

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
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ERRATA:

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

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

SENATE

Wednesday, March 29th, 1933.

Senate called to order by the President.

Prayer by the Rev. Kimber Moulton of Augusta.

Journal of yesterday read and approved.

From the House:

Bill "An act closing Pleasant River and tributaries to trapping." (H. P. 199, L. D. 108)

(In the House on March 17th, recommitted to the Committee on Inland Fisheries and Game).

(In the Senate on March 21st, report of the Committee "ought not to pass" accepted in non-concurrence).

Came from the House, the bill substituted for the report, House Amendment "A" adopted and passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Angell of York, tabled pending consideration and assigned for the end of this morning's calendar.

From the House:

Bill "An act reducing the compensation of state officials and employees." (S. P. 576, L. D. 866)

(In the Senate on March 21st, passed to be engrossed as amended by Senate Amendment "B").

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

In the Senate, on motion by Mr. Towle of Kennebec, the Senate voted to recede and concur with the House; House Amendment "A" was read; the rules were suspended and the Senate voted to reconsider its action of March 21st whereby the bill was passed to be engrossed as amended by Senate Amendment "B"; the rules were again suspended and the Senate voted to reconsider its former action whereby Senate Amendment "B" was adopted; House Amendment "A" was adopted in concurrence.

Mr. Weeks of Somerset offered Senate Amendment "C" and moved its adoption:

"Senate Amendment 'C' to Legislative Document 866. Amend said bill by adding the following section: Section 5. This act shall take effect when approved."

Senate Amendment "C" was adopted and the bill as amended by House Amendment "A" and Senate Amendment "C" was passed to be engrossed in non-concurrence. Sent down for concurrence.

From the House:

Bill "An act relating to measurement of lobsters." (S. P. 342, L. D. 547)

(In the Senate on March 17th, passed to be engrossed).

In the House, passed to be engrossed 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 17th whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

Paper from the House disposed of in concurrence.

From the House:

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

(In the Senate, March 17th, the Majority Report "ought to pass in new draft" was accepted, and on March 23d passed to be engrossed).

In the House, the Minority Report "ought not to pass" accepted in non-concurrence.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending consideration and assigned for the end of this morning's calendar.

Communication

Communication from the Department of State, out of order.

March 28, 1933.

To the President and Secretary of the Senate of the Eighty-sixth Legislature:

I am presenting, herewith, all public acts which have been signed to date, giving the chapter number and date of approval.

Very truly yours,

(Signed) ROBINSON C. TOBEY,
Secretary of State.

Which communication was read and placed on file.

Orders

On motion by Mr. Angell of York, it was

Ordered, the House concurring, that L. D. 823 "An Act for the regulation of the practice of hairdressing and beauty culture" be recalled to the Senate from the House. (S. P. 660)

Sent down for concurrence.

On motion by Mr. Robie of Cumberland, it was

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

Sent down for concurrence.

Reports of Committees

The Committee on Banks and Banking presented its final report.

The Committee on Taxation presented its final report.

Which reports were read and accepted.

Sent down for concurrence.

The Joint Select Committee relative to facilitating legislative work have had the same under consideration and ask leave to report that Chapter 210, Section 2 of the Revised Statutes be amended by the accompanying act, bill, An Act to Amend the Law Providing for Continuous Revision of the Statutes (S. P. 659), be enacted, and that the accompanying orders receive passage.

Thereupon, the report was accepted, the rules were suspended and the bill was considered without reference to a committee and given its first reading.

The rules being further suspended the bill was given its second reading and passed to be engrossed.

The PRESIDENT: The Secretary will read the Senate orders accompanying this report.

The Secretary read the following order:

"Ordered, the House concurring, that Rule 10 of the Joint Rules be amended by striking out said rule and substituting in place thereof the following: 'Every bill or resolve of a public nature reported in either house by committee or laid upon the table by leave shall be printed and distributed in both houses before having its first reading. The printed copies shall show by what committee the bill or resolve was reported or by what mem-

ber laid upon the table. Bills or resolves of a private and special nature shall be printed only when the same have reached that stage in the Legislative procedure where they are entitled to be given a first reading. Provided, however, that either branch shall print any such bill or resolve at the expense of the member introducing the same when requested in writing so to do by such member, the actual cost thereof to be charged against said member's legislative salary and five hundred copies of said bill shall be retained by the body in which such bill or resolve is introduced to be distributed as provided in Rule 2."

Thereupon, on motion by Mr. Holmes of Androscoggin, the Senate voted to reconsider its action just taken whereby this bill was passed to be engrossed; and on further motion by the same Senator the report with the accompanying bill, pending passage to be engrossed, and the accompanying order, pending passage, were laid upon the table and this afternoon assigned.

Mr. Holman from the Committee on Federal Relations on Bill "An Act to provide for a constitutional Convention to pass on the proposed twenty-first Amendment to the Constitution of the United States." (S. P. 488, L. D. 803) reported that the same ought to pass in a new draft (S. P. 661) under the same title and that it ought to pass.

The report of the committee was accepted and the bill was laid upon the table for printing under the joint rules.

The same Senator from the same Committee on Bill "An Act to provide for a Convention to pass on the proposed twenty-first Amendment to the Constitution of the United States." (S. P. 536, L. D. 801) reported that the same ought not to pass.

The report of the committee was accepted.

Mr. Viles from the same Committee on Joint Resolution proposing an Amendment to the Constitution of United States (S. P. 489) reported that the same be placed on file.

The report of the committee was accepted and the resolution placed on file.

Orders of the Day

The President laid before the Senate, Senate Report from the Committee on Judiciary, Report "A," "Ought to Pass in New Draft," Report "B," "Ought Not to Pass," on An Act to Define and Limit Courts Sitting in Equity, and for Other Purposes, (S. P. 83) (L. D. 99), tabled on March 28th by Mr. Holmes of Androscoggin, pending acceptance of either report and today assigned; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, we have not yet been able to prepare the amendment, an amendment which I believe will satisfy everybody, and therefore I move this bill be retabled and especially assigned for this afternoon.

The motion to retable and assign prevailed.

The President laid before the Senate, House Report from the Committee on Labor, "Ought to Pass in a New Draft" (H. P. 1636) on An Act Relating to the Forty-eight Hour Law, (H. P. 1060) (L. D. 184), tabled on March 28th by Mrs. Gay of Lincoln, pending adoption of Senate Amendment "A," and today assigned; and the Chair recognized that Senator.

Mrs. GAY of Lincoln: Mr. President, two years ago during the session of the 85th Legislature, I attended a hearing on a bill that would compel women to only work 48 hours a week. I almost believed as I listened to the proponents that women worked simply because they enjoyed it and must be protected from such folly. But as I listened to the opponents of the bill,—and there were many—I found that women were not working because it was a pleasure but because they were obliged to do so to earn their own living or contribute to the support of their families. Many of them were the sole support of aged father and mother.

Several were women with dependent children; a few had husbands who were invalids and were obliged to go into the business world to keep the home fires burning. Nearly all were unmarried women, who appeared against this bill, that deprived them of means of livelihood. Overseers in shops that employed many women, workers in canning factories with work only a few months in the year. Cashiers in restaurant, factory and

mill employees who were obliged to work over-time to fill rush orders. Many more that I cannot now recall asking to be given a chance to exist—nothing more and nothing less.

The committee reported unanimously "Ought Not to Pass."

In 1921 this sort of bill relative to hours of employment for women was referred to the people. In that referendum I find that 14 out of 16 counties in the State voted overwhelmingly against it. I have the figures here, but will not take time to read them. Several years ago I worked on the Biography of Mary Boylston, the niece of Paul Revere. To get this work into shape for her grand-daughter, I was obliged to gather material from old diaries, old letters and the autobiography of Richard Boylston, for whose family Boylston Street in Boston was named. I found that in that day women were not allowed to attend lectures or the theatre unescorted. They were not admitted to courts of justice or halls of Legislature. They had no rights in their own children, no right to any money they earned. They could not collect damages to persons or property. Only one obscure college admitted women and no woman in the world could cast a vote or hold office. That was in the days when a bath tub was a thing unknown and steam heat believed to be an invention of the devil. Picturesque old days of candlelight and spinning wheels to which none of us would wish to return. Women have gone far and travelled much since the days of Mary Boylston, the niece of Paul Revere. They have progressed with the times and in the good old State of Maine, founded by the pioneer mothers as well as the pioneer fathers, they have come into their rightful heritage of freedom of thought and speech. There is no demand from the women for such legislation. There is a great protest against such legislation. We ask no quarter because of our sex. All we ask is fair play, a fair field and no favor. I trust the motion of the gentleman from Androscoggin (Senator Holmes) will not prevail.

Mr. HOLMES of Androscoggin: Mr. President, we listened with great pleasure and profound respect to the argument of the Senator from Lincoln, Senator Gay, in behalf of the brave and courageous women of Maine, and I can second

everything she said about how the women of Maine are able to take care of themselves, but let's not camouflage this bill, either for or against it.

This bill is not a bill for the protection of women. This bill is a forty-eight hour law for men, women and children. I think I intimated that, at least, yesterday when I offered Senate Amendment "A" but as it might not be entirely clear, let me say briefly again that we have on our statutes, a law which says that women and children under the age of 16, shall not be engaged, employed in certain industries more than 54 hours in a week. That in Maine, is the legal working week. It does not say that no person shall be employed, because of the constitutional question involved. This bill as it was originally introduced probably would have accomplished the purpose of the proponents to change the 54-hour week to a 48-hour week. That question I need not go into, but in committee the teeth were pulled out of it and the bill was made unconstitutional, and the cry of unconstitutionality was raised in the House, and the House being loath to discuss a question of constitutional law, indefinitely postponed it, and in the Senate I offered this amendment to get this bill decided upon its merits and not thrown out of this legislature on a camouflage, and it is going to be decided on its merits and there is no way it can be ducked or dodged, and neither the Senator from Lincoln (Senator Gay) and I say with all respect, that she, the only lady in this Senate, is one of the most brilliant members that the people of her county have ever elected, but I say that not even the lady from Lincoln shall camouflage this measure. This is a 48-hour law. Now, it is true, as she says, that a bill was submitted to the people four or five years ago to change the 54-hour law to a 48-hour law. I was connected with it. I have forgotten whether it started as an initiative bill or whether it started in the legislature, but anyway, the net result was that it got to the people and was voted on. We were at that time so rich, or we thought we were, and were chasing the pot of gold where the rainbow touches the ground, and we had no patience to listen to humanitarian

and progressive legislation. But as the Senator from Lincoln (Mrs. Gay) says, there were two counties in the state that could stop in the busy race for imaginary wealth, to consider the welfare of the working people of this state, and one of them, thank God, was Androscoggin. And therefore, as a representative of the county of Androscoggin, I am standing on sound ground, and I think I am voicing the wishes of the people of Androscoggin County, when I favor this measure which, if passed, will be a 48-hour law.

