article XXXI for the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety;

NOW THEREFORE"

In view of the emergency set forth in the preamble this act shall take effect when approved.

Further amend said bill by adding a new Section 5 as follows:

"Sec. 5. LIMITATION. This act shall remain in effect until July 1, 1935."

Senate Amendment "A" was adopted.

Thereupon, on motion by Mr. Viles of Kennebec, the bill as amended by Senate Amendment "A" was laid upon the table pending second reading.

On motion by Mr. Harmon of Hancock

Adjourned until tomorrow morning, at ten o'clock.