

MAINE STATE LEGISLATURE

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



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

Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

ERRATA:

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

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

SENATE

Monday, March 27, 1933.

Senate called to order by the President.

Prayer by the Rev. William Robbins of Hallowell.

Journal of Friday, March 24th read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading

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

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

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

An act relating to pauper settlement (H. P. 1694, L. D. 1008)

An act appointing a Commission on Taxation (H. P. 1693, L. D. 1007)

Which bills were given their second reading, under suspension of the rules, and passed to be engrossed in concurrence.

From the House:

Bill "An Act to reduce salaries of county attorneys (S. P. 575, L. D. 863)

(In the Senate on March 22nd passed to be engrossed as amended by Senate Amendment "A".)

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

In the Senate, the rules were suspended and the Senate voted to reconsider its action of March 22nd whereby the bill as amended by Senate Amendment "A" was passed to be engrossed; House Amendment "A" to Senate Amendment "A" was read.

Mr. HOLMES of Androscoggin: Mr. President, without arguing it at all I want to record myself as being opposed to overruling the Committee on Salaries and Fees in this regard.

Mr. President, I move that the matter lie upon the table until Orders of the Day.

Thereupon, the bill was laid upon the table pending adoption of House Amendment "A" to Senate Amendment "A" in concurrence and assigned for consideration under Orders of the Day.

From the House:

Bill "An Act to create and allocate a general highway fund for state aid and third class highway construction, and to temporarily suspend certain statutes." (H. P. 1712, L. D. 1040)

In the House, read three times without reference to a Committee and passed to be engrossed.

In the Senate, on motion by Mr. Kitchen of Aroostook, the rules were suspended and the bill was received and without reference to a committee was given its first reading; the rules were again suspended and the bill given its second reading and passed to be engrossed in concurrence.

From the House:

The Committee on Inland Fisheries and Game on Bill "An Act relative to closed time on deer" (H. P. 717, L. D. 327) reported the same in a new draft (H. P. 1645, L. D. 991) under the same title and that it ought to pass.

In the House, the report was accepted and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read.

Thereupon, on motion by Mr. Harmon of Hancock, the bill and amendment were tabled pending adoption of House Amendment "A" and tomorrow morning assigned.

From the House:

The Committee on Judiciary on Bill "An Act relative to the trial terms of the Superior Court" (H. P. 32, L. D. 95) reported that the same ought to pass.

In the House, passed to be engrossed as amended by House Amendment "A" as amended by House Amendments "A" and "B" to House Amendment "A."

In the Senate, the report was accepted in concurrence and the bill was given its first reading; the rules were suspended and the bill was given its second reading.

The PRESIDENT: The Secretary will read House Amendment "A" and House Amendments "A" and "B" to House Amendment "A."

The Secretary started the reading of House Amendment "A."

Mr. WEEKS of Somerset: Mr. President, I move that further reading of this amendment and the

other amendments be dispensed with.

The motion prevailed.

Mr. WEEKS: Mr. President, I wish to suggest that all attorneys who are interested in the trial terms of the court look the bill over and see if everything is agreeable to them, and I move that this matter be retabled and especially assigned for tomorrow morning.

Thereupon, the bill was laid upon the table pending adoption of House Amendment "A" and tomorrow morning assigned.

Communication

From the Justices of the Supreme Judicial Court—Answers to the Senate to Questions propounded to that body.

To the Honorable Senate of the State of Maine:

The undersigned Justices of the Supreme Judicial Court, having considered the questions upon which their advisory opinions were requested by Senate Order of March 20, 1933, respectfully submit the following answers.

QUESTION 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?

QUESTION 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 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, irregu-

larity or illegal practice in the conduct of the election is shown?

ANSWER 1—2—4.—The Justices may, at the request of the Governor, the Executive Council, or both, advise as to the power, duty and authority vested in the executive branch of the government; but not on the request of the Legislature or either branch thereof.

QUESTION 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 conveying 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 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?

ANSWER 3—5.—These questions involve matters to be decided by the convention, which has sole power and authority to act upon them.

