

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 6, 1935.

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

Prayer by the Rev. Mr. Porter of Gardiner.

Journal of the previous session read and approved.

From the Senate: Majority report of the Committee on Judiciary reporting ought not to pass on resolve proposing an amendment to the Constitution increasing the limit of municipal indebtedness S. P. 355, L. D. 348.

Report was signed by the following members: Messrs. Burkett of Cumberland and Burns of Aroostook—of the Senate, Messrs. Willey of Falmouth, Philbrick of Cape Elizabeth, Gray of Presque Isle, Weatherbee of Lincoln, Hill of South Portland, Vaughan of South Berwick and Jacobson of Portland—of the House.

Minority report of same committee reporting ought to pass on same resolve. Report was signed by the following member: Mr. Fernald of Waldo of the Senate.

Comes from the Senate the majority report read and accepted.

In the House, on motion by Mr. Hill of South Portland the majority report was accepted in concurrence.

Senate Bills in First Reading

S. P. 389, L. D. 425: An act to amend the law relating to Loan and Building Associations.

S. P. 388, L. D. 424: An act to amend the law relating to Loan and Building Associations.

S. P. 387, L. D. 423: An act to amend the law relating to Loan and Building Associations.

S. P. 386, L. D. 422: An act to amend the law relating to Loan and Building Associations.

S. P. 393, L. D. 418: An act relating to the discontinuance of railroad crossings.

S. P. 196, L. D. 145: An act relating to disposal of minor children in divorce proceedings.

S. P. 378, L. D. 666: An act relating to European corn borer.

S. P. 293, L. D. 665: An act to incorporate the Bethel Library Association.

S. P. 101, L. D. 669: An act to fix the fees for members of the Board of Examiners of Podiatrists.

S. P. 100, L. D. 668: An act relating to the salary of members during Special Session of the Legislature.

S. P. 347, L. D. 397: An act relating to licenses for wholesalers in malt beverages.

From the Senate: Report of the Committee on Salaries and Fees reporting ought to pass on bill an act relating to the salary of Register of Deeds in Waldo County.

Comes from the Senate, report read and accepted and the bill passed to be engrossed.

In the House, on motion by Mr. Payson of Brooks, tabled pending acceptance of the report in concurrence.

From the Senate: Report of the Committee on Judiciary reporting ought to pass on bill an act relative to kidnapping, S. P. 379, L. D. 399.

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

In the House, report read and accepted in concurrence, the bill received its two several readings, Senate Amendment A read and adopted in concurrence, and tomorrow assigned for its third reading.

Communication from the Attorney-General**STATE OF MAINE****Department of the Attorney General
Augusta**

March 1, 1935.

To the Honorable

The House of Representatives of the State of Maine:

There has been received at the office of the Attorney General, from the hand of Honorable Harvey R. Pease, Clerk of the House, an attested copy of an Order appearing to have been passed in the House on February 27, 1935. The Order is as follows:

"Ordered, That the Attorney-General shall give to the House of Representatives, not later than February 27, 1935, his opinion on the following point:

If the proposed special automobile license plates for the House members cost more above the regular cost than the amount provided for under the Tupper order, so-called, cannot the members desiring

these plates obtain them by individually paying the extra prorated cost?"

The answer to the question propounded is found in the fact that the Secretary of State is not obliged to obey the directions of one branch of the Legislature respecting the furnishing of number plates to those registering motor vehicles. The selection and issuing of special distinguishing designs for number plates has been entrusted to the Secretary of State by statute law, being found in Section 55 of Chapter 29 of the Revised Statutes as amended. It is his duty to furnish suitable number plates without charge to every person whose motor vehicle is registered. These plates are not sold to those registering, but the ownership continues in the State of Maine.

The duty and authority of the Secretary of State has been defined by an act passed by both branches of the Legislature and signed by the Governor. Such duty and authority may not be interfered with except by legislative action of solemnity equal to that which conferred the authority and duty.

Accordingly, I am of the opinion that the answer to the question presented in the above Order is, No.

Respectfully submitted,

(Signed) CLYDE R. CHAPMAN.

Attorney General

Communication read and ordered placed on file.

The following petitions and remonstrances were received and upon recommendation of the committee on Reference of Bills were referred to the following committees:

Education

Petition of Queenie H. Sanders of Kittery and 109 others in favor of L. D. 56 relating to educational program (H. P. No. 1571) (Presented by Mr. Burnham of Kittery)

Petition of Elmer A. Pease of Medford and 55 others in favor of same (H. P. No. 1572) (Presented by Mr. Chase of Sebec)

Petition of Ida M. Blanchard of Sebec and 14 others in favor of same (H. P. No. 1573) (Presented by same gentleman)

Petition of Fred F. Haskell of Livermore and 42 others in favor of same (H. P. No. 1574) (Pre-

sented by Mr. Coolidge of Livermore)

Petition of E. D. Merrill of Dover-Foxcroft and 183 others in favor of same (H. P. No. 1575) (Presented by Mrs. Forbes of Dover-Foxcroft)

Petition of E. T. Richardson of Mt. Desert and 110 others in favor of same (H. P. No. 1576) (Presented by Mr. Graves of Mt. Desert.)

Petition of W. E. Clark of Southwest Harbor and 53 others in favor of same (H. P. No. 1577) (Presented by same gentleman)

Petition of James R. Dwelley of Cranberry Isle and 123 others in favor of same (H. P. No. 1578) (Presented by same gentleman)

Petition of Peter F. Benson of Southwest Harbor and 67 others in favor of same (H. P. No. 1579) (Presented by same gentleman)

Petition of Leon Andrews of Tremont and 246 others in favor of same (H. P. No. 1580) (Presented by same gentleman)

Petition of Dr. Lewis S. Kibby of Milford and 68 others in favor of same (H. P. No. 1581) (Presented by Mr. King of Orono.)