Great change has taken place in the industrial and economic condition of this country, and we are now in the depths of a depression and uneasiness bordering on despair is sinking into the hearts of the American people, and questioning of our economic system, of our capitalistic form of government, of society, is going on, and we are boldly presented with this dilemma, not by Reds, but by college teachers, by economists, by leaders of public thought, by publicists, by statesmen in the United States Senate, that our capitalistic form of government is on trial, and the dilemma is we must either find some way to preserve a fair, equitable balance in the distribution of wealth, or the capitalistic form of society and government will come to a crash and shame Bolshevik Russia.

Now then, I believe every measure presented to this legislature and to the legislatures of some 40 other states and to the Congress of the United States in the nature of a human and progressive nature, which looks to ameliorating the hard lot of those which the good God in His inscrutable wisdom has chosen to do the heavy laboring act. Every measure looking to that amelioration is a measure in the interest of the preservation of that form of society and that form of Republican-Democratic government which we have in this country, and which every one of us believes in.

It is not only that William Green, President of the American Federation of Labor and the whole federation and all of its allied bodies, and the Railway Brotherhoods, and every labor organization not affiliated with the American Federation of Labor, preaches the doctrine that hours of labor must be

reduced if we are going to survive, but we have the authority of Herbert Hoover, ex-president of the United States. We have the authority of the leading economists of the states, we have the authority of the most advanced and most intelligent and intellectual leaders of industry as to the same.

Now, strange to say, in our well beloved State of Maine, when we advocated in the legislature, and upon the hustings about the State, in the year of 1927 or 1928 a reduction in the hours of labor, our opponents say, "Let well enough alone. We are prospering." And when we advocated the same thing in the days of depression when everybody is looking for a way to find work for everybody or for the greatest number, we are met with the same argument, in effect, from our opponents, "Don't rock the boat."

I have seen editors of daily papers in this state, back in the years '23, '24 and '25, when I was in the House, and they were advocating human and progressive legislation, as I view it, who said, "If we could get a child labor law adopted by all the states, why it would be fine because a child labor law is the ideal, but Maine must not lead the way". And when the national Congress submitted to the state a child labor law, those same people condemned it and got the people of the State of Maine to vote it down.

I am not questioning the motives of those editors or my opponents either in or out of the legislature. I do believe in their sincerity, but I believe they are so mistaken, and when I look back, Mr. President, over the history of our State from the time I was a child, say a grammar school boy, and consider what has been done by the state of our people in regard to what is called "labor legislation", and that includes, mind you, the Industrial Accident Commission and the like of that, and come down to my present age in the latter end of the 50's, and see the little, little gain that we have made, and how progressive men who are not laboring men, and women, who never worked at a loom or in the shoe manufacturing industry, or paper machine, in their lives, to see how they have sweat blood to try to make people understand the necessity of alleviating the suppressed masses, and how little has been accomplished. I can re-

member when I was that little grammar school boy, that I pointed out many years ago, and I lived in Lewiston, as I have all my life, and at that time we were living in a down-town part of the city, and I was waked up in the morning long before daylight, somewhere around five o'clock, by the sound of the mill bells of Lewiston, and how I would lie in my bed, on wet, rainy, cold, snowy, sleety mornings, and I would hear the clatter of the footsteps of those people, like sheep, aye, like slaves, driven by the force of economic necessity, driven to their work long before daybreak in these mills, and I would hear the quick, light step of the women and the light step of the children also, and God knows there were not only children then but there are children now working in every cotton and woolen mill in the State. Young as I was, I made two pledges to myself. First, that I would never work in a cotton or woolen mill—I would starve first. Second, if I grew up and got enough education so that I could understand and discuss those subjects, I would devote the best efforts of my life and every opportunity I got, to help better their condition by law and by public opinion. One of them I have certainly accomplished.—I have kept out of the way of industrial machinery.

Now in those days I speak of, Mr. President, we had no ten-hour law. They drove the people to work in the cotton and woolen mills, the blanket mills, the shoe factories, from darkness in the morning until darkness at night in the winter, fall and spring months. There came into this legislature two men, a Portland man by the name of Mr. Looney, now dead and a Lewiston man by the name of Mr. McGillicuddy, afterwards a congressman in the second district, and those two gentlemen labored in two sessions, and they got through the legislature against the most powerful opposition, a ten hour law. Just think of it. Would we go back today to a ten hour law? Oh, but the opposition was extreme! So we got the ten hour law. As the wage earners worked less hours, the product became more valuable, they got more wages, and the earnings of the stockholders increased. It was a strange phenomenon, but after a few years someone introduced a bill for a nine-hour law, which is the 54-hour week law which we now have. Again the same opposition

and the same arguments, and it was introduced just as this is, as a bill for the protection of women and children, which is the only way under the interpretation of our Constitution that you can get around it, because if you understand in the cotton, woolen and blanket mills and shoe factories, and practically every industry outside the paper mills, they cannot run without women and children. It is an awful condition, but a fact. Therefore if the law fixes the hours of labor of women and children, it is inevitably and necessarily fixes the hours of labor of men also. And so after opposition, they got through the 54-hour law. Strange to say, as the hours of labor were decreased, the value of the product increased, the earnings of the stockholders increased. Now, how do you account for that?

Now then, our opponents then said this, when it came around to argue to the people on the 48-hour law, that we presented four or five years ago, "Let well enough alone, you cannot keep on that way. You cannot keep on reducing the hours of labor and expect stockholders' profits and wages to go up. There is a limit." At that time the Massachusetts mills had not gone bad. They were not using that as an argument, but as time went on, during this time of depression, and of course there is always talk about a 48-hour law, they said, "Look at Massachusetts. Why Massachusetts is a wreck. They have a 48-hour law in Massachusetts and it has driven industry out of Massachusetts,—the cotton industry, I mean."

Now then, at the very same time, before the depression struck us, we had in the State of Maine textile industry, the woolen industry, the mills of the American Woolen Company in Maine which were on a 48-hour basis themselves, by agreement with employees, and the independently owned woolen mills in Maine were working under a 54-hour law—the legal working week in this State, but both of them have gone out, a large number of woolen mills—I cannot give the exact number, but the Labor Commissioner could. It is not necessary to go into details, but we all know from common knowledge, that the American Woolen and other mills have taken a beating in Maine, and the cotton textile mills are only staggering along under the 54-hour law.

Now then, they told us four or five years ago, and they have told us since, those opponents, that we cannot compete against those southern states that have a 60-hour law, that they will drive us out of business and the mills in Massachusetts out of business, and will surely drive Maine out of the cotton textile business if we get a 48-hour law. What has become of those mills in the southern states with the 60-hour law? They have taken the same beating that we have. The explanation is not laws; the explanation is economic conditions. The explanation is speeding up during the war and immediately after the war, inventing of labor saving machinery so that the number of looms that a woman runs in a cotton mill is absolutely astonishing, and if any of you have never been in to see them, you should go in and see the speed and close tension under which she works. Their reason is also during the happy, halcyon, golden days when they thought they had found the pot of gold at the end of the rainbow, after five or six years after the War, they took the capital stock of so many cotton mills in Maine, as was done throughout the country, when the United States Supreme Court rendered the abominable decision that stock dividends are not taxable under the income tax law. And they doubled the capital stock, that is, they watered it, and they gave stock dividends from anywhere from 50 to 100%, and as I say, many of them doubled. Consequently, I say when the bad days came, they found themselves trying to earn dividends on double or nearly double the capital stock they were earning on before. They took their beating and they earned it.

Now, I have the greatest respect for the leaders of industry. Right here, let me say that in my own city, and in Augusta and in Saco, there are cotton industries which are controlled by New England Industries, Inc., and I happen to know the gentlemen who are managing New England Industries, Inc., believe in advanced human and progressive legislation, but they have to run their mills as conditions are today in competition with New York cotton mills, Massachusetts mills, and Rhode Island mills. They do not like to work women nights and they do not like this business of having those cotton mills nearly idle during the day

and starting up to almost full speed at six o'clock and running until four o'clock in the morning by electric light and high speed machinery,—ten hours straight. Of course they do not go any over the 54-hour week. They do not like that business, but they are driven to it. I know something about it from holding a position connected with the city government of Lewiston.

I say it comes down then to this, that we have on our side the consensus of opinion of organized labor, able and intelligent and highly educated men who are managing organized labor, the best economists, a president of the United States, the leading publicists on the subject, many industrial leaders like the gentleman who was a year ago president of the great association of cotton manufacturers, which represents the northern cotton mills, and there is another representing the southern cotton mills. He is on record that it is necessary for the welfare of industry, the kind of industries we have in Maine, to reduce the hours of labor, that this measure is a step economically sound. It is a human step also, and it ought not to be regarded in the minds of anybody with confusion as to equal rights for women or as a question of constitutionality, because they have been wiped out. It should be regarded as a question in your minds whether the time has not come when this State shall take this step forward in the direction of bettering conditions of labor and bettering the industries that we have in this State. And don't be misled by arguments that our industries will be handicapped in competition with industries from other states if they cannot work 54 hours a week; because let me tell you, members of this Senate, they cannot work 30 hours a week under present conditions. And insofar as present conditions are concerned if they had a 33 hour law it would not hurt them.

Now then, I am going to get a vote on the merits of this question. That is what I want. I want you to consider there is no politics in it. There are no influences pulling one way or another outside this Legislature on it. You are a court, in my opinion one of the highest courts in this state. You are going to decide this question on what,

in your conscience you believe is for the best interests, best human interests of the people of Maine.

Mr. WINN of Androscoggin: Mr. President, I assure you I won't take up but a very short amount of time, as I realize the senior Senator from Androscoggin (Senator Holmes) has said nearly everything, or practically everything that can be said. But I believe today in America we are facing something that should require a good deal of attention, and we know it is at the present time, that is, the system of distribution of labor.

Machines are coming in in every direction, and it seems to me as though there are, what you might say, the brains of America, who are studying every way they can to take in new machinery and do away with manual labor. And in substituting machines, we are destroying the very market of America, because as we all know, if we purchase a farm we generally look to see where the market would be. If I had a farm or anyone else had a farm to sell, we would point with pride that here is a manufacturing establishment that has a weekly payroll of so much, and people are coming out of there, and there is your market, and hence the farm is worth a great deal.

Some say there should be no restrictions upon labor. It really requires restrictions upon labor with men, women and children. I have had the unusual opportunity, possibly, of working through the mills, up through to where I observed and had charge of men working in the mills, and I know in a great many cases, with no restriction, they would work unlimited hours. They would work until they were sick from overwork. I had an opportunity during the World War, when there was a great demand for labor, of observing men working two weeks in one. They could do that for a certain length of time, and then even the strong would grow weak and I would notice that they would be out sick for a week or two.