QUESTION 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?

ANSWER 6.—An amendment to the Constitution of the United States is valid only when ratified in

accordance with the provisions of Article V thereof. This does not provide for ratification by referendum vote and such procedure would be invalid.

QUESTION 7.—Of 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?

ANSWER 7.—There are no statutory or constitutional provisions, either Federal or State, which dictate the manner in which delegates shall be elected. Nor do we find judicial definition of the legislation prerogatives. The only guide is the practice which has been followed in the past with respect to constitutional conventions.

The members of a convention such as is contemplated by Article V of the Constitution of the United States are representatives of the people, chosen by the duly qualified electors to perform a legislative duty. The principal distinction between a convention and a legislature is that the former is called for a specific purpose, the latter for general purposes. Although a convention is summoned by the legislature, it derives its power from the sovereign people. It has, accordingly, been the practice to have as delegates those fairly representing the political subdivisions of the State. The Continental Congress summoned the different colonies "to call a full and free representation of the people" for the purpose of organizing their governments. This demand was answered by the summoning in every colony of delegates fairly apportioned according to population and location. The Federal Constitution was ratified by conventions called by the legislatures of the several states and organized in a similar manner. The Act of Separation by which Maine became a state provided for a convention which, with other duties, was required to draft a constitution. The delegates were chosen from the several towns within the District.

It is evident, therefore, that in every constitutional convention of which we have knowledge, delegates have been chosen, not at large, but from the various localities within the state. By this method the re-

quirement has been met that the members of the body selected to make modifications in the fundamental law should fairly represent the people whom they serve.

In view of the foregoing, we do not deem it permissible for the State, under the terms of Article V of the Federal Constitution, to organize a convention wherein the delegates entitled to participate are all elected at large.

QUESTION 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?

ANSWER 8.—The Legislature has the right to make reasonable requirements relative to the nomination of candidates and may prescribe proper restrictions so that those elected as delegates shall be qualified to do the work which they are called on to perform. Subject to these limitations, any elector is entitled to have his name voted on as a delegate.

QUESTION 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?

ANSWER 9.—We answer this question in the negative.

QUESTION 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?

ANSWER 10.—A convention is a body or assembly representative of all the people of the state. The convention must be free to exercise the essential and characteristic function of rational deliberation. This question is, therefore, answered in the affirmative.

QUESTION 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?

ANSWER 11.—We answer this question in the negative.

QUESTION 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?

ANSWER 12.—We answer this question in the affirmative. Very respectfully,
(Signed)

W. R. PATTANGALL
CHARLES G. DUNN
GUY N. STURGIS
CHARLES F. BARNES
SIDNEY St. F. THAXTER

Dated March 27th, 1933.

MEMORANDUM: Mr. Justice Farrington is unable to act because of illness.

(Signed) W. R. PATTANGALL
Which communication was read and placed on file.

Mr. Littlefield of York presented Petition in favor of Excise and Intangible Tax Bills from Arundel Grange. (S. P. 650)

The same Senator presented Petition in favor of Excise and Intangible Tax Bills from Alfred Grange No. 422. (S. P. 651)

The same Senator presented Petition in favor of Excise and Intangible Tax Bills from Saco Grange. (S. P. 652)

The same Senator presented Petition from Waterboro Grange No. 432 in favor of Excise and Intangible Tax Bills. (S. P. 653)

The same Senator presented Petition from West Kennebunk Grange in favor of Excise and Intangible Tax Bills. (S. P. 654)

The same Senator presented Petition from York Grange in favor of Excise and Intangible Tax Bills. (S. P. 655)

The same Senator presented Resolution from the Lewiston-Auburn Chamber of Commerce opposing Sales Tax Bill. (S. P. 656)

Which reports were severally read and placed on file.

Sent down for concurrence.

Mrs. GAY of Lincoln: Mr. President. I ask unanimous consent to introduce a resolve in favor of Amelia Rittal of Dresden out of order. This tragedy, description of which you will find on your desks, has occurred since the closing orders and for this reason I am asking its introduction.