Petition of Clarence H. Crosby of Dexter and 109 others in favor of same (H. P. No. 1582) (Presented by Mr. Martin of Dexter)

Petition of Robert C. Mixer of Minot and 70 others in favor of same (H. P. No. 1583) (Presented by Mr. Mason of Mechanic Falls)

Petition of Wayne E. Hoyle of Mechanic Falls and 40 others in favor of same (H. P. No. 1584) (Presented by same gentleman)

Petition of H. P. Tuck of Fayette and 33 others in favor of same (H. P. No. 1585) (Presented by Mr. Newton of Readfield)

Petition of A. B. Gerrish of Winter Harbor and 81 others in favor of same (H. P. No. 1586) (Presented by Mr. Noyes of Franklin)

Petition of Ida Carter of Sorrento and 23 others in favor of same (H. P. No. 1587) (Presented by same gentleman)

Petition of Basil H. Stinson of Rockland and 22 others in favor of same (H. P. No. 1588) (Presented by Mr. Sleeper of Rockland)

Petition of John S. Nelson of Freeport and 158 others in favor of same (H. P. No. 1589) (Presented by Mr. Patterson of Freeport)

Petition of William M. Rea of La Grange and 250 others in favor of same (H. P. No. 1590) (Presented by Mr. Worthen of Corinth)

Petition of Merle M. Weymouth

of Howland and 69 others in favor of same (H. P. No. 1591) (Presented by same gentleman)

Petition of C. E. Ober of Bradford and 28 others in favor all bills carrying out the recommendations of the Public School Finance Commission (H. P. No. 1592) (Presented by same gentleman)

Petition of Clara A. Wright of Wiscasset and 37 others in favor of L. D. No. 56 (H. P. No. 1593) (Presented by Mr. Carleton of Alna)

Petition of Fred A. Knapp of Lewiston and 55 others in favor of same (H. P. No. 1594) (Presented by Mr. Donovan of Lewiston)

Petition of Mrs. E. L. Hutchins, member of North Anson Woman's Club and 29 others in favor of same (H. P. No. 1595) (Presented by Mr. Jillson of Anson)

Petition of Ruby Kyes of Industry and 31 others in favor of same (H. P. No. 1596) (Presented by Mr. Mosher of Farmington)

Petition of Mrs. C. B. Pindar of So. Berwick and 310 others in favor of same (H. P. No. 1597) (Presented by Mr. Vaughan of South Berwick)

Inland Fisheries and Game

Remonstrance of Ormand Stevens of Belgrade and 15 others against raising the license fee for hunting and fishing (H. P. No. 1598) (Presented by Mr. Martin of Oakland)

Petition of Weston M. Hilton of Damariscotta and 27 others in favor of L. D. 79 a bill to increase the license fee for fishing and hunting (H. P. No. 1599) (Presented by Mr. Stilphen of Dresden) Placed on file.

Remonstrance of Ruth E. Waterhouse of Old Town and 32 others against passage of L. D. 45, an act creating a State Lottery Commission (H. P. No. 1600) (Presented by Mrs. Latno of Old Town)

Legal Affairs

Petition of Frederick H. Mitchell of Biddeford and 171 others in favor of L. D. 286—amending the charter of the city of Biddeford (H. P. No. 1601) (Presented by Mr. Poulin of Biddeford)

Taxation

Remonstrance of James M. Westcott of Springvale against sales tax in any form (H. P. No. 1602) (Presented by Mr. Demers of Sanford)

Orders

Mr. Connolly of Portland presented the following order and moved its passage:

Ordered, the Senate concurring, that the Governor and Council are hereby directed and authorized to investigate the closed banks in this State, to discover the necessity of the delay in the liquidation thereof, and to discover if the conservators are properly protecting the rights of the depositors therein.

On motion by Mr. Tupper of Calais, tabled pending passage.

Mr. CONNOLLY: Mr. Speaker, I don't know what the gentleman from Calais (Mr. Tupper) is thinking of—

The SPEAKER: The Chair rules that the gentleman is out of order as the matter is now on the table.

Mr. Flanders of Auburn presented the following order and moved its passage:

Ordered, the Senate concurring that H. P. 1136, L. D. 361, an act to incorporate the Araxine Wilkins Sawyer Memorial Foundation be recalled to the House from the Committee on Judiciary.

Read and passed, and sent up for concurrence.

Reports of Committees

Mr. Story from the Committee on Banks and Banking reported ought not to pass on bill an act relating to banking, loan and building associations, small loan agencies, dealers in securities (H. P. No. 1300) (L. D. No. 613)

(Tabled by Mr. Davis of Fairfield, pending acceptance of the report)

Mr. Davis from the Committee on Inland Fisheries and Game reported ought not to pass on bill an act creating the Windham Game Preserve (H. P. No. 775) (L. D. No. 274)

Mr. Thompson from same Committee reported same on bill an act to establish a game preserve in the city of Augusta, Kennebec County (H. P. No. 331)

Mr. Gray from the Committee on Judiciary reported same on bill an act to extend the charter of the Port of Calais Authority (H. P. No. 1141) (L. D. No. 365)

Same gentleman from same Committee reported same on bill an act regulating the installation and maintenance of card index system for enrollment purposes (H. P. No. 1316) (L. D. No. 496)

Mr. HILL from same Committee

reported same on bill an act to repeal the law providing appeals in certain tax cases (H. P. No. 1211) (L. D. 459)

Same gentleman from same committee reported same on bill an act concerning the proof of statutes of other jurisdictions and to make uniform the law with reference thereto (H. P. No. 695) (L. D. No. 226)

Mr. Jacobson from same Committee reported same on bill an act relating to registration of pleasure cars by paupers (H. P. No. 1135) (L. D. No. 360)