So it becomes necessary to restrict the hours of labor, and at the present time to restrict the hours of labor as we haven't enough to go around. Some desire restrictions and some do not, but I think the thinking men of the country realize that there must be restrictions for men, women and children. I know labor unions took the stand years ago, and it was through their effort that

many young boys were kept from the factories. Many young children, through the efforts of Labor, stand high in the ranks today because of the fact that they had the opportunity, were forced to have the opportunity to go to school rather than to toil in the factories, because all parents do not have the same attitude toward children as others. So it required a law to determine the hours that children should be in school and could be in factories. Some factories have not endorsed the action, although some parents were willing children should go into factories and leave school.

I know various organizations have one class for women, they feel that they should be on the same par with men. That is true to some extent. I know about the factory system. You can go to any city or town where the factory system is in existence and you can see those—generation after generation—who have been in the factories for long hours, and you can see a vast difference between the size of those and those who have been in the rural sections and have had an abundance of air.

It requires restrictions. As far as intelligence goes, there is no question but that the feminine side of life possesses just as much as the masculine side, and there are some feel we should show the greatest of tender care for the motherhood of our nation, and we know there are a great many of them in our factories. I believe that we should legislate for the future of America. I believe restricted hours for men, women and children in our factories is for the strength of future America.

As I said, and I believe there are a great many who give very little thought that we are in a "machine age" today. Right here in our State House there is machinery that has been installed because of a law which passed the legislature; and I find there are a great many legislators who have not gone down to look at it. It is wonderful to see that machinery in operation but it is amazing to think of the results that may come, not particularly by that, but with all machines, in doing away with manual labor. I have learned that in that room in the State House we are paying rental upon machinery at the tune of about \$700 a month, to take the place of someone that would have possibly been able to have labored there. The human mind and human element may

make some mistakes but there is no machinery that has ever been invented, to my mind, that will not make mistakes, and I think that all men and all women of this country should pause and give serious thought to some of this machinery that is coming in simply to do away with manual labor.

I certainly believe that the 48-hour law under the present system of our factories, will work no hardship. Years ago, when we of this legislature were young boys, people hired out to work for so much a day, but today it is so much per hour or piece work. It would simply mean that more would be taken into the factories and it could be easily handled, and would be no more expensive, but would mean a more equal distribution of labor.

Mrs. GAY: Mr. President, I understand the pending motion is on the adoption of Senate Amendment "A". May we have the amendment read, please?

The secretary read Senate Amendment "A".

Mr. HOLMES: Mr. President, I ask that when the vote is taken, it be taken by division.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Holmes, that Senate Amendment "A" be adopted, and that Senator has asked for a division.

A division of the Senate was had.

Five having voted in the affirmative and twenty-five in the negative, the motion to adopt Senate Amendment "A" did not prevail.

Thereupon, on motion by Mr. Weeks of Somerset, the bill was indefinitely postponed in concurrence.

The PRESIDENT: The Chair will advise the Senate that he is in receipt of a message from the Senator from York, Senator Abbott, stating that that Senator will be unable to be present this morning because of an ill turn on the part of Mrs. Abbott. Is it therefore the pleasure of the Senate that the third especially assigned matter, House Report from the Committee on Judiciary (H. P. 623, L. D. 184) on an Act to repeal the act incorporating Number XIV Plantation in Washington County, be retabled and assigned for consideration this afternoon.

Thereupon, the matter was retabled and this afternoon assigned.

The President laid before the Senate, House Report from the Committee on Sea and Shore Fisheries, Majority Report, "Ought Not to Pass"; Minority Report, "Ought to Pass" on "An Act Relating to purchase and sale of Lobsters." (H. P. 1155, L. D. 616), tabled by Mr. McLoon of Knox pending consideration and today assigned; and the Chair recognized that Senator.

Mr. McLOON of Knox: Mr. President, I move that we insist and ask for a committee of conference and I want to state that I do not expect the ultimate passage of this bill but there is a growing feeling among the opponents as well as the proponents of these lobster bills that a recess committee should be appointed to report at the next Legislature and we hope that this action will accomplish that purpose.

The motion prevailed and the President appointed as members of such committee of conference on the part of the Senate: the Senator from Knox, Senator McLoon, the Senator from York, Senator Littlefield and the Senator from Oxford, Senator Bartlett.

The President laid before the Senate, New Draft—An Act providing for the regulation of the use of the highways by motor vehicles transporting property for hire in the State of Maine, and for the supervision and control of such motor vehicles (S. P. 629, L. D. 1000), tabled by Mr. Littlefield of York on March 28th pending passage to be engrossed; and the Chair recognized that Senator.

Mr. LITTLEFIELD of York: Mr. President, I will yield the floor to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: Mr. President, in conference with those who advocated the various amendments presented we have reached an agreement upon a single amendment that will meet all the objections of the various parties interested. Therefore, I ask unanimous consent to withdraw Senate Amendment "C".

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that the Senate reconsider its action of yesterday whereby Senate Amendment "C" was adopted. Is this the pleasure of the Senate?

The motion to reconsider prevailed.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, now asks unanimous consent of the Senate to withdraw Senate Amendment "C".

Consent to withdraw Senate Amendment "C" was granted.

Mr. WEATHERBEE: Mr. President, I now yield to the Senator from Aroostook, Senator Kitchen.

Mr. KITCHEN of Aroostook: Mr. President, in accordance with the remarks made by the Senator from Penobscot, Senator Weatherbee, I will ask unanimous consent to withdraw Senate Amendments "A" and "B".

Unanimous consent to withdraw Senate Amendment "A" and Senate Amendment "B" was granted.

Mr. KITCHEN: Mr. President, I now yield again to the Senator from Penobscot, Senator Weatherbee.

Thereupon, Mr. Weatherbee of Penobscot, offered new Senate Amendment "A" and moved its adoption:

"Senate Amendment "A" to L. D. 1000 entitled, An Act providing for the regulation of the use of the highways by motor vehicles transporting property for hire in the State of Maine, and for the supervision and control of such motor vehicles. (1) Amend said bill by striking out the period after the word 'territory' in the 5th line of Paragraph C of Sec. 5 and inserting the following words: 'over the same general highway route or routes.' (2) Further amend said bill by adding thereto a new section to be numbered Sec. 10-A and to read as follows: 'Sec. 10-A. Further exemptions. Carrier trucks when carrying property to warehouses, railroads or boats for re-shipment by rail or vessel and when carrying logs, wood or lumber to mills for manufacture shall not be subject to rate regulation for such service.' (3) Further amend said bill by striking out in Sec. 12 thereof the figure '11' wherever it appears before the word 'preceding'. (4) Further amend said bill by striking out in Sec. 13 thereof the words 'one to nine inclusive.'"

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

Sent down for concurrence.

The President laid before the

Senate, New Draft—Resolve in favor of Lillian R. Cushman (H. P. 1553, L. D. 1027), tabled by Mr. Blaisdell of Hancock on March 28th pending motion to indefinitely postpone; and the Chair recognized that Senator.

Thereupon, on motion by Mr. Blaisdell of Hancock, that Senator was granted unanimous consent to withdraw his motion to indefinitely postpone.

Mr. BLAISDELL of Hancock: Mr. President, I yield to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: What is the question before the Senate, Mr. President?

The PRESIDENT: The pending question is second reading.

Thereupon, on motion by Mr. Weatherbee of Penobscot, the rules were suspended and the resolve was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, Divided House Report from the Committee on Taxation, Report "A", "Ought to Pass in New Draft"; Report "B", "Ought Not to Pass", on "An Act Imposing a Sales Tax (H. P. 1172, L. D. 659), tabled by Mr. Jackson of Cumberland on March 28th pending acceptance of either report and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by Mr. Jackson of Cumberland, the bill and reports were retabled pending acceptance of either report and this afternoon assigned.

The President laid before the Senate, House Report from the Committee on Judiciary, Majority Report, "Ought to Pass"; Minority Report "Ought Not to Pass" on "An Act relating to the sale of real estate for taxes." (H. P. 1122, L. D. 631), tabled by Mr. Holmes of Androscoggin on March 28th pending acceptance of either report and today assigned; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, I will ask that the Secretary read again the names of the members of the committee and how they voted.

The SECRETARY: The Majority of the Committee on Judiciary to

which was referred, bill, An Act relating to the sale of real estate for taxes, Legislative Document 631, reports that the same "Ought to Pass," signed, Holmes of Androscoggin, Goudy of South Portland, Laughlin of Portland, Fernald of Winterport, Eldridge of Eastport, Hill of South Portland. The Minority of the same Committee on the same subject matter reporting "Ought Not to Pass": signed, Weeks of Somerset, Holman of Franklin, Farris of Augusta, Tompkins of Houlton.

Mr. HOLMES: Mr. President, what was the House action?

The SECRETARY: In the House on March 28th, Minority Report "Ought Not to Pass" accepted.

Mr. HOLMES: Mr. President, I yield to the Senator from Somerset, Senator Weeks.

Thereupon, on motion by Mr. Weeks of Somerset, the Minority 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 a New Draft" on "An Act to regulate Steam Engineering" (H. P. 1132, L. D. 594), tabled by Mr. Schnurle of Cumberland on March 28th pending acceptance of the report and today assigned; and the Chair recognized that Senator.

Mr. SCHNURLE of Cumberland: Mr. President, due to the fact that that those who are conferring on this matter have not yet had sufficient time, I ask that this be retabled and especially assigned for tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, An Act relating to the pauperizing of unemployed wage earners (S. P. 42, L. D. 26), tabled by Mr. Holman of Franklin on March 28th pending consideration and today assigned; and the Chair recognized that Senator.

Mr. HOLMAN of Franklin: Mr. President, I move that the Senate adhere to its former action.

The PRESIDENT: In the Senate the Minority Report "Ought Not to Pass" was accepted. In the House, that body accepted the Majority Report "Ought to Pass" and subsequently passed the bill to be engrossed, in non-concurrence. The Senator from Franklin, Senator

Holman, moves that the Senate adhere to its former action.

Mr. HOLMES of Androscoggin: Mr. President, I am not going to oppose the motion of the Senator from Franklin, Senator Holman. I am only going to ask that when the vote is taken it is taken by a division. We have argued this matter out in debate in the Senate. It is the bill to amend the old pauper law so that those temporarily unemployed through no fault of their own or because of industrial conditions over which they have no control shall not be disfranchised. The Senate has taken its action. The House has taken its action. This motion must be voted on and so I call once more for a division vote and without arguing it I want now to read into the record a part of an editorial in the Lewiston Evening Journal of March 22nd, because I think it should be preserved: "March 22nd, 1933. The Senate of Maine decided Tuesday not to amend the century-old pauper law, even though it be a political issue, after a manner of speaking. We doubt not that Senator Holmes is pleased at the political stupidity of the Senate even though he may not like the outcome."

Mr. HOLMAN of Franklin: Mr. President, I cannot let those remarks go unanswered. I think if we should read into the record some of the other editorials in the same paper the action might be different. As I remember it the editorials in the same paper a few days ago came out with item after item headed "Shame, shame," to the Governor for his actions here and every course he takes. I think he has been a wonderful Governor and I think when they come out shaming his actions we shouldn't make any recognition of this editorial here.