This resolve asks for a State Pension for the widow and six children of John Rittal of Dresden to be paid quarterly from the fund for pensions for soldiers and sailors and their dependents. Mr. Rittal, 36 years of age and a World War veteran, was drowned Friday evening while crossing the Eastern River in Dresden. He was returning from his day's work, making his way on the ice and was drowned. Mr. Rittal, in the time of need, did not hesitate to serve his state and now comes the opportunity for his state, which he served so faithfully, to show its appreciation of that service. While I hesitated to ask unanimous consent to introduce this resolve, the thought of Abraham Lincoln's words came to mind: "Let us strive on to finish the work we are now in, to care for him, who shall have borne the battle and for his widow and his children." Sacred trust, indeed, given to the people of the nation for which he died.

Unanimous consent was granted for the introduction of the Resolve.

Thereupon, the rules were suspended and Resolve in favor of Amelia Rittal (S. P. 657) was received without reference to a committee and given its first reading; and under further suspension of the rules the resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. HARMON of Hancock: Mr. President, I have a resolution which I would like to present and have read into the record.

The following resolution was read and placed on file:

Resolution of Bar Harbor Chamber of Commerce

"WHEREAS the National Prohibition law in regard to beer and transportation has been amended to allow beer and transportation after April 7, 1933; and

"WHEREAS Maine will be surrounded by States allowing the sale of beer; and

"WHEREAS it is desirable and essential as a summer resort to have privileges in the sale of beer that

are extended to and taken advantage of by neighboring resorts; and
 "WHEREAS the legal sale and transportation of beer as is provided for by the National Government if adopted by Maine would end the iniquities due to bootlegging.

"THEREFORE be it resolved that the Bar Harbor Chamber of Commerce approves and urges the amendment of the State Prohibition and transportation laws so that the same will conform to the National Prohibition law in regard to beer and transportation.

"Be it further resolved that these resolutions in the Bar Harbor Chamber of Commerce be sent to the two Hancock County Senators and to all of the State Representatives in Augusta from Hancock County."

Orders

On motion by Mr. Weatherbee of Penobscot, it was

Ordered, that the Governor of the State of Maine be and hereby is respectfully requested to return to the custody of the Senate, L. D. 796, entitled "An Act to incorporate the town of Lincoln School District."

On motion by Mr. Weeks of Somerset, it was

Ordered, that S. P. 214, L. D. 278, An Act relating to the taking of testimony, be recalled from the Governor.

Subsequently, the President advised the Senate that this bill was now in the possession of the Senate.

Thereupon, on motion by Mr. Weeks of Somerset, the rules were suspended and the Senate voted to reconsider its action of March 21st whereby this bill was passed to be enacted; and on further motion by the same Senator the bill was laid upon the table pending passage to be enacted and tomorrow morning assigned.

Bills in First Reading

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

An act relating to the Back Bay Sanctuary in the City of Portland. (S. P. 637, L. D. 1028)

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

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

An act regulating the manufacture and sale of ice cream and other frozen desserts. (S. P. 640, L. D. 1024)

An act relating to aid to libraries, expenses of state historian, compensation and expenses of geologist, topographic mapping and abolishment of grade crossings. (S. P. 641, L. D. 1033)

(On motion by Mr. Littlefield of York, the bill was given its first reading and tomorrow morning assigned for second reading.)

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

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

An act relating to expenditures in connection with the nomination of candidates for elective office. (S. P. 648, L. D. 1039)

Resolve in favor of Lillian R. Cushman. (H. P. 1553, L. D. 1027)

(On motion by Mr. Angell of York, tabled pending second reading and tomorrow morning assigned.)

Which bills and resolves were given their second reading, under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

Reports of Committees

The Committee on Labor presented its final report.

The Committee on Pownal State School presented its final report.

The Committee on Temperance presented its final report.

Which reports were read and accepted.

Sent down for concurrence.

The Committee on Ways and Bridges on "Resolve in favor of the town of Fairfield" (S. P. 137) reported that the same ought not to pass.