Same gentleman from same Committee reported same on bill an act relating to the date of assessment of property for taxation (H. P. No. 1315) (L. D. No. 495)

Same gentleman from same Committee reported same on resolve authorizing the Vito Mininni Inc. of Biddeford to bring suit at law against the State (H. P. No. 1330) (L. D. No. 583)

Mr. Philbrick from same Committee reported same on bill an act relating to county attorneys (H. P. No. 1317) (L. D. No. 570)

Same gentleman from same Committee reported same on bill an act to make uniform the law of transfer of shares of stock in corporations (H. P. No. 696) (L. D. No. 227)

Mr. Vaughan from same Committee reported same on bill an act to authorize various corporations to act as trustees (H. P. No. 1182) (L. D. No. 388)

Mr. Weatherbee from same Committee reported same on bill an act relating to the appointment of humane officers (H. P. No. 836) (L. D. No. 283)

Same gentleman from same Committee reported same on bill an act relating to employment by the State of Maine of pensioners (H. P. No. 1312) (L. D. No. 568)

Mr. Willey from same committee reported same on bill an act relating to the pauperizing of unemployed wage earners (H. P. No. 1131) (L. D. No. 356)

Same gentleman from same Committee reported same on bill an act to avoid contracts (H. P. No. 1319) (L. D. No. 572)

Same gentleman from same Committee reported same on bill an act relating to recording all deeds affecting the title of real estate in the city of Eastport by the City

Clerk (H. P. No. 1139) (L. D. No. 330)

Mr. Gray from same Committee reported same on bill an act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledges and to make uniform the law with reference thereto (H. P. No. 694) (L. D. No. 234)

Mr. Burnham from the Committee on Legal Affairs reported same on bill an act relating to terms and salaries of city of Lewiston officials (H. P. No. 594) (L. D. No. 173)

Mr. Chase of Baring from same Committee reported same on bill an act authorizing municipalities to operate electric lighting systems (H. P. No. 1339) (L. D. No. 546)

(Tabled by Mr. Chase of Baring, pending acceptance of the report)

Mr. Chase of Baring from the Committee on Legal Affairs reported ought not to pass on bill an act relating to intoxicated persons carrying loaded guns while hunting. (H. P. No. 303) (L. D. No. 77)

Same gentleman from same Committee reported same on bill an act regulating the moving of household goods, chattels and personal effects of residents of the State. (H. P. No. 1257) (L. D. No. 501)

Same gentleman from same Committee reported same on bill an act relating to defrauding rooming home owners. (H. P. No. 1338) (L. D. No. 545)

Mr. Davis from same Committee reported same on bill an act relating to horse racing and creating a State Racing Commission. (H. P. No. 1218) (L. D. No. 446)

(Tabled by Mr. Connolly of Portland, pending acceptance of the report.)

Mr. Davis from the Committee on Legal Affairs reported ought not to pass on bill an act relating to liability insurance. (H. P. No. 1212) (L. D. No. 599)

Mr. Higgins from same Committee reported same on bill an act to promote the State use system of industries in the public welfare institutions. (H. P. No. 1337) (L. D. No. 584)

Mr. Richardson from the Committee on Pensions reported same on resolve providing for a State pension for Fred E. Stevens of Frankfort (H. P. No. 676) as Mr. Stevens is dead.

Same gentleman from same Committee reported same on resolve for an increase in State pension for Susie W. Morse of Auburn (H. P. No. 1010) as Mrs Morse is dead.

Mr. Fowles from the Committee on Salaries and Fees reported same on bill an act relative to the salaries of State officials and employees. (H. P. No. 1353) (L. D. No. 507)

(Tabled by Mr. Sewall of Bath, pending acceptance of the report.)

Mr. Seabury from the Committee on Salaries and Fees on bill an act relating to expenses of county attorneys (H. P. No. 1352) (L. D. No. 506) reported that legislation thereon is inexpedient as it is already covered by Ch. 148, Sec. 1, R. S. 1930.

Mr. Allan from the Committee on Taxation reported same on bill an act to provide for the equalization of taxes. (H. P. No. 1293) (L. D. No. 468)

Same gentleman from same Committee reported same on bill an act relating to abatement for voluntary payment of taxes. (H. P. No. 1291) (L. D. No. 467)

Same gentleman from same Committee reported same on bill an act relating to taxation. (H. P. No. 1294) (L. D. No. 607)

Mr. Shaw from same Committee reported same on bill an act to repeal the present excise tax on railroads and to re-enact the law of 1917 in lieu thereof. H. P. No. 1224) (L. D. No. 438)

Mr. Fogg from the Committee on Temperance reported same on bill an act relating to the sale of liquor. (H. P. No. 1225) (L. D. No. 437)

(Tabled by Mr. Connolly of Portland, pending acceptance of the report.)

Mr. Oliver from the Committee on Temperance reported ought not to pass on bill an act relating to business hours for State liquor stores. (H. P. No. 1162) (L. D. No. 377)

Mr. Stilphen from same Committee reported same on bill an act relating to the hours of sale of malt beverages. (H. P. No. 855) (L. D. No. 247)

Reports read and accepted and sent up for concurrence.

Mr. Burgess from the Committee on Inland Fisheries and Game on bill an act relative to trapping in York County (H. P. No. 298) (L. D. No. 72) reported same in a new

draft (H. P. 1603) under same title and that it ought to pass.

Tabled by Mr. Donahue of Biddeford, pending acceptance of the report and the new draft ordered printed.)

Mr. Sprague from the Committee on Inland Fisheries and Game on resolve relative to ice fishing in Eagle, Square and St. Froid Lakes (H. P. No. 1056) reported same in a new draft (H. P. No. 1604) under title of resolve relating to ice fishing in Eagle and St. Froid Lakes and that it ought to pass.