Mr. HOLMES: Mr. President, I am extremely pleased to hear the Senator from Franklin, Senator Holman, pay such a high compliment to the Governor and now, in order to prove his sincerity, I expect that he will vote against his motion to adhere because this is one of the two measures called for by the Governor in his inaugural.

The PRESIDENT: The question is on the motion of the Senator from Franklin, Senator Holman, that the Senate adhere to its former

action which was the acceptance of the Minority Report "Ought Not to Pass" and on that question the Senator from Androscoggin, Senator Holmes, has asked for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and twelve in the negative, the motion to adhere prevailed.

The President laid before the Senate, New Draft—An Act relating to transportation of intoxicating liquor (S. P. 614, L. D. 986), tabled by Mr. Kitchen of Aroostook on March 28th pending enactment and today assigned; and the Chair recognized that Senator.

Mr. KITCHEN of Aroostook: Mr. President and Senators, it is not my intention at this time to discuss the merits or demerits of this bill. I fully realize that in the position I have taken in this matter I undoubtedly am hopelessly in the minority. I fully realize that there are moments when silence is golden. I fully realize that there are times when mere words are of no avail. However, I do wish to rise and register my objection to the passage of this bill for I feel that the State of Maine is making a decided step backward and downward from the old established custom of prohibition in the State of Maine during the last seventy-five years. I hope that I am mistaken. I hope that I have been entirely misinformed in this matter. If I have been misinformed then the responsibility is mine.

Mr. President, in order to bring this before the Senate with the effect which I desire I move the indefinite postponement of the bill and when the vote is taken I ask that it be taken by the Yeas and Nays.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Kitchen, that the bill be indefinitely postponed and on that question the same Senator has asked for the Yeas and Nays. As many as are in favor of the vote being taken by the Yeas and Nays will rise. A sufficient number having arisen the Yeas and Nays are ordered. Those in favor of the indefinite postponement will answer Yes when their names are called. Those opposed to the motion to indefinitely postpone will answer No when their

names are called. The Secretary will call the roll.

The Secretary called the roll.

YEAS—Senators Farnsworth, Gay, Hathaway, Andrew Jackson, N. Gratz Jackson, Kitchen, Littlefield, McLoon, Pillsbury, Robie, Story—11.

NAY—Senators Angell, Bartlett, Bissett, Blaisdell, Cooper, Fernandez, Harmon, Holman, Holmes, McDonald, Page, Schnurle, Seavey, Towle, Viles, Weatherbee, Weeks, Weymouth, Winn—19.

ABSENT—Abbott—1.

The PRESIDENT: Eleven having voted in the affirmative and nineteen in the negative the motion to indefinitely postpone fails.

The question now before the Senate is the passage of the bill to be enacted.

A viva voce vote being had

The bill was passed to be enacted.

The President laid before the Senate, An act closing Pleasant River and tributaries to trapping (H. P. 199, L. D. 108), tabled by Mr. Angell of York earlier in today's session and assigned for the end of today's calendar; and the Chair recognized that Senator.

Thereupon, on motion by that Senator, the rules were suspended and the Senate voted to reconsider its action of March 21st whereby the report of the committee "ought not to pass" was accepted in non-concurrence; and on further motion by the same Senator the bill was substituted for the report and given its first reading.

On further motion by the same Senator, the rules were again suspended and the bill was given its second reading. House Amendment "A" was read and adopted and the bill as so amended was passed to be engrossed in concurrence.

The President laid before the Senate. An act to provide for the nomination of candidates for elective office (S. P. 604, L. D. 950), tabled by Mr. Weeks of Somerset earlier in today's session and assigned for the end of today's calendar; and the Chair recognized that Senator.

Thereupon, on motion by that Senator the Senate voted to recede and concur with the House in the acceptance of the Minority Report "Ought Not to Pass."

The PRESIDENT: The Chair will advise the Senate, and parti-

cular the Senator from York, Senator Angell, that there is now in the possession of the Senate, An act for the regulation of the practice of hairdressing and beauty culture (H. P. 1513, L. D. 833), recalled from the House in accordance with the order introduced by that Senator this morning; and the Chair recognizes that Senator.

Mr. ANGELL of York: I move you, Mr. President, that we reconsider our vote of yesterday whereby this bill as amended by Senate Amendment "C" was passed to be engrossed in non-concurrence.

The PRESIDENT: Does the Senator desire to speak on this motion?

Mr. ANGELL: Well, Mr. President, I will yield the floor to the Senator from Lincoln, Senator Gay.

Mrs. GAY of Lincoln: Mr. President, I trust that the motion of the Senator from York, Senator Angell, will prevail and I will address myself to a later motion.

Mr. HOLMES of Androscoggin: Mr. President, I wish to move to lay this bill upon the table until this afternoon as I would like an opportunity to consult.

Thereupon, the bill was laid upon the table, pending the motion of the Senator from York, Senator Angell, that the former action of the Senate whereby this bill was passed to be engrossed as amended by Senate Amendment "C" in non-concurrence be reconsidered.

On motion by Mr. Weeks of Somerset,

Recessed until three o'clock this afternoon.

AFTER RECESS

The Senate called to order by the President.

Papers from the House, out of order, disposed of in concurrence.

From the House, out of order:

The Committee on Banks and Banking on Bill "An act relating to the rate of interest charged by small loan agencies" (H. P. 23, L. D. 19) reported that the same ought to pass in a new draft (H. P. 1690, L. D. 1004) under the same title.

In the House, report read and accepted, the bill given its three several readings, under suspension of the rules, and passed to be engrossed.

In the Senate:

Mr. BLAISDELL: of Hancock: Mr. President, I move the indefinite postponement of the bill in non-concurrence.

Mr. PAGE of Somerset: Mr. President, I am not going to ask to have the bill tabled. I think it is getting too late in the session for that, but I want to explain and defend the action of the committee. The bill, when originally presented, called for a monthly interest charge of two per cent. We went over this carefully and thought it was a pretty drastic reduction from the present three per cent a month, and came to the conclusion that we would recommend two and a half per cent in the form of a new draft.

At this hearing appeared the attorney for one of the companies and several questions were asked about the policy of the different branches, and I just want to give the Senate the set-up of this one company.

They were loaning at the time about \$250,000. Their capital was \$100,000, so they had to step out somewhere and borrow \$150,000. In the statements which were given us covering the years 1931 and 1932, it developed that they were borrowing from themselves this \$150,000, and they paid interest each year to themselves or approximately \$35,000 to \$40,000, which figured out that they were paying themselves for the \$150,000, interest at the rate of 22 1-2 per cent one year and 25 1-2 per cent the other year. They were charging approximately \$19,000 for supervision, also salaries at approximately \$17,000. It seemed to us that 2 1-2 per cent rate was a fair rate under those conditions, and I hope the motion to indefinitely postpone will not prevail.

Mr. BLAISDELL: Mr. President, it is with some misgivings that I would undertake to over-rule a majority report of such an important committee as the Committee on Banks and Banking. But there seems to be some very interesting sidelights on this matter which, perhaps, should be called to your attention.

It seems that quite a number of years ago the Russell Sage Foundation concluded that there was a serious evil in the matter of these small loan agencies, that there were what is known as 'loan sharks' gaining foothold in every state in

the Union. And so this Foundation set up a fund and began to make a careful analysis and a scientific study of the small loan funds and small loan banking systems, and after that survey of the whole country, they finally settled upon the fact that about the lowest rate the small loan agencies could operate under was 3 1-2 per cent. Now, there are very good reasons why that Foundation concluded that was the lowest rate at which these agencies could operate. First, the small loan agency loans, as the name implies, only a very small amount of money, borrowing from \$50 and perhaps as high as \$300. The small loan agency never takes a mortgage on homes and real estate. They take a mortgage on chattel property such as radios, pianos and furniture.

In the past three years, in the State of Maine, there has been only six instances where the small loan agency has had occasion to foreclose upon their chattel mortgages, simply because it is a policy of the small loan agency never to foreclose except in cases of absolute fraud.

Now, if you reduce the rate which we have now in the State, of 3% down to 2 ½%, it will make it impossible for the small loan agencies in the State to earn a profit, and if they are unable to earn a profit, they will go out of business or go to some other state where the rate is better and where they are able to make a profit; and when they leave you, they are immediately supplanted by the loan shark, which is the identical thing which the Russell Sage Foundation was set up to eliminate. These small loan agencies have a national organization and they have certain drastic and definite rules which they are required to live up to.

If you reduce the rate in this state to 2 ½% no one will be able to obtain a loan probably greater than \$100 because it costs just as much to give a loan \$50 as it does at \$300. When a loan is requested on the part of any individual in the State, agents of the small loan agency immediately goes to this man, or to his home, examines his furniture, examines into his capacity to earn and his capacity to pay, examines into his character and his whole situation and outlook. If this rate is made too small, the loan agency will be unable to make the survey

The small loan agencies are retailers of the money. By way of illustration, I will say that the bank is the wholesaler of the money because it so happens the small loan agencies occasionally borrows substantial sums from the bank itself, and retails to the small borrowers. If the rate is so low that they cannot make a survey, they narrow up the area in which they are willing to do business. I mean, if you use Bangor as an illustration, if you reduce the rate to 2 ½%, the small loan agency would not be willing to accept loans as far in the country as Aroostook County or throughout that section, because each and every case calls for individual investigation of the person asking for the loan.

The result and experience has been that where the rate has been placed lower than 3%, the loan sharks have taken it up and the general public having the loan have always been mulcted and not been able to take up the loan they originally borrowed because of the enormous interest charges.

In finishing or closing my remarks, one State illustrates the situation. West Virginia believed she could get along with a 2 ½% rate and the result was that all legitimate nationally organized small loan agencies went out of the state and began to do business in other states. They immediately became swamped with sharks, and this year they replaced onto their statute books the 3 ½% rate, and invited the nationally organized small loan agencies to come back.

There are 17 states all of which are using the 3% or 3 1-3% rates, and any state which has used less than 3% or 3 1-3% which would be 2% or 2 ½%, provide also that a fee may be charged, and when a fee is charged, it invariably brings the interest rate in excess of 4%.

This matter was before this legislature two years ago and the committee reported unanimously "ought not to pass." And the bill at this time works an injury and hardship upon the agency which wishes to make the loan, more than it did two of three or four years ago. This is the time it needs it, and if we lower the rate, these agencies will not exist. The loan shark will supplant them and the fellow who is getting the benefit as a result of the loan, will not be able to do so. I hope my motion will prevail.

Mr. PAGE: Mr. President, I should like to correct the Senator from Hancock (Senator Blaisdell) in two instances. He gave us to understand it was a divided report from the committee. It was a unanimous report, "Ought to pass." And another thing, small loan agencies do loan on real estate.