The same Committee on Petition relating to repeal of tax on gasoline. (S. P. 45) reported that the same be placed on file.

Which reports were severally read and accepted.

Sent down for concurrence.

Passed to be Enacted

An act relating to assessments by insurance companies for a surplus fund. (S. P. 85, L. D. 100)

An act relating to insurance licenses. (S. P. 86, L. D. 101)

An act relating to forcible entry

and detainer. (S. P. 320, L. D. 525)

An act relating to the War Bond Sinking Fund. (S. P. 549, L. D. 816)

An act to regulate the distribution of public funds to hospitals. (S. P. 571, L. D. 853)

An act relating to returns of telephone and telegraph companies and apportionment of tax. (S. P. 584, L. D. 904)

An act to provide for the appointment of additional justices of the Supreme Judicial or Superior Courts in cases where any Justice thereof is totally and permanently disabled. (S. P. 586, L. D. 906)

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

An act relating to taxation of motor vehicles. (H. P. 865, L. D. 299)

An act to authorize the continuation of rules and regulations of the Commissioner of Inland Fisheries and Game. (H. P. 730, L. D. 337)

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

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

An act relating to notice of taxable property. (H. P. 1590, L. D. 913)

Finally Passed

Resolve relating to fishing in Great Pond, in Belgrade Chain of Lakes. (H. P. 1532, L. D. 850)

(Emergency Measure)

"Resolve appropriating moneys for anticipated overdrafts for which no legislative appropriation has been made, and to provide for carrying on the activities of departments and institutions for the remaining months of the fiscal year ending June 30, 1933," (S. P. 300, L. D. 917)

Which Resolve being an emergency measure and having received the affirmative vote of 30 members of the Senate was finally passed in concurrence.

(Emergency Measure)

Bill "An act relating to continuing accounts in departments supported by direct appropriations." (S. P. 585, L. D. 905)

Which Bill being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

(Emergency Measure)

Bill "An act relative to reduction sentence convicts in State Prison." (H. P. 1578, L. D. 880)

(On motion by Mr. Weeks of Somerset, tabled pending enactment and tomorrow morning assigned).

(Emergency Measure)

Bill "An act to create and allocate a general highway fund for state aid and third class highway construction, and to temporarily suspend certain statutes." (H. P. 1712, L. D. 1040)

Which bill being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

(Emergency Measure)

Bill "An act to provide for further issuance of state bonds." (H. P. 1591, L. D. 914)

Which bill being an emergency measure and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

Orders of the Day

The President laid before the Senate, An act to reduce salaries of County Attorneys (S. P. 575, L. D. 863), tabled by Mr. Holmes of Androscoggin, earlier in today's session pending adoption of House Amendment "A" to Senate Amendment "A" and assigned for Orders of the Day; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, after considering the matter I find that House Amendment "A" to Senate Amendment "A" merely, as a net result, put the matter where the Committee on Salaries and Fees put it. Therefore, I move the adoption of House Amendment "A" to Senate Amendment "A".

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

The President laid before the Senate, House Report from the Committee on Legal Affairs, Majority Report, "Ought Not to Pass"; Minority Report, "Ought to Pass in

New Draft" on "An act Providing for a New Charter for the City of Portland" (H. P. 859, L. D. 402), tabled by Mr. Bissett of Cumberland on March 23rd pending acceptance of either report and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator the Majority Report of the Committee "Ought Not to Pass" was accepted in concurrence.

The President laid before the Senate, House Report from the Committee on Labor, "Ought to Pass in New Draft" on "An act Relating to the Forty-eight Hour Law," (H. P. 1060, L. D. 450), tabled by Mr. Holmes of Androscoggin on March 24th pending acceptance of the report and today assigned; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, I move that the matter be retabled and assigned for tomorrow morning, and speaking to the question of the time of assignment I want to say that I have not had time to prepare an amendment and that tomorrow morning I will move to accept the report of the committee for the purpose of offering an amendment.