Mr. Gray from the Committee on Judiciary on bill an act creating a lien on potatoes (H. P. No. 1134) (L. D. No. 359) reported same in a new draft (H. P. No. 1605) under same title and that it ought to pass.

Mr. Wentworth from the Committee on Temperance on bill an act relating to liquor licenses (H. P. No. 1227) (L. D. No. 435) reported same in a new draft H. P. 1606 under same title and that it ought to pass

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

Mr. Churchill from the Committee on Salaries and Fees reported ought to pass on bill an act relative to the salary of the Recorder of the Yorkshire Municipal Court (H. P. No. 854)

Report read and accepted and the bill ordered printed under the Joint Rules.

First Reading of Printed Resolves

(H. P. No. 787) (L. D. No. 690) Resolve relating to fishing in tributaries to Walker's Pond

(H. P. No. 792) (L. D. No. 689) Resolve to open for fishing three brooks in the town of Prentiss

Passed to be Engrossed

(S. P. No. 230) (L. D. No. 193) An act relating to the salary of the Clerks of Courts for Waldo County

Mr. Payson of Brooks presented the following amendment and moved its adoption: House Amendment A to S. P. 230, L. D. 193, bill an act relating to the salary of the Clerks of Courts of Waldo County.

Amend said bill by striking out all of the title thereof, and inserting in place thereof the following: An act relating to clerk hire in the office of the Clerk of Courts of Waldo County.

Thereupon the amendment was adopted and the bill had its third

reading, and was passed to be engrossed in non-concurrence.

(H. P. No. 106) (L. D. No. 675)

An act for placing the word "Vacationland" on all number plates on motor vehicles

(Tabled by Mr. Drisko of Jonesboro, pending third reading)

(H. P. No. 1542) (L. D. No. 679)

An act relating to taxation of trust and banking companies

(H. P. No. 829) (L. D. No. 676)

Resolve changing the name of Corinna Bog and Stream

(S. P. No. 194) (L. D. No. 143)

An act relating to persons maintaining licensed homes for children

Was reported by the Committee on Bills in the Third Reading, read the third time, and passed to be engrossed as amended in concurrence.

(H. P. No. 1459) (L. D. No. 655)

An act to assure proper branding of potatoes

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent up for concurrence.

Passed to be Enacted

(Emergency Measure)

S. P. 253, L. D. 203: An act to incorporate the town of Jonesport School District.

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

A division being had,

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

Passed to be Enacted

(Emergency Measure)

H. P. 688, L. D. 232: An act relating to the sale of intoxicating liquor.

Mr. CROWELL of Weston: Mr. Speaker, I present House Amendment A to H. P. 688, L. D. 232, and move its adoption.

The SPEAKER: In order for the gentleman to amend this bill, it will first be necessary to reconsider the vote whereby this bill was passed to be engrossed on February 21st.

Such a motion requires a two-thirds vote of the House under suspension of the rules.

Mr. CROWELL: I move that the rules be suspended and that the House reconsider its action whereby this bill was passed to be engrossed on the 21st day of February.

Mr. LEBEL of Brunswick: Mr. Speaker, would it be in order to have the amendment read before we suspend the rules?

The SPEAKER: If there is no objection, the amendment may be read.

The Clerk will read the amendment:

House Amendment A to H. P. 688, L. D. 232, entitled: "An act relating to the sale of intoxicating liquors."

Amend said bill by inserting in the first line, before the headnote thereof, 'Sec. 1,' and by inserting immediately before the Emergency Clause thereof the following:

'Sec. 2. Indemnity fund provided for. Ten per cent of the net profits obtained from the sale of liquor by the commission shall be set aside and constitute an indemnity fund out of which shall be paid any claims for which the state shall be liable under the provisions of section 19 of chapter 137 of the revised statutes. All those having claims under the provisions of said section 19 are hereby granted the right to sue the state of Maine in the superior court holden in the county wherein the claim arises.'

Mr. LEBEL: Mr. Speaker, I move that the amendment lie on the table.

The SPEAKER: The gentleman is not in order. The question is on the suspension of the rules on the motion to reconsider. Are you ready for the question? All those in favor of the motion to suspend the rules and reconsider the action of the House whereby, on the 21st day of February, this bill was passed to be engrossed, will rise and stand until counted and the monitors have returned the count.

A division of the House was had.

The SPEAKER: Obviously a sufficient number not having risen, it is unnecessary for the monitors to make and return the count, and the motion is lost.

Mr. CROWELL: Mr. Speaker, I move that when the vote is taken, it be taken by the yeas and nays. Those of us who went through the regular session of the Eighty-sixth Legislature, and the Special Ses-

sions, have very definitely in mind the promises made to us by the alcohol interests. We have found, though only a few months have elapsed since then, that every one of the claims they made have been broken. They told us that the bootlegger would be eliminated. They told us that the funds that would come into the State from the sale of liquor would be a panacea for all our financial ills. I believe the time has come when the people want us to go on record whether we are in favor of an extension of these liquor interests or not. L. D. 232 simply calls for setting aside the provision made by the Special Session of the Legislature that the stores should return to the State fifty thousand dollars a year. Now they are coming to us and asking that this be suspended and we allow them to keep the money. They promised the State to set up new stores and they are telling us that this is an emergency measure and that the peace, happiness and all good things in the State of Maine depend on whether they establish more stores or not. It is a question for us to decide whether the peace and prosperity of the State of Maine is at stake. Therefore, I request a yea and nay vote.

The SPEAKER: In order that the yea and nay vote may be put there is required the vote of one-fifth of those present. All those in favor of the yea and nay vote being ordered will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously a sufficient number not having arisen, the motion fails of passage.

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

A division being had,

One hundred and three voting in the affirmative and four in the negative, the bill was passed to be enacted.

Passed to Be Enacted

S. P. 165, L. D. 639: An act relating to the annual sessions of the

County Commissioners of Lincoln County.