Mr. ROBIE of Cumberland: Mr. President, as a member of the Banks and Banking Committee, I want to defend my action for agreeing upon a rate of 2 ½%. In the original case, I was in favor of the 2% rate. From information furnished our committee, which I believe would be authoritative, I believe this rate of 2 ½% is fair. I think the companies can get along with it, and I think insofar as the warning of the loan shark lurking at our door waiting to come in, I think it is over-estimated, and I think we have provisions in our laws which will keep them within bounds. I hope the motion of the Senator from Hancock, Senator Blaisdell, will not prevail.

Mr. BLAISDELL: Mr. President, I would not have bothered you again had it not just occurred to me that it so happened that during the moratorium of banks a few weeks ago, the only place in the City of Augusta you were able to go and get money was from a small loan agency here in Augusta, and the same was true in Bangor. During the moratorium, members of this legislature went to the different small loan agencies, here in Augusta, the only place they could get checks cashed. They are responsible people and not loan sharks.

Mr. JACKSON of Sagadahoc: Mr. President, endorsing what Senator Robie has said, I want to defend my action on the Banking Committee. I thought very favorably of the 2% rate, but upon investigation we agreed to compromise and call it 2½%, which we think is fair.

I wonder if you gentleman realize a man borrowing \$100 of a loan agency, and this is the poor fellow that has to do it and cannot get a loan at a bank, he borrows \$100 for ten months. At the end of the first month he pays \$10 on the principal and \$3 interest. At the end of the second month, he pays \$10 on the principal and \$2.70 interest and so on and on. Striking an average of that ten months alone, he actually gets the use of \$55 for which he pays

\$16.50 interest at the rate of 36% annually. We maintain that is too much.

We gave due weight, I think, to the argument of the attorney for the loan agencies, that there was danger if the rate of 3% per month was cut, it would force them out of business, and force these poor fellows into the hands of the loan sharks. We heard the opponents of this measure three times before the committee. Personally, I asked this question each time and never have received an answer, "Do the out of State agencies doing business in Maine at 3% loan in other States at less than 3%?"

Now, another point is that we feel we were not legislating for all time, to the end of the world, but we thought it was worthy trying, to let these people operate for the next two years at 21-2%, then if they come before the Banking Committee of the next Maine legislature and show that they have been doing business at a loss, or even at a very close margin, I would be the first one to vote to restore their rate to 3%, but until that is tried, I feel that we were amply justified in our unanimous report, reporting it out as ought to pass at 2½%.

THE PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Blaisdell, that this bill be indefinitely postponed in non-concurrence. As many as are in favor of the motion to indefinitely postpone will say "Aye," and those contrary minded will say "No."

A viva voce vote being doubted,

A division of the Senate was had.

Seventeen having voted in the affirmative and thirteen in the negative, the motion to indefinitely postpone prevailed.

From the House, out of order,

Bill "An act relating to Back Bay Sanctuary" (S. P. 312, L. D. 700).

(In the Senate on March 27th read twice, under suspension of the rules and passed to be engrossed.)

In the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Schnurle of Cumberland, the Senate voted to recede and concur with the House in the indefinite postponement of the bill.

From the House, out of order,

Bill "An act regulating the manufacture and sale of ice cream and other frozen desserts." (S. P. 287, L. D. 544).

(In the Senate on March 27th read twice under suspension of the rules and passed to be engrossed.)

In the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Robie of Cumberland, the Senate voted to insist on its former action whereby the bill was passed to be engrossed on March 27th, and ask for a Committee of Conference, the President appointed as such committee on the part of the Senate:

Senators Robie of Cumberland, Hathaway of Piscataquis, McDonald of Washington.

From the House, out of order:

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

(In the Senate on March 27th read twice under suspension of the rules and passed to be engrossed.)

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

In the Senate, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

From the House, out of order:

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

(In the Senate on March 27th read twice under suspension of the rules and passed to be engrossed.)

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

In the Senate, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

From the House, out of order:

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

(In the Senate March 27th read twice under suspension of the rules and passed to be engrossed in concurrence.)

In the House passage to be engrossed reconsidered House Amendment "A" adopted and passed to be engrossed as amended by House

Amendment "A" in non-concurrence.

In the Senate, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

From the House, out of order:

The committee on Taxation on Bill "An act relating to store licenses." (H. P. 14, L. D. 5) reported as follows:

Report "B"—Under a new draft (H. P. 1705, L. D. 1030), under a new title "An act relating to licenses for retail stores" and that it ought to pass.

(Signed) Weymouth of Penobscot, White of Crystal, Sterling of Caratunk, Walker of Rockport, Mack of Veazie.

Report "A"—Ought not to pass.

(Signed) Jackson of Cumberland, Towle of Kennebec, Mason of Mechanic Falls, Piper of Bangor, Blanchard of Wilton.

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

In the Senate, on motion by Mr. Jackson of Cumberland, tabled pending acceptance of either report and tomorrow morning assigned.

From the House, out of order:

Bill "An Act relating to towns and town officers." (H. P. 1135, L. D. 645)

(In the Senate March 28th, the Majority Report "ought to pass in a new draft" accepted in non-concurrence.)

In the House that body having insisted on its former action whereby the Minority Report "ought not to pass" was accepted and asking for a Committee of Conference, the Speaker having appointed as members of that Committee

Messrs. Sargent of Brewer, Tompkins of Houlton, Valley of Sanford.

In the Senate, on motion by Mr. Page of Somerset, the Senate voted to join in the committee of conference and the President appointed as members of such committee on the part of the Senate: Senators Page of Somerset, Blaisdell of Hancock, Farnsworth of Aroostook.

From the House, out of order:

Bill "An Act relating to absentee voters." (H. P. 1610, L. D. 939)

(In the House the Minority Report "ought to pass in new draft" accepted and passed to be engrossed as amended by House Amendment "B".)

(In the Senate on March 28th the Majority Report "ought not to pass" was accepted in non-concurrence.)

In the House that body having insisted on its former action and asking for a Committee of Conference, the Speaker having appointed as members of such Committee

Miss Laughlin of Portland, Messrs. Deering of Hollis, Hobbs of Hope.

In the Senate, on motion by Mr. Weeks of Somerset, the Senate voted to adhere to its former action whereby the Majority Report "Ought Not to Pass" was accepted.

Mr. WEEKS of Somerset: Mr. President, I move that out of order the Senate now proceed to the first reading of printed bills.

The motion prevailed.

The PRESIDENT: The only bill awaiting first reading under the joint rules being the constitutional convention bill, the Chair invites to preside the driver of the constitutional convention horse.

Thereupon, Mr. Holman of Franklin was escorted to the Chair, the President retiring, amidst the applause of the Senate, the members rising.

Bill in First Reading

(Out of Order)

An Act to provide for a Constitutional Convention to pass on the proposed twenty-first Amendment to the Constitution of the United States. (S. P. 661, L. D. 1042)

Which bill, under suspension of the rules, was given its second reading and passed to be engrossed.

From the House, out of order, the following order:

ORDERED, the Senate concurring, that a survey be conducted under the supervision of the Secretary of State to determine the practicability of the state manufacturing its own motor vehicle plates and highway markers at the State Prison at Thomaston.

If the investigation shows that the necessary machinery can be installed at a cost not exceeding the amount paid out by the state for such plates in 1932, or if it shows that the setting up of the machinery equipment would result

in such savings as would make the machinery pay for itself over a period of 3 years, the Secretary of State shall, with the approval of the Governor, make arrangements for the installation of the required machinery as soon as possible out of the funds that would otherwise be used for the purchase of the plates or markers. If the information found by this investigation does not justify the installation of the necessary equipment for the time being, the Secretary of State shall make to the next Legislature, not later than the second week in the session, a complete report of his findings together with any suggestions he might deem proper to bring about the result sought by this order. (H. P. 1715)

In the House, read and passed.

In the Senate, on motion by Mr. Weeks of Somerset, the order was laid upon the table pending passage in concurrence and later this afternoon assigned.

From the House, out of order, the following order:

ORDERED, the Senate concurring, that the Attorney General of the State of Maine prepare and issue a ruling and the reasons therefor as to the constitutionality of sections 82 and 89 of chapter 11 of the Revised Statutes and amendments thereto and to report the same to the Secretary of State and Clerk of the House of Representatives of the 86th Legislature. (H. P. 1737)

In the House, read and passed.

In the Senate, on motion by Mr. Viles of Kennebec, tabled pending passage in concurrence.

Orders

(Out of Order)

Mr. Schnurle of Cumberland presented the following order and moved its passage:

Ordered, the House concurring, that a recess committee composed of seven members be appointed, two members from the Senate appointed by the President, two members from the House appointed by the Speaker, and three representative businessmen appointed by the Governor to study the advisability and adaptability of the State of Maine to a general or specific sales tax and to make their report by such bills or recommendations as in their judgment seems best fitted to the State

to any special session of the 86th Legislature that may be called or to the 87th Legislature; said committee to receive such amounts for expenses as may be approved by the Governor and Council, to be paid from the Legislative expense of that session to which it makes its report.

On motion by Mr. Jackson of Cumberland, the order was laid upon the table pending passage.

Mr. JACKSON of Cumberland: Mr. President, I wish to present an order and move its passage and I will say a word in explanation of the order. In recalling the bill referred to from the committee it is done for the purpose of indefinite postponement as it has been arranged to adjust the matter through the Governor and Council.

The Secretary read the following order:

"Ordered, the House concurring, that Senate Paper 197, a Resolve pertaining to wharf at Popham Beach in the town of Phippsburg, be recalled to the Senate from the Committee on Ways and Bridges."

The order received a passage.

Report of Committee

(Out of Order)

Mr. Viles from the Committee on Appropriations and Financial Affairs on Bill "An act relating to University of Maine" (S. P. 140, L. D. 162) reported that the same ought not to pass, matter covered in Appropriation Bill.

The report was read and accepted.

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

From the House, out of order:

Bill "An act for the protection of savings Banks and Depositors therein" (S. P. 590, L. D. 918).

(In the Senate March 15th under suspension of the rules read twice and passed to be engrossed, without reference to a committee.)

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

In the Senate, the rules were suspended and the Senate reconsidered its former action whereby the bill was passed to be engrossed; House Amendment "B" was read.

Thereupon, on motion by Mr.

Robie of Cumberland, the bill and amendments were tabled pending adoption of House Amendment "B" in concurrence, and tomorrow assigned.