Thereupon, the report was retabled pending acceptance of the report in concurrence and tomorrow morning assigned.

The President laid before the Senate, House Report from the Committee on Judiciary, Majority Report, "Ought to Pass;" Minority Report, "Ought to Pass in a New Draft;" on "An act to Repeal the Act incorporating Number XIV Plantation in Washington County," (H. P. 623, L. D. 184), tabled by Mr. McDonald of Washington on March 24th pending acceptance of the Minority Report and today assigned.

The PRESIDENT: The Chair will state that the Senator from Washington, Senator McDonald, who has this matter on the table is unable to be in the Senate Chamber today as he is attending a town meeting in East Machias. Is it the pleasure of the Senate, therefore, that this matter be retabled, as that Senator has requested of the Chair, and especially assigned for tomorrow morning?

Thereupon, the bill and reports were retabled and tomorrow morning assigned.

The President laid before the Senate, New Draft, "An Act Relating to Certain Non-Resident Operators and Exempting from Registration Certain Vehicles Owned by Non-Residents." (H. P. 1635, L. D. 971), tabled by Mr. Littlefield of York on March 24th pending adoption of Senate Amendment "A" and today assigned; and the Chair recognized that Senator.

Mr. LITTLEFIELD of York: Mr. President, I move that Senate Amendment "A" be adopted.

Mr. WEEKS of Somerset: Mr. President, may I inquire of the Senator from York, Senator Littlefield, through the Chair, if this amendment does not place the law right back in the same position that it was before any change was made by this bill?

Mr. LITTLEFIELD: Mr. President, I will say that it does.

Mr. WEEKS: Then, Mr. President, I ask the Senator from York, Senator Littlefield, why the need of any amendment to a law which is already on the statute books?

Mr. LITTLEFIELD: Mr. President, the bill calls for a change in the law.

The PRESIDENT: The Chair assumes that the inquiry of the Senator from Somerset, Senator Weeks, is intended to bring out the fact that a vote to adopt the amendment is equivalent to a vote to indefinitely postpone the bill. Is the Chair right in that understanding?

Mr. WEEKS: That is correct, Mr. President.

Mr. LITTLEFIELD: Well, Mr. President, I will move to indefinitely postpone the bill if that is in order.

The PRESIDENT: Does the Senator from York, Senator Littlefield, whom the Chair understands presented the amendment, desire to ask leave to withdraw Senate Amendment "A"?

Mr. LITTLEFIELD: Yes, Mr. President, I will ask leave to withdraw Senate Amendment "A".

Thereupon, leave to withdraw Senate Amendment "A" was granted.

Mr. LITTLEFIELD: Mr. President, I now move this bill be indefinitely postponed, and in speaking for the indefinite postponement, I simply want to say this,—the bill as it is today, if it goes through as it is today, will let a non-resident operator from a certain state where he has to have

no license, operate in this state without an operator's license. Now, if that is right, vote for the bill, but at the same time think also that you must have an operator's license. Now so much for that. I didn't care so much about that. But the bill also goes on to say, 'Any passenger bus bringing into the state persons as a single organized group or party for whose exclusive use such bus has been chartered and is so used, and which is chartered and intended to be used solely as a continuous means of conveyance for such group of persons while they are touring the state. The operator of each such bus shall obtain from the secretary of state, or some of his agents or inspectors, a permit describing and identifying the vehicle. Said permit shall state the day of issuance, and thereon shall be printed a copy of this paragraph.'