S. P. 166, L. D. 642: An act to prohibit the dumping or deposit of refuse in the waters of Damariscotta river.

(S. P. No. 300) (L. D. No. 263) An act to amend an act to incorporate the Guilford and Sangerville Water District.

(S. P. No. 454) (L. D. No. 652) An act relating to incorporation of the officers and members of the Grand Royal Arch Chapter of Maine.

(S. P. No. 455) (L. D. No. 654) An act relative to incorporating the master, wardens and members of the Grand Lodge of Maine.

(H. P. No. 66) (L. D. No. 22) An act relating to the use of steam boilers.

(H. P. No. 559) (L. D. No. 155) An act relating to hunting rabbits.

(H. P. No. 596) (L. D. No. 160) An act to provide for the surrender by town of Kingman of its organization.

(Tabled by Mr. Chase of Baring, pending passage to be enacted)

(H. P. No. 693) (L. D. No. 224) An act relating to enforcement of tax liens.

(H. P. No. 1130) (L. D. No. 329) An act relating to the Ogunquit Beach District.

(H. P. No. 1161) (L. D. No. 376) An act relating to exemptions of estates from taxation.

(H. P. No. 1219) (L. D. No. 447) An act relating to State Highway Police

Finally Passed

(S. P. No. 181) (L. D. No. 641) Resolve in favor of Grace R. Lee of Augusta.

(S. P. No. 212) (L. D. No. 640) Resolve relative to fishing in Wentworth and Baker Ponds.

(S. P. No. 452) (L. D. No. 638) Resolve compensating bidders on the Howard Memorial.

(H. P. No. 570) (L. D. No. 651) Resolve relating to fishing in Greenlaw Brook.

(H. P. No. 1440) (L. D. No. 647) Resolve in favor of Roscoe L. York of Medway.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first matter tabled and today assigned, House report ought not to pass, committee on Judiciary, on resolve proposing an amendment to the Constitution providing for the election of the Governor's council (H. P. 591) (L. D. 170),

tabled February 27, by the gentleman from Hope, Mr. Hobbs, pending acceptance; and the Chair now recognizes that gentleman.

Mr. HOBBS: Mr. Speaker and members of the Eighty-seventh House, I now move to substitute the bill for the report of the committee, and I want to speak very briefly on this bill.

The SPEAKER: The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, at the present time there are three States that have a Governor's council, namely: Maine, New Hampshire, and Massachusetts. In New Hampshire and Massachusetts they are elected by the people. Under the present set-up in Maine they are elected by the Legislature. Legislative Document 170 provides for the election of the Governor's Council by the people.

This does not in any way affect the present membership of the Governor's Council; this provides for the election of future Governor's Councils entirely. Under the present method it is more or less on the slate; it often happens we know who some of our councillors are going to be before the election is even held.

The council have confirming power over certain officials nominated by the Governor. Sometimes they do not see fit to confirm them. Under such circumstances they have more power than the Governor. Do you conscientiously believe that such officials with such important duties should not be elected by the people?

This bill offers an opportunity for anybody to go on the primary ballot and have an opportunity to run for the Governor's Council, the same as any candidate would for the Legislature or any other elective office.

Mr. Speaker, when this vote is taken, I would like to have a division of the House.

Mr. SAWYER of Brunswick: Mr. Speaker, I wish to second the position of the gentleman from Hope, Mr. Hobbs, and I wish to say I do not think that this is in any way a party question. The best citizens that we have, some of them, believe that the Council is useless, and others, equally conscientious, believe that there should be some sort of an Advisory Board to act with the Governor on appointments.

The Constitution says that the Council shall advise the Governor. That seems to be their proper func-

tion. Then again, the next question comes up: If some sort of an Advisory Board is necessary, how can the best results be secured from such an Advisory Board? It would seem as though, if this Board is chosen by the people in the different districts as contemplated in Mr. Hobbs' bill, you would get a fair, impartial, probably bi-partisan board, elected by the people, and take the matter out of the hands of political partisanship as nearly as possible.

Our esteemed Ex-Governor Gardner takes the position, I understand, that there should be some sort of an Advisory Board, and he is opposed to the present system. That seems to be a fair expression of the citizens who are thoughtful about this matter and think that the Governor should have some sort of an Advisory Board.

So in voting on Mr. Hobbs' motion, it seems as though we should approach it without any partisan consideration. The other two states, together with Maine, select their Councils by vote, get a popular expression. Maine alone stands in the position of a reactionary. It has been said in this Legislature that "We Lead." Now if our Dirigo means anything, it seems to me we should at least get in step with the others and not be entirely backward.

Mr. SCATES of Westbrook: Mr. Speaker, if Maine is to have a Council, why not make it representative and have the Councilors elected from the Councilor District by the people, instead of being elected by two or three people? We all know how the Council is elected; there is no use to go into that. It should be representative.

Now to be consistent, I cannot see how any member of this House who advocates or believes in the direct primaries can vote against this bill. In my opinion, Maine does not need a Council any more than I need a pair of angels' wings.

Mr. LINDSEY of East Machias: Mr. Speaker and members of the Eighty-seventh Legislature, in any remarks I make I want to cast no reflection upon the Governor's Council. They are a part of our method of government, and as long as we have the Governor's Council I am willing to go on with them. But I do believe we should change our method of electing the Governor's Council. I think it is unfair to the citizens of any Coun-

ncilior District, Democrats or Republicans—and I am going to look at this, gentlemen, now from a political standpoint—I believe that it is unfair to any Councilor District that is strongly Republican to be obliged, if the Legislature is Democratic, to be represented by a Democrat. I think it is only fair and just that the citizens of that district should have the right to vote for their Councilor.