Passed to Be Enacted
(Out of Order)

An act providing for Sentences and the Imposition thereof. (S. P. 283) (L. D. 568)

An act relating to Dealer's Registration, Fees for Plates etc. (S. P. 347) (L. D. 696)

An act relating to Payment of Tax must Precede Registration. (S. P. 348) (L. D. 697)

An act relating to Taxation of Motor Vehicles. (S. P. 351) (L. D. 509)

An act to Reduce Salaries of County Attorneys. (S. P. 575) (L. D. 863)

An act to acquire the American Portion of the International Bridge at Calais in Washington County and to provide for its Maintenance. (S. P. 613) (L. D. 990)

An act relating to Trust Fund of the State Military and Naval Children's Home. (S. P. 622) (L. D. 996)

An act to provide for the Appointment of a Board of Commissioners of Police for the City of Augusta. (H. P. 862) (L. D. 304)

An act relating to Certain Non-resident Operators and Exempting from Registration certain Vehicles owned by non-residents. (H. P. 1635) (L. D. 971)

An act relative to the Suspension of Bounties on Porcupines and Hedgehogs. (H. P. 1692) (L. D. 1006)

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

An act relating to Pauper Settlement. (H. P. 1694) (L. D. 1008)

Finally Passed
(Out of Order)

Resolve to repeal a Resolve providing for a State Pension for Carrie E. Fitch. (S. P. 165) (L. D. 989)

Resolve in favor of the State Museum. (S. P. 621) (L. D. 995)

Resolve appropriating money for certain Departmental Deficiencies. (S. P. 623) (L. D. 997)

Resolve in favor of Daniel Mahar, of Bangor. (H. P. 1620) (L. D. 962)

The PRESIDENT: Before tak-

ing up the matters tabled and especially assigned for this afternoon, the Chair will advise the Senate that there is in the possession of the Senate the order relative to the payment of express and mail order charges for shipment of personal effects by members of the Legislature, which was recalled from the files under an order introduced this morning by the Senator from Cumberland, Senator Robie.

Mr. ROBIE of Cumberland: Mr. President, inasmuch as it is the endeavor of this Legislature to economize as much as possible and inasmuch as this order was passed and would cost approximately \$700 to cover the expense, I move its indefinite postponement.

Mr. BISSETT of Cumberland: Mr. President, I will offer Senate Amendment "A" and in explanation I wish to say that I do not believe it would cost \$700. I think a great many of the men here in this Legislature are paying their own costs. Heretofore the allowance for parcel post has been \$5 and I believe that every member of this Legislature should have at least a parcel post allowance so that they may ship home and keep documents which they have gathered and which they wish to keep. Thereupon, Mr. Bissett of Cumberland offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Joint Order relative to parcel transportation for members and officers of the Legislature. Amend said order by striking out in the 4th line the words 'three dollars' and inserting in place thereof 'two dollars'; and further amend said order by striking out after the word 'department' the words 'and the unexpended balance at the close of the year 1933 shall be available for the use in 1934'."

Mr. ROBIE: I don't want to appear niggardly on this thing but it seems to me that this is a personal matter and if the members of the Legislature wish to take home various documents, many of them have cars and it would not be a very great effort to take them home in their own cars. I am not in favor of the amendment.

Mr. BISSETT: Mr. President, for those people who have cars that is all right but for those who live in Aroostook County and Washington County and other distant parts of the State it is pretty difficult to lug

a box large enough to put all these documents in and furthermore I cannot see where it is going to cost as much as he says. Now we have heard economy talked in this Legislature. There are two kinds of economy. There is real economy and there is false economy. To my mind the members of this Legislature who come here and serve their constituents and have documents that they want to take home are entitled to do so and those who have not cars would benefit by this order.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Bissett, that Senate Amendment "A" be adopted.

A viva voce vote being had Senate Amendment "A" was adopted.

The President laid before the Senate, An Act to amend the law providing for a continuous revision of the statutes (S. P. 659), with accompanying orders, tabled earlier in today's session by Mr. Holmes of Androscoggin pending consideration and this afternoon assigned; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, will you kindly enlighten me as to the parliamentary status does that come now into the Senate as a new matter or has it come up in the House?

The PRESIDENT: The Chair will advise that the papers came into the Senate this morning from a Joint Special Committee appointed. They are all from the Senate Chamber; the act pending its passage to be engrossed, the orders pending their passage. One is a House order upon which the Senate would not act but the Senate order and the Joint order are pending passage.

Mr. HOLMES: Mr. President, after stating my views I will ask the Chair to straighten out parliamentary situations for me after the Chair learns what I am opposed to.

I have no reason that I could see to oppose the bill in regard to the Revisor of Statutes. My recollection of the bill is such that it seems to me that there should be no objection to bills being in the hands of the Revisor of Statutes for a week before the closing of the gates against the introduction of legislation but I object to the order which

would amend Joint Rule Number 10 of the Joint Rules in regard to printing. It would add a clause to the present Rule 10, I think it is Number 10, which would accomplish the result that bills of a private nature would not be printed on their introduction when before a committee for hearing and not until they reached the stage of first reading unless the member introducing them wanted to pay the cost of the printing himself. Now if that is a measure in the interest of economy it is pretty poor economy, and as far as I can see it cannot be defended on any other ground but economy. Economy that is contrary to the public good is not economy. It seemed to me that the drafter of that suggested amendment to the Joint Rule of the Legislature must have had in mind such private bills as those enlarging the powers of a corporation or creating a corporation but did not have in mind the fact that bills affecting the charter of a city, for instance, also come under the heading of private legislation.

Now there come into every session of the Legislature a number of bills amending charters of cities. The Legislature cannot avoid it and they are private bills. But they are of public nature and a member is requested to introduce a bill to amend the charter of Portland or Augusta or Bath or Lewiston or Auburn and so on and he finds himself faced with the rule which will oblige him to pay the expenses of printing in order that those who are in favor and those who are opposed in his whole town may find out what it is all about in advance of the committee hearing. Think of the handicap and think of the unfair expense that is put upon the member, because he would feel that it is his duty to have at least five hundred copies printed for distribution in the city in which he lives and where a certain section of the public have asked him to introduce a bill to amend the charter.

Now, that is only one thing that I think of. There are others, if the members will think of them themselves. I think that that order ought to be indefinitely postponed, or whatever parliamentary procedure is necessary to throw it out of the window as quickly as possible, and that is why I said, Mr. President, that after voicing my objection to that particular order

and indicating that I have no objection to the other papers that accompany it I would then ask the Chair to say what kind of a motion was necessary to carry into effect what I believe ought to be done to that order to amend Rule 10.

The PRESIDENT: The Chair will advise, or will answer, that in his opinion all that is necessary to dispose of the order is a motion to indefinitely postpone the order. If the Chair understands the position of the Senator from Androscoggin, Senator Holmes, that Senator desires that the bill amending the Revisor law be passed to be engrossed, that the order with reference to the printing of private and special laws be indefinitely postponed and that the other order or orders receive passage.

Mr. HOLMES: The Chair has stated exactly what I want.

The PRESIDENT: The Chair will further say in explanation of the order, as a member of the committee appointed to make recommendation, that the order was designed to accomplish the very purpose to which the Senator objects. The present session, like every session, has seen numerous charter bills introduced and in most every case the State prints, not 500 copies but from 2000 to 5000 copies, not only of the original bill but of new drafts, which this order is designed to stop.

Thereupon, on motion by Mr. Weeks of Somerset, the order was laid upon the table pending the motion of the Senator from Androscoggin, Senator Holmes, that it be indefinitely postponed, and was tomorrow morning assigned.

The PRESIDENT: Does the Senator from Androscoggin, Senator Holmes, desire that the bill be passed to be engrossed or that that also lie upon the table?

Mr. HOLMES: I think, Mr. President, that the bill should be passed to be engrossed.

Thereupon, the bill was passed to be engrossed.

The PRESIDENT: Unless there is objection the Chair will ask that the Secretary read the additional accompanying orders, except the House order, in order that they may be heard at this time.

The Secretary read:

"Ordered, that Rule 33 of the Senate Rules be amended by striking out the last sentence in the first paragraph of said Rule and substituting in place thereof the

following: 'A clerk in the office of the Revisor of Statutes shall serve as clerk of the committee of bills in the second reading'."

Thereupon, the order received passage.

The PRESIDENT: If the Chair now understands the situation at the present moment, the bill has been passed to be engrossed, the Senate order has been passed, the Joint order lays on the table pending the motion of the Senator from Androscoggin, Senator Holmes, that it be indefinitely postponed, and the House order which accompanies the report will go with the bill to the House for action.

The President laid before the Senate, Senate Report from the Committee on Judiciary, Report "A", "Ought to pass in New Draft"; Report "B", "Ought Not to Pass": an "An Act to Define and Limit the Jurisdiction of Courts Sitting in Equity, and for Other Purpose" (S. P. 83, L. D. 99), tabled by Mr. Holmes of Androscoggin earlier in today's session pending acceptance of either report and this afternoon assigned; and the Chair recognizes that Senator.

Thereupon, on motion by that Senator Report "A" "Ought to Pass in New Draft" was accepted and on further motion by the same Senator the rules were suspended and the bill was given its first reading without printing.

On further motion by the same Senator the rules were again suspended and the bill was given its second reading.

Thereupon, the Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' Legislative Document 99. Amend said act by inserting after the word 'injunctions' in the title of Sec. 1, the following words 'in labor disputes'; and by inserting in the 3rd line of said Sec. 1 after the word 'case', the words 'involving or growing out of a labor dispute'; and by inserting in the 3rd line of Sec. 2 after the word 'thereof'; the words 'in any case involving or growing out of a labor dispute'; and by striking out all of paragraph D of Sec. 2."

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

Sent down for concurrence.

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. Abbott of York on March 28th pending passage to be engrossed and this afternoon assigned; and the Chair recognizes the Senator from Aroostook, Senator Kitchen.

Mr. KITCHEN of Aroostook: Mr. President, I would like to state that since noontime I have received a telephone call from the Senator from York, Senator Abbott, stating that on account of the illness of his wife he is unable to be present today and that he wishes me to act for him in this matter because of the fact that if action were deferred until tomorrow it would be necessary to suspend the rules to accomplish the purpose at which he aims. Therefore, at this time, Mr. President, I will move that the Senate reconsider its action whereby this bill was given its second reading.

The motion to reconsider prevailed.

Mr. KITCHEN: I will now move, Mr. President, that the Senate reconsider its action whereby this bill was given its first reading.

The motion to reconsider prevailed.

Mr. KITCHEN: I now move, Mr. President, that the Senate reconsider its action whereby the Minority Report of the Committee "Ought to Pass in a New Draft" was accepted.

The motion to reconsider prevailed.

Thereupon, on further motion by the same Senator the bill was laid upon the table pending acceptance of either report and tomorrow morning assigned.

The President laid before the Senate, Divided House Report from the Committee on Taxation on An act Imposing a Sales Tax, (H. P. 1172) (L. D. 659), tabled by Mr. Jackson of Cumberland earlier in today's session pending acceptance of either report, and this afternoon assigned; and the Chair recognized that Senator.

Mr. JACKSON of Cumberland: Mr. President, did I understand that Report "A" is the "Ought to Pass" report?

The PRESIDENT: The Chair will state that Report "A" is the "Ought to Pass in New Draft" report.

Mr. JACKSON: Mr. President, I move the acceptance of Report "A" in non-concurrence, and I would like to yield to the Senator from Hancock, Senator Blaisdell.

Mr. BLAISDELL of Hancock: Mr. President, my remarks this afternoon on the sales tax will be short and brief. You will not be bored nor delayed long.

I have been distinctly pleased with the result up to now which has been obtained by the introduction of the sales tax bill. I cannot say that I am particularly pleased as to the disposition, but I am particularly pleased with the interest which has been shown by members of the legislature and the state at large.