Now, Mr. President, if there is any justice in this bill, I would be pleased to have some senator tell me where it is. Now I am going to come right near home so you can all see. I think perhaps my opponent will take you down to Tennessee or way out west somewhere, but I am going to take you right near home, right in New Hampshire. In New Hampshire there are several.—I do not know how many.—I could have found out—but several bus lines that do business in the State of Maine. They pay us from, I will say, \$80 to \$150 each year. In some of those lines are three or four busses which they pay the State of Maine licenses on. Now he will show you that the school teachers are perhaps a class of people that should be looked up to and given free, cheap rates, etc., but I would like to ask you just this.—I own a three bus line. I pay you \$450 to operate that line in the State of Maine. Some other gentleman next to me pays the State of New Hampshire \$75.00 to operate a line in the State of New Hampshire, perhaps from Portsmouth to Dover or somewhere else. The school teachers come to me some evening and say, 'We would like to come down to the State of Maine, 15 or 20 of us, and stay a day or two. How much would you charge to take us down for a day or two?' This would be a 'continuous means of conveyance' I guess. I do not know whether by 'continuous' you mean right along

and not stopping anywhere or not. Well, I say to them, 'I will take you down for \$100.' They say, 'That is very good and we will let you know in the morning.' They go to my neighbor who pays a license in the State of New Hampshire to operate his bus in the State of New Hampshire, and say, 'We have 12 or 15 teachers who would like to go down to Maine and be gone a day or two. What would you take us down for, and through the State of Maine?' He says, 'Let me see, if I go down there one trip I do not have to pay any license down there do I?' 'No.' 'Well, I will take you down for \$65.00. Is it fair for us to take that man's money for the license fee and then have another man right beside him cut the price on account of not paying the fee?

On the other hand, they will say we are keeping people out of the State. I will ask this,—whether these people ride into Maine and perhaps get their dinner and then go back,—does it make any difference whether they come in on my bus that pays the State of Maine a license or the bus that pays a New Hampshire license and pays nothing to the State of Maine? I mean by that, does it make any difference to the hotel keeper where they buy their dinner, whose bus they ride on?

I am not going to fool away any time because I think you can all see what it has done for us, and I think you will see it is absolutely wrong. We thrashed it out four years ago,—Judge Smith and three or four more of us. It is absolutely wrong and the first part where a man can come in here and drive free,—I should have found out but I didn't,—but you know and I know that every man you met without a license would say he came from California, or Florida,—if Florida does it, they would all say they came from Florida.

If you want to make a law like that, make it, but if you don't, defeat this bill.

Mr. WEEKS of Somerset: Mr. President, the bill of course, No. 971, contains two provisions. The first provision is that a person in a state which requires no operator's license shall be allowed to come to this state and operate in the same way. Now what has happened under this particular bill, this particular act? It seems that a man was arrested here in Maine some little time ago.

He had no operator's license. The State where he lived did not require any, and he became so incensed at paying this tax that the matter went up to the Supreme Court and was placed in papers all over the country, which showed that Maine was willing to say that a person from states requiring no operator's license should practically be held up here when they had complied in every way with the laws of their state and with the comity of state.

The second provision is in regard to the fact that busses sent down here mostly for educational purposes containing school teachers, people who wish to come down here in Maine and see what we have, are allowed to come in those busses for continuous trips through the State without paying any license fee. In other words, it classes people traveling like that as merely in the same category as the man who comes here with his Pierce Arrow or Packard, who tours the State of Maine, while these people attending school or teaching school, do not have the same right without having added onto their general expense, the tax which is now placed upon them.

Now the only conclusion that I can draw is that we have but very little business left in the State of Maine today, that our real business is the summer business, is the business of entertaining and caring for people from practically all over the country. We are setting ourselves up as doing this very thing for the purpose of bringing business to the State of Maine, and we all know to what a large extent this business has flourished and I hope will flourish in the future.

Now, this matter was discussed by the Judiciary Committee. It was not gone over in a haphazard manner. We had this bill before us for a period of about six weeks. During that time we consulted with the Secretary of State, Mr. Tobey, and we found that the State of Maine was getting practically nothing for revenue from either one of these particular statutes without their being amended. We talked with members of the Publicity Bureau and discussed the matter broadly among ourselves, and while I can see a question of dispute, the Judiciary Committee felt that it was for the best interests of the State of Maine to take down the bars to

help bring just as many people as we possibly can down here to see our views, and help spend their money. We say the other act has been in force for some little time, that it has not resulted in many people coming in this way, and that now for publicity purposes, for the sake of spreading our summer business as far and wide as we can, that we ought to invite these people to Maine rather than to try to hinder them in coming. A number of bus companies have said they would not have busses operating in the State of Maine so long as they had to pay \$10.00 for each trip in which they came in. We are letting down the bars so they can bring to Maine the people we think should come to Maine as desirable persons.