I realize the district I come from is strongly Republican, and I am perfectly satisfied that we should have a Republican Councilor in our district if the citizens so vote. I will say it again—and I reiterate it—that I think it is absolutely unfair for districts that are Democratic or Republican to be obliged to have Councilors contrary to their political affiliations in the State of Maine. For that reason, I feel we should go along with this movement and change our law so that we can have a representative government and have our Councilors elected by the people. You would not expect to come up here from your districts if the people did not elect you. I would not have been here if some of my Republican friends had not helped elect me, and I do not see why the Councilors expect to come up here and serve the people of the State of Maine unless they are elected by the people. Thank you.

Mr. POULIN of Biddeford: Mr. Speaker, I feel it my duty to say a word in favor of the substitution of the bill for the report. For years, I have heard my constituents clamoring for a change in the system of electing the Councilors. Many arguments have been presented to me, sound arguments. I believe, that when a body of men has the responsibility of spending hundreds of thousands of dollars, a representative direct from the people should be elected to that body.

Now it is my firm conviction that this will meet with the approval of the voters of this State. Furthermore, it must go as an amendment to the people; they shall be the final judges. Why not give them the opportunity to express their own views on this question?

The SPEAKER: The question before the House is on the motion of the gentleman from Hope, Mr. Hobbs, to substitute the bill for the committee report on resolve proposing an amendment to the Constitution providing for the election

of the Governor's Council. Is the House ready for the question? The gentleman from Hope, Mr. Hobbs, asks for a division of the House. All those in favor of substituting the bill for the report will rise and stand in their places until counted and the monitors make and return the count.

A division was had, Fifty-six having voted in the affirmative and 84 in the negative, the motion did not prevail.

On motion by Mr. Hill of South Portland, the ought not to pass report of the committee was accepted.

The Chair lays before the House the second specially assigned matter on today's calendar, House report ought not to pass of the Committee on Judiciary on bill an act relating to use of posters at polling places, H. P. 588, L. D. 167, tabled on February 27th by the gentleman from Portland, Mr. Connolly, pending acceptance; and the Chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker, in view of the fact that this was presented by the lady member from Portland, Mrs. Kilroy, I now move that the floor be yielded to her.

Mrs. KILROY of Portland: Mr. Speaker, I move that the bill be recommitteed to the committee on Judiciary for revision.

Mr. TUPPER of Calais: Mr. Speaker, I wish to second that motion.

A viva voce vote being taken, the motion prevailed and the bill and ought not to pass report were recommitteed to the committee on Judiciary.

The Chair lays before the House the first unassigned matter, House report ought not to pass of the committee on Claims on resolve in favor of Ralph K. Lothrop of Leeds, H. P. 183, tabled by Mr. Campbell of Leeds on February 14th, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Campbell, the resolve and report were recommitteed to the committee on Claims.

The Chair lays before the House the second unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act relating to use of materials in construction of public projects, H. P. 598, L. D. 174, tabled

by Mr. Sleeper of Rockland February 20, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker and members of the House: At the time of this hearing I asked for a postponement of it as the proponents of the measure were not ready for the hearing. The matter is of vital interest to my district and section and they wished to have an attorney represent them at the hearing. I informed the Chairman of the Legal Affairs committee that their attorney was tied up in Court and was unable to be here. He informed me that the opponents of the measure were ready for the hearing on that date and that the hearing must go on. Fortunately Rockland is quite close by and I was able to get the Mayor, the President of the Chamber of Commerce and several other prominent business men to appear for the bill. Not being a member of the Maine Bar Association, I was not able to present the bill very ably or very technically. The case of the opponents at the time diminished to one lone opponent. I was not taken by surprise at the report the committee turned in when I considered the make-up of the committee. (Laughter) I do feel that this bill has merit. When the report came in I was willing to accept it and let it go by if the welfare of the State meant nothing to the Legislature, and the Legislature was only interested in passing laws relative to the dumping of refuse into rivers or laws about the number of fish lines they could use through the ice. I felt that it was up to you and not to me. Since that time several prominent members of both parties have come to me and said that the bill had merit and they thought it should be passed. So, taking heart from the advice given me, I have written several letters to the purchasing agents of highway departments in our neighboring states and I have not yet received replies from all of them. Also there is pending somewhere in this building similar legislation, L. D. 24, to give precedence to Maine bidders. That same document was given favorable consideration by another committee that was supposed to be harder to get matters through than this one. Therefore, as a matter of personal privilege, I would like to have this bill re-

tabled until one week from today until the report from the other bill comes in and I get my information from the purchasing agents of the highway departments to whom I have written. I will say that the reports I have already received have been very favorable to the passage of this bill. I move that the bill be retabled and specially assigned for Wednesday, March 13th.

The motion prevailed.

The Chair lays before the House the third unassigned matter House report ought to pass in new draft of the committee on Legal Affairs on bill an act to provide for the appointment of a Board of Commissioners of Police for the town of Sanford, H. P. 1458, tabled by Mr. Demers of Sanford February 22, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. DEMERS: Mr. Speaker, I move that the bill be retabled, pending receipt of a report from the Supreme Judicial Justices relative to the proposed change in the charter of the town of Sanford. This bill would have to be changed or revised in the event we should receive an adverse report.

Thereupon the bill and report were retabled pending acceptance of the report.

The Chair lays before the House the fourth unassigned matter bill an act to amend the law relating to school age, S. P. 130, L. D. 51, which was passed to be engrossed in the House on February 15th. Came from the Senate passed to be engrossed as amended by Senate Amendment A in non-concurrence. This bill was tabled on February 26th by Mr. Devereux of Penobscot, pending further consideration. The Chair recognizes that gentleman.

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

The Chair lays before the House the fifth unassigned matter, majority report ought not to pass and minority report ought to pass of the committee on Legal Affairs on bill an act to permit Sunday movies, H. P. 841, L. D. 243, tabled by Mr. Bramson of Portland February 27, pending the motion of Mr. Stilphen

of Dresden to accept the majority report; and the Chair recognizes the gentleman from Portland, Mr. Bramson.