I have watched the course of the sales tax from the time it was born up to infancy, and from early childhood to maturity. I have suffered along with some others at every relapse and ill that it had. We thought everything was coming along nicely until we woke up one morning and found the sales tax had had a terrific relapse. The press, the public, the lobby, both for and against it, caused the sales tax to suffer a high run of fever and it hasn't recovered from it up to this time.

We have been told that the bill was premature. Perhaps so, but I doubt it. With the necessary cooperation on the part of the press and members of the legislature and the public at large, the bill was not premature.

We leave a problem when we adjourn this legislature which is far more difficult to work out than the problem that would have been ours, determining the means to properly administer the tax. We were told the conditions of the administration of the tax would be impossible and it would work difficulty and hardship.

It is true that nothing can be accomplished unless one wishes to lend a cooperative hand in the accomplishment of it, and when no one wishes to offer aid and assistance, it is a difficult problem to accomplish it.

You are all aware of the disposition which was proposed to be made of the tax, that it would go back to the cities, towns and plantations in direct proportion that their valua-

tions bear to the whole valuation of the State. You all know the purpose of the tax, which was to relieve the property burden of the State. You all realize, I believe, the necessity of alleviating the already overburdened system of taxation which we have. I think you are all more or less familiar with the condition of the State, financially, and briefly in a few moments, let me give you the set-up of today. These figures are not exact, but they are close. The amount of money that is required to run this state from April 1st to July 1st is approximately \$2,500,000. The income that we may look forward to during that length of time, is the bank tax of \$200,000; the railway tax of approximately \$300,000; telephone tax (these are indirect revenues) \$300,000; insurance tax, \$350,000. They make a total of \$1,150,000. That is what you may look forward to during the next three months. I have just stated to you the necessary amount for operating the next three months is \$2,500,000. It leaves a deficit, and we are in need of approximately \$1,400,000 during the next three months that we haven't got.

I just bring this to you for your attention, and I am only pointing out one quarter, three months. We are over \$1,300,000 short. On receipts from inheritance taxes, there is nothing in sight. There is a possibility of reissuing of \$500,000 in bonds. We paid once and it left our bonded indebtedness such that we may be able to reissue. We may be able to reissue \$275,000 in bonds. They are all loans and do not represent revenue incoming to the State. So, we have done nothing since we have been here to relieve the towns of their tax burdens. 102 towns are in arrears \$1,900,000 and they cannot pay. No one of you who can hear my voice are able to foresee but what the same difficulty will exist during the coming year that exists now. Appropriations for departments and institutions of the State which are expecting tax revenue to repay them from the same sources as they have been in the habit of receiving them, do not exist. We have not passed a single revenue measure so far this year that we are sure and positive of its collection. We have failed to meet a most troublesome situation. The reasons will not now be discussed.

We are leaving a mountainous

problem for the administration to solve. However, I shall attend this afternoon, the funeral services of the sales tax, during which service there will be no song nor flowers offered, but there will be a song in my heart for this reason, that when this Legislature adjourns within the next few days, my parting words to you Senators will be, "So long, Senators, we will all be back soon, at the call of the Governor." And when we get back, my greetings to you will be, not "I told you so", but they will be, with a smile, "I see we are back."

Mr. HOLMES of Androscoggin: Mr. President, I want to join with the Senator from Hancock, Senator Blaisdell, in impressing upon the minds of the members of this Senate, of the very serious duty which confronts us, but I am not ready to join in singing a funeral dirge for this bill until a vote is taken. I do not believe that this Senate is going to let the House exercise its judgment for it. I do not think that this Senate is going to be terrorized by retail merchants in this State who have not given this subject serious consideration. I prefer to believe that this Senate is composed of members who consider their duty to the State and its people first. It would be impossible for me to add anything to the vivid picture that the able Senator from Hancock, Senator Blaisdell, has drawn of the serious financial condition of this State. It is enough to let it go that way. I will only add that since 102 cities and towns in the year 1932 were unable to pay their state tax, and therefore did not pay it, that in my opinion, one half of the cities and towns will be unable to pay their tax in 1933. And where is this State going to get the money to run its functions during the rest of this fiscal year and the coming fiscal year from July 1st? It will not be the problem of the Governor. It will be the problem of the Governor and Council to run this State, and there is divided responsibility. I feel that it is the duty of this Senate to consider that very, very carefully. We cannot perform our duty by saying to ourselves, "Oh, if we have to come back in special session, we will come." Why not do now what we may have to do in special session?

They faced the same problem in Mississippi and the legislature of

that State had courage. You have heard and you have read that when it was pending before a committee in that legislature, the retailers and their unthinking supporters, — like the retailers, themselves, unthinking,—descended upon the State Capitol of Mississippi and they, and the newspapers threatened the members of the legislature with political destruction if they passed a sales tax. The members of the legislature passed it because they knew the absolutely desperate situation which Mississippi was facing, which was no more desperate or disastrous than the situation which we are facing in the State of Maine. But as I have said, the legislature passed the sales tax and the governor signed the sales tax bill, and not many months had gone by when the opponents admitted they were wrong; and the law is working well and it has saved Mississippi and the schools of Mississippi. In Alabama they refused to pass a sales tax and the legislature adjourned for four years, and public education has almost come to a standstill in that State.

In the State of Pennsylvania they were faced by this troublesome unemployment emergency, and they passed a sales tax law as a temporary measure for a certain number of months, and it expires after a certain period. In the number of months it was in action, it saved the State of Pennsylvania.

I mention those two States because of certain propaganda that has come to this legislature to try to sway our minds, propaganda by organized associations of merchants. I will read excerpts from the propaganda of the Lewiston and Auburn merchants to met in City Hall, Lewiston, on Sunday, March 19th. They never invented that, members of the Senate. These excerpts, you have almost the same thing in almost identical words from other merchants' association. "Passage of this bill in its present form would be fatal to your merchant constituents. It would result in more bankruptcies than ever before." Where is their authority? Where are the facts supporting that statement? Where do they draw that inference? From what happened in Mississippi?

They say, "On February 28, 1933" (first they speak of Pennsylvania) "On February 28, 1933, the retail

sales tax of 1% in the State of Pennsylvania terminated. During the period of enforcement it created a serious financial burden on the retailers of the State." Where are the facts to prove that?

Now the State of Mississippi: "In the State of Mississippi in 1932, there were 304 retail failures with liabilities of \$7,000,000." It sounds bad. "Although Mississippi has 17,000 retail stores and the sales tax applies not only to retailers but manufacturers, utilities, wholesalers and professions, yet only 9,634 returns were filed during the first six months of the law's operation. This shows conclusively the difficulties in administering and collecting a sales tax and the opportunities for evading payment."

Now, when a cause has to be bolstered with half truths, there is something wrong with it. I wanted to find the truth and so I had a telegram sent to the chairman in Mississippi to get true answers and statements about Mississippi. The telegram in reply reads as follows:

"Have not Data on retail store failures in Mississippi for nineteen thirty-two or nineteen thirty one stop Can state positively no failures due to sales tax stop Seventeen thousand retail dealers in Mississippi were reported by United States Department of Commerce survey of retail distribution in nineteen twenty nine this department does not have at present number of retail establishments in this state nineteen thirty two stop Nine thousand six thirty four taxpayers paid sales tax through month October nineteen thirty two permission is granted by sales tax law to pay tax monthly quarterly or annually according to tax liability number paying through October liable only for monthly or quarterly payments stop Approximate number liable for sales tax in Mississippi all classifications twenty thousand."

Now then, no failures so far as they have any records, can be ascribed to the sales tax, and the number that paid up to October was only the number to be expected to be paid then because there was still time to pay quarterly afterwards. In other words, so far as any reliable information goes, the sales tax has saved the situation in Mississippi and in Pennsylvania and has caused no dissatisfaction. It has not been paid by merchants but by the consumer.

Everybody knows the sales tax works well in Canada.

It is not enough to say it will be necessary to hold a special session of the legislature and the legislature must enact it. Why not enact it now, if it is necessary, and there is no other source of revenue in sight?

They talk about a chain store tax. The revenue which would be obtained from a chain store tax, in my opinion, would be only a drop in the bucket. They talk about a tax on beer. I have an idea the tax won't amount to a great deal for in my opinion, after the boys have had a few drinks of 3.2 per cent beer, they will go back to home brew. So there will not be a lot of revenue from that.

Now, what we need, and what is always needed in taxation is as nearly a painless tax as can be invented. Now, the burden of the cost of government of this State and of the municipalities is falling upon the real estate owners, and upon these very merchants on their stocks of goods, and the more responsible of them own their real estate also, and the burden is becoming more than the real estate owner can bear, and he is staggering under it and he needs relief, and this very bill gives him relief insofar as the money that will be collected on a one cent tax will be credited to the general fund of the State, as provided in Section 17, which you can read.

The only thing I am sorry about is that it is not a two cent tax instead of a one cent tax. The retailer will pass the tax onto the consumer just as the gasoline dealer passes the tax onto the consumer, and that is a sales tax, and I was in the House when that was first proposed and the same kind of opposition was presented on a smaller scale but a similar case, and the same argument about how the dealer would have to pay the tax.

This provides a tax of one cent—one cent on a dollar. If a man buys a hat for \$5.00 and he pays five cents extra, is he going to feel it? Some of us have come to believe since the year 1916, that an income tax is a very just tax. Here is an obverse of the shield. Here is a taxation picture with two panels. The panel on the left is the income tax. The panel on the right is the sales tax, which is an

outgoing tax. In this State, we have no income tax but I believe, and I think every one of you, when you consider what a sales tax is, paid by the consumer, as I say it will be because it always is, that the outgoing tax is the most just and the least painful of any because it is paid in such small amounts. Think of the tax we pay on a package of cigarettes or on a package of smoking tobacco. Why, I think it is more than one half tax, and we never notice it. But supposing that tax to the federal government,—if we had to wait until the end of a year and then figure it and the government had some way to require us to pay in a lump,—think of what a sum it would be and how it would hurt, but now we do not feel it is actually affecting our cost of living as we pay it as we go along.

The sales tax is the most perfect system of taxation that can be devised. But because of "invincible ignorance," as the philosopher said, all those men who simply shivered with misapprehension and who will not or cannot look into it and face the truth, the bill failed in the House, and the Senator from Hancock, Senator Blaisdell, thinks it will fail in the Senate.

I ask you members of this Senate to vote on this as you regard your duty to the State and as you feel it is right, regardless of what people, mistaken in judgment, have told you you ought to do.