MR. LITTLEFIELD: Mr. President, I am surprised that the Senator from Somerset, Senator Weeks, says that we haven't had many people come in here. How does he know how many have come in here? Here are all these busses that have paid a regular yearly license and on top of that, they have \$3 for each seat in that bus after they pay the registration fee. Now, I cannot see for the life of me, I do not think it is a paying proposition—it isn't revenue I am looking for with that ten dollar fellow, but it is to keep the revenue of the man who pays us \$150 for a franchise to take people in and through this State. Now, it doesn't seem fair to me to allow any man to come in here for nothing when you charge the other man \$150. If you want to let down the bars, let them down and let them all come in and then see how your your fellows will holler. They will holler because they have a little interest in the Maine Central and the Boston & Maine Railroad, that is why they will holler.

I say, gentlemen, this is all wrong and I hope you will vote to indefinitely postpone this bill.

MR. BLAISDELL of Hancock: Mr. President, may I ask as question of the Senator from Somerset, Senator Weeks, through the Chair?

THE PRESIDENT: The Senator from Hancock, Senator Blaisdell, desires to ask a question through the Chair, of the Senator from Somerset, Senator Weeks, and that Senator may reply if he desires.

MR. BLAISDELL: I would like to inquire, Mr. President, as to whether or not there is reciprocity on this

matter between Maine and other states, whether they reciprocate with Maine on her busses when they are going in other directions?

Mr. WEEKS: Mr. President, as I understand it, we have reciprocity with the other states so that our busses are allowed to travel in the other New England states.

Mr. LITTLEFIELD: Mr. President, I would like to inquire why there are six or seven license plates on the other busses going into the other states, if that is so.

The PRESIDENT: The Senator from York, Senator Littlefield, makes a general inquiry of the Senate, and anyone who desires may answer.

Mr. WEEKS: Mr. President, the only way I could answer would be to refer the Senator from York, Senator Littlefield, to the Secretary of State's office, where I would go to obtain that information.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Littlefield, that this bill be indefinitely postponed, in non-concurrence.

Mr. WEEKS: Mr. President, I ask for a division.

A division of the Senate was had.

Two having voted in the affirmative, and twenty-eight in the negative, the motion to indefinitely postpone was lost.

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

The PRESIDENT: The Chair will advise the Senate, and particularly the Senator from Penobscot, Senator Weatherbee, that the bill covered by his order has been returned to the Senate. An Act to Incorporate the Town of Lincoln School District (S. P. 230) (L. D. 796).

Thereupon, on motion by Mr. Weatherbee of Penobscot, the rules were suspended and the Senate reconsidered its action whereby the

bill was passed to be enacted; and on further motion by the same Senator, the Senate reconsidered its action whereby the bill was passed to be engrossed.

Mr. WEATHERBEE: Mr. President, I now offer Senate Amendment "B" and move its adoption:

"Senate Amendment 'B' to L. D. 796, An Act to Incorporate the Town of Lincoln School District. Amend said bill by striking out in Section 8 the words 'three months' and substituting in place thereof, the words, 'four months.'"

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

On motion by Mr. Harmon of Hancock, the Senate voted to reconsider its action taken earlier in today's session whereby An Act relative to closed time on deer (H. P. 1645, L. D. 991) was laid upon the table pending House Amendment "A" and tomorrow morning assigned.

Mr. HARMON of Hancock: Mr. President, since tabling this matter I have learned that the Washington County delegation agree as to this amendment and I therefore now move that House Amendment "A" be adopted in concurrence.

House Amendment "A" was adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

The PRESIDENT: Is there any further business to come before the Senate this afternoon?

On motion by Mr. Farnsworth of Aroostook,

Adjourned until tomorrow morning at ten o'clock.