On motion by Mr. Bramson the bill and reports were retabled and specially assigned for Wednesday, March 13.

The Chair lays before the House the sixth unassigned matter, House report ought not to pass of the Committee on Inland Fisheries and Game on resolve relative to the taking of smelts for food purposes from Crooked and Songo rivers, H. P. 434, tabled by Mr. Proctor of Naples, February 27th, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Proctor the bill and report were recommitted to the Committee on Inland Fisheries and Game.

The Chair lays before the House the seventh unassigned matter, House report ought not to pass of the Committee on Judiciary on bill an act relating to recognition of political parties on ballots, H. P. 445, L. D. 123, tabled on February 27th by the gentleman from Rockland, Mr. Sleeper, pending acceptance; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker and members of the House: I was given this bill by perhaps the most patriotic organization in the world. Certainly this organization does not wish any legislation passed that would be detrimental to this State or to the Nation.

Just what is the bill? The bill says "no political party shall be recognized and given a place on the ballot which advocates the overthrow by force or violence, or which advocates or carries on a program of sedition or of treason by radio, speech or press, of our local, state or national government. No newly organized political party shall be permitted on the ballot until it has filed an affidavit by its officers, under oath, that it does not advocate the overthrow of local, state or national government by force or violence, and that it is not affiliated in any way with any political party or organization, or sub-divisions of organizations, which does advocate such a policy by radio, speech or press."

I cannot really understand how

that committee, composed of American citizens, apparently believing in God, could hand in a report of the nature of that which was handed in. I trust that they saw some technical error in it. Perhaps the legal phraseology was not just as it should be. In fact, I have talked with several members of that committee, and they have admitted to me that the principle is right but they believe that we should let sleeping dogs lie. As you easily see, the bill is aimed against the Communist party. This bill is not new. Already there are eleven states which prohibit the Communist party from having a place on the State ballot. The State of Alabama passed an identical bill.

This bill was not drawn by me; it was drawn by the National Headquarters of the American Legion. I dare say a number of the members of this House have received letters telling them to vote for the passage of this bill. The bill has been heartily endorsed by every patriotic organization in the State: American Legion, Veterans of Foreign Wars, Daughters of the American Revolution, Grand Army of the Republic, Sons of Veterans, the Elks, and many other orders I could name.

I will not take up any more of your time, but I firmly believe that every member of this House who believes in God, who believes in the sanctity of the American home, who believes in the flag, should not vote against the passage of this bill. This Legislature has often been accused of dodging issues, hedging, never taking a definite stand. If you refuse to pass this bill, that same criticism can be hurled against us. As the report stands now, ought not to pass, we dodge the issue. We all know we do not believe in the Communist party. At the hearing one of the members said if a government had not been overthrown by force and violence, we would not have had the United States, and he mentioned George Washington and the American Revolution. Certainly anyone with any sense of decency and respect for history cannot compare George Washington and the American Revolution with the Communist party today, advocating as it does a hatred of God and the overthrow of everything in America.

I earnestly urge the members of this House to vote for the passage

of this bill, so that this State can take its place as one who says yes. I urge you to substitute the bill for the report and I heartily and earnestly urge its passage.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves the substitution of the bill for the report, and the Chair recognizes the gentleman from Portland, Mr. Desmond.

Mr. DESMOND: Mr. Speaker and members of the House, I am not a member of the American Legion, but I endorse their move in this matter. Everything that opposes subversive influences or the overthrow of government by force and violence should be supported by the members of this House. I endorse what the member from Rockland, Mr. Sleeper, has said, and he has my hearty support.

Mr. HILL of South Portland: Mr. Speaker, the gentleman from Rockland (Mr. Sleeper) has placed before the House in a very clear manner the arguments that can be made for the passage of this bill. I do not for a moment doubt the sincerity upon which the gentleman's views are based, nor do I question the high purpose of the American Legion in sponsoring or favoring this bill, which is designed to curtail the political activities of those who go about among us preaching the vicious doctrine of Moscow and Berlin.

I have no greater love for this doctrine than has the gentleman from Rockland (Mr. Sleeper), or the American Legion, and if I believed that this measure were a proper measure and would accomplish the results which its advocates seek to accomplish, I would very gladly join with them in support of the bill. But it appears to me that the results that this bill would bring about would be exactly the opposite from those which its proponents seek to achieve. The bill provides, as the gentleman from Rockland (Mr. Sleeper) has said, that no political party advocating the overthrow of government by force or violence should be allowed a place upon the ballot.

Now the Communist party—and we might as well call a spade a spade, because the Communist party is, as far as I know, the only party at the present time to which the bill would apply—the Communist party, or any other party, has only two means by which to proceed

and by which to advance its policies. One is a peaceful, law-abiding means by use of the ballot, and the other, as has been said, is by the bullet. This bill would eliminate and wipe out that first means, making it impossible for such a party to proceed by a lawful and peaceful means, and leave to them as the only recourse insurrection, bloodshed, war.

Now I have no great fear of this menace so long as we leave open the door to expression of political thought by use of the ballot, and so long as we continue the inalienable right of freedom of speech and freedom of the press—and those, when they are exceeded, are already subject to penalty under the existing law. But it appears to me that if we pass such a bill as this, this particular bill would be seized upon by the Communists and capitalized for the purposes of propaganda by the soap-box orators and others of their persuasion throughout the land, and used for the purpose of inciting and fomenting insurrection.