Mr. HARMON of Hancock: Mr. President, after listening to the oratory this afternoon I feel that it is incumbent upon me to say a few words. I have been told that the sales tax is not absolutely necessary to the balancing of our budget. And I wish to say now that the merchants of this State are carrying a heavy burden, trying to keep their organizations together and their business going. The affairs of the State are important but the affairs of our merchants and of our people are equally important and I feel that a good part of this tax must be borne by the merchants of the State as well as by the consumers. It seems to me that the burden of taxation can be lightened by cutting down expenses of certain departments. And it seems to me that to put our State at a disadvantage with our sister States would be an unwise thing to do. It also seems to me that with our mail order houses, with

their thousands and thousands of dollars going out of the State of Maine you might say that this small tax will not make a difference, but I think it would make a difference, and our State of Maine and our merchants would be put to a disadvantage with the merchants of our sister States and I do not feel that under those conditions I should support this bill.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Jackson, that Report "A" "Ought to Pass in a New Draft" be accepted in non-concurrence.

Mr. SCHNURLE of Cumberland: Mr. President, I am not going to take much time. I want to read a clipping from a paper. My only regret is that it is not a clipping from some paper in Maine. It happens to be a clipping from the New York Times. The title is "A Frank and Honest Tax" and it reads as follows: "It now seems probable that the Legislature at Albany"—I wish that meant at Augusta—"will vote a sales tax in order to raise the money needed to extinguish the State deficit. The various bills are still under revision. Governor Lehman"—I wish it were Governor Brann—"proposed a rate of three-quarters of one per cent but it is now stated that the leaders of both parties favor a tax perhaps graduated up to two per cent. There seems to be no doubt that all the revenue necessary could be obtained by a sales tax. But the method of its levy and application will be almost as important as the tax itself. On this point the representation made by common merchants and retailers in this city deserves serious consideration. They have pointed out many difficulties and injustices which they believe to be inseparable from a sales tax based on gross business, or some other similar standard. Not content with this, they have announced their willingness to join in the movement for a sales tax—provided the State of New York absolutely needs the added money—only insisting that it be made an open and intelligible tax which every consumer who pays it will perfectly understand. If there is to be, for example, a stamp tax of one or two cents to be paid on every sale, its nature and effect would be obvious to all. The store would add it to the price, and the purchaser would pay it and know that he paid it. All indirectness and ambiguity, all niceties of bookkeep-

ing estimates, would be eliminated. The State would simply go to each citizen-consumer and explain that money had somehow to be got to carry on the government of New York and that this plan had been chosen as the best way to get it. Then the citizen-consumer who pays would be more curious than ever before to know why the State had run behind in its income and how the money which he was directly contributing was going to be spent."

Now, Mr. President and members of the Senate, I want to read just one other little clipping from a New York paper. It is entitled "Sales Tax Moves Grows at Albany"—that should be Augusta, too. There is a sub-title under which I will quote, which is "Swing To Sales Tax." It reads: "The details of the slashes in Governor Lehman's budget were not made public but the indications were that they would not include cuts in salaries below \$2,000 or sharp reductions in the appropriations for inspection service in the Department of Labor. The Republicans have appeared to favor cutting salaries above \$1,500 and large-scale curtailment of the activities of labor inspectors. Legislators of both parties are said during the last several weeks to have been swinging more and more to the idea of a two per cent retail sales tax instead of the three-quarters of one per cent recommended by Governor Lehman. The Democrats were understood to incline toward a two per cent tax, with fifty per cent to be refunded to localities on the basis of population. John J. Merrill, State Tax Commissioner, has presented to Governor Lehman a suggestion for another bill providing for a two per cent sales tax under which fifty per cent of the collections would be returned to localities on the basis of the amount of tax collected in each." Now, here is a sub-title "Aim to Aid Real Estate." "Both refunding proposals are based on a desire to help relieve the stress of local real estate taxation. The Merrill recommendation would include a sales tax on all sales, including food and other necessities of life, but would not permit the localities to use any of the money received from the State for current expenses. The funds would be employed for retiring obligations. Under both bills New York City, which would pay a major share under the sales tax, would profit by the refund."

Mr. BLAISDELL of Hancock: Mr. President, just one word and that is that there was a group of retail merchants in the State of Maine whom I have authority to report were perfectly willing to go ahead and support a sales tax within the bounds of the State of Maine if the Legislature of the State of Maine deemed that it was necessary, provided that it was on a fair and impartial basis. That group was the four hundred stores of the First National.

I also want to answer my friend and colleague the Senator from Hancock, Senator Harmon, when he spoke of the fact that we would be put on an unfair competitive basis with our sister states. I will say that Vermont and Massachusetts have both passed a sales tax law this year.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Jackson, that Report "A" "Ought to Pass in a New Draft" be accepted in non-concurrence.

Mr. JACKSON of Cumberland: Mr. President, I ask for a division.

A division of the Senate was had. Eleven having voted in the affirmative and eighteen opposed the motion to accept the "Ought to Pass in a New Draft" report failed.

Thereupon, on motion by Mr. Harmon of Hancock, Report "B" "Ought Not to Pass" was accepted in concurrence.

The President laid before the Senate, An act for the regulation of the practice of hairdressing and beauty culture (H. P. 1513, L. D. 823), tabled by Mr. Holmes of Androscoggin, earlier in today's session pending the motion of Mr. Angell of York that the Senate reconsider its vote whereby the bill was passed to be engrossed and this afternoon assigned; and the Chair recognized that Senator.

Mr. HOLMES of Androscoggin: Mr. President, I yield to the Senator from Somerset, Senator Weeks.

Mr. WEEKS of Somerset: Mr. President, I ask unanimous consent to withdraw Senate Amendment "C" which I presented.

Thereupon, the Senate voted to reconsider its former action whereby this bill was passed to be engrossed and consent was granted to the Senator from Somerset, Senator Weeks, to withdraw Senate Amendment "C".

Thereupon, the Senator from

Somerset, Senator Weeks, offered the following amendment and moved its adoption:—

"Senate Amendment 'D' to L. D. 823, An Act for the regulation and the practice of hairdressing and beauty culture. Amend Sec. 17 by striking out in the 9th line thereof the words 'not less than twenty dollars'."

Mr. WEEKS: Mr. President, under Section 9 of this particular bill the board created by it has a right to make rules and regulations in the government and conduct of beauty parlors. Now that board might make some little regulation which would be violated by some particular person where a fine of twenty dollars would be a gross injustice. The only purpose of this amendment is to leave within the discretion of the courts, if punishment should be taken under this act, a fine of a dollar or in a case where more is needed, a fine of twenty dollars, or in an extreme case a fine of one hundred dollars. I believe that it is only fair that this amendment should be adopted so that in those cases where leniency should be shown the court can fine a very small amount, and that is the only purpose of this amendment.

(At this point former President of the Senate J. Blaine Morrison was escorted to a seat beside the President, amidst the applause of the Senate, the members rising.)

Mr. ANGELL of York: Mr. President, this bill has been before the Legislature since the opening of the session. Now I think that at this time it is only fair that this Senate should understand just what this is all about. I will first tell the Senators here that I am not the sponsor of this bill. This bill came about through the efforts of the association of persons in this—call it an industry, if you will. The secretary of that industry is one of my home town women, and in their anxiety to improve their situation they sought some sort of state control and they discovered that the State of Rhode Island had legislation on its books which in their judgment was similar to what they wanted. The secretary of that association came to my home and, being absolutely ignorant of the proper procedure, asked for such advice or information as I might be able to impart. And in my humble way with my limited ability I told

her what I thought the steps should be to introduce the legislation.

They called a meeting of their association and those interested came from all over the State. They discussed the ways and means and no lesser legal authority was selected to guide them than the gentleman who was a candidate for Governor of this State at our last election. The bill was taken up in committee hearing, properly advertised, and once again the people interested in that little business came here from all over the State to answer questions and give their time wherever it might be needed. The health authorities of the State of Maine were called into consultation. The doctors in this Legislature were consulted. Every difference of opinion was met and ironed out. And the committee, three of them Senators in this body who are here and seven of them members of the House unanimously reported out the bill, "Ought to Pass."

And then for some reason or other which has never been understood this thing became sort of a football—a joke. Now, I don't think that is the kind of game for this Senate to play. The people interested in this industry invest from two to ten thousand dollars of their money in the necessary apparatus to conduct their business. They honestly and openly come before this body and offer to pay into this State a revenue, at a time when we need it, in order that the State may supervise and properly regulate that industry.

You have all heard the various amendments offered and, like myself, you get a good laugh out of them. I think the time has now come to quit laughing and do some business. This bill has been before the House, has been passed to be enacted and has been signed by the Speaker. It comes into this body as an enactor. And then another attempt is made to add on an amendment taking out of the bill the substance of the entire bill. And then for some unknown reason that amendment has been withdrawn and still a further amendment presented for the consideration of this Senate, specifying a minimum fine of twenty dollars.

Now I have consulted with some of the legal minds of this Senate and outside and they tell me that it is nothing unusual on many of our laws that a minimum fine of this

amount is stipulated and if a case comes up where it is necessary to show further consideration there are ways and means of doing that without lowering the minimum.

I am not posing as a lawyer. I am not trying to quote law but I insist that an opportunity has been provided for this thing to have been discussed, that it is not of sufficient importance to continue making a football out of this bill presented by these people in all sincerity; and I wish to move, Mr. President, that this amendment does not pass and that this bill be passed to be enacted, and I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Somerset, Senator Weeks, that Senate Amendment "D" be adopted and on that motion the Senator from York, Senator Angell, has asked for a division. A vote of Yes is in favor of the amendment. A vote of No is equivalent to the rejection of the amendment.

A division of the Senate was had.

One having voted in the affirmative and twenty-seven opposed Senate Amendment "B" was not adopted.

Thereupon, on motion by Mr. Angell of York the bill as amended by House Amendment "A", House Amendment "A" to House Amendment "A", Senate Amendment "A", House Amendment "B" and Senate Amendment "B", was passed to be engrossed in concurrence.

Thereupon, the bill as amended was passed to be enacted.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, An Act to provide for a constitutional convention to pass on the proposed twenty-first amendment to the Constitution of the United States (S. P. 661, L. D. 1024),

Mr. VILES of Kennebec: Mr. President, for the purpose of correcting a typographical error I offer the following amendment and move its adoption:

"Senate Paper 661, L. D. 1042, An Act to provide for a constitutional convention to pass on the proposed twenty-first amendment to the Constitution of the United States. Senate Amendment 'A'. Amend Sec. 2 of said act by striking out the figures '84' in the 1st line of said section and substituting in place thereof the figures '80'."

Thereupon, Senate Amendment

"A" was adopted and the bill as so amended was passed to be engrossed.

The PRESIDENT: The Senate will be in recess until five thirty-five.

AFTER RECESS

The Senate was called to order by the President.

On motion by Mr. Robie of Cumberland, the Senate voted to reconsider its action taken earlier this afternoon whereby, An Act for the protection of savings banks and depositors therein (L. D. 918), was

laid upon the table pending the adoption of House Amendment "B" in concurrence and later this afternoon assigned; and on further motion by the same Senator House Amendment "B" was adopted in concurrence and the bill as amended by House Amendment "A" and House Amendment "B" 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. Littlefield of York,

Adjourned, until tomorrow morning at ten o'clock.