The challenge to American doctrines which is presented by parties such as the Communist party I hope and believe we will be able to combat by peaceful, law-abiding means. I think that we can win a victory over such subversive influences by an avalanche of ballots, when it is necessary, at the polls. But if we enable them to go out and say that we denied them opportunity to place their candidates on the ballot, they will say that we have driven them to insurrection and riot, and in every case that challenge will have to be met by calling out the militia and the National Guard. As the heavens are higher than the earth, as God's thoughts are higher than man's thoughts, God's ways than man's ways, so are the virtues and victories of peace higher than the virtues and victories of war.

There are other arguments to be made against the bill, but I do not wish to take any further time of the House. The committee on Judiciary gave the bill an unusual amount of consideration; two public hearings were held, and the committee listened to all of the arguments pro and all of the arguments con, and could reach but one conclusion, and that was by a unanimous vote of the ten members of the committee, that this bill ought not to pass.

Mr. SLEEPER: Mr. Speaker, again

I ask you to let not your minds be swayed by the oratorical eloquence of my opponent. I am not a member of the Bar Association, and I must present this in the words of a layman. I still insist that it is easier to kill a tiger cub than it is a full-grown tiger. The Communist party may be small today, but with the chaotic conditions of this country and social unrest, we know that a third party is coming and we want to nip the Communistic flower in the bud, and we want to see that this third party is not the Communistic party. I might point out that the previous speaker has advocated the ballot as a method of peaceful solution of the question, but in every country in Europe where the Communistic party has any control at all, there is bloodshed and violence, and so there would be in this country if the Communistic party is allowed to become a party of major proportions. I would like to have every member of this House who has courage and intestinal fortitude take a definite stand on this. My opponent has given you words, and advocated no action. We want to see action. Therefore, I ask for the passage of this measure, and ask for a division of the House on it, and I hope every one here will have the courage to vote yes or no.

THE SPEAKER: The question before the House is on the substitution of the bill for the ought not to pass report of the committee. Are you ready for the question? The gentleman from Rockland, Mr. Sleeper, asks for a division. All who are in favor of substituting the bill for the report will rise and stand until counted and the monitors make and return the count.

A division was had,

Forty-four having voted in the affirmative and 75 in the negative, the motion failed of passage.

THE SPEAKER: The pending question before the House is on the acceptance of the report of the committee. All those in favor of accepting the report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the ought not to pass report of the committee was accepted.

The Chair lays before the House the eighth unassigned matter, House report ought not to pass of the committee on Public Utilities on resolve

pertaining to public utilities, H. P. 606, L. D. 178, tabled on February 27th by Mr. Connolly of Portland, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Connolly the resolve and report were retabled and specially assigned for Tuesday, March 12.

The Chair lays before the House the ninth unassigned matter, majority report ought not to pass and minority report ought to pass of the committee on Legal Affairs on bill an act creating a State Lottery Commission, H. P. 147, L. D. 49, tabled on February 28th by Mr. Donahue of Biddeford, pending acceptance of either report; and the Chair recognizes that gentleman.

MR. DONAHUE: Mr. Speaker, this bill was introduced by the gentleman from South Portland, Mr. Richardson, and with your permission and the permission of the House, I yield the floor to Mr. Richardson.

On motion by Mr. Richardson, the bill and reports were retabled pending acceptance of either.

The Chair lays before the House the tenth unassigned matter, majority report ought to pass and minority report ought not to pass of the committee on Salaries and Fees on bill an act relating to the fees of jurors, H. P. 314, L. D. 75, tabled by Mr. Flanders of Auburn, February 28th, pending acceptance of either report; and the Chair recognizes that gentleman.

MR. FLANDERS: Mr. Speaker and members of the House: I move that we accept the minority report. Mr. Speaker, my only motive in presenting this bill two years ago to reduce the salaries of the jurors from five dollars to four dollars a day and cut out Sundays and holidays was for the reason that the State of Maine was then facing a serious financial condition. I thought at that time this would bring a good revenue to the State, and I am glad to report that, in Androscoggin county, in 1932 it would have saved the county \$5,400. In 1934 it saved the county, \$4,138. Now when you multiply that by sixteen—of course that may not be a fair comparison for the reason that I do not know how many jury days they have in other counties, but just for the estimate—it would net the State

some sixty or seventy thousand dollars. Now the condition today, as I know from my affiliation with the Financial Affairs committee, is not very much different than it was two years ago. We are headed in the same direction and I am afraid before this Legislature adjourns that we will have to reduce salaries in a drastic manner. It would not surprise me if we as legislators would be asked to reduce our own salaries. In some ways the Legislature is facing a more serious problem than it was two years ago. We have today hundreds—yes, hundreds and hundreds—of elderly people who, through no fault of their own, but because of the defaulting of bonds and stocks and the depreciation of real estate, are met face to face with two alternatives, either the poor farm or some act of charity to support them. There are other institutions which need our financial assistance such as the children's homes, orphanages and hospitals, and today there are hundreds of teachers—I know of one town out here that is paying its teachers ten dollars and a half a week and another town is paying ten dollars per week. I know of a girl who spent two years in college and finished her education in Farmington who is getting eight dollars a week teaching school. I fully realize that the reduction of salaries to jurors does not affect anyone or deprive them of their livelihood. It is just as liable to affect one person as another, and when we can save the State fifty or sixty thousand dollars, I think it is our duty as legislators to do it.

Let me say here that there is no difficulty in getting jurors. People are asking to have their names placed in the jury box. When this law was made to pay them for Sundays and holidays it was in the days when they had to go to town with buggy or sleigh and spend the week there. That method has been entirely changed by the change in transportation.

Another thing! A great many of our jurors today are women who are very glad to accept the salary of four dollars a day as they have no vocation.

Now, members of the House, I like the heading in the Sun this morning which says: "Make no Mistake. Additional Appropriations Mean Additional Taxes." That is just exactly what this means; it means additional taxes. It means that we

cannot meet those things that we would like to meet such as old people's pensions. It means that we cannot help our Educational Department, that we cannot help those things that need help—hospitals and children's homes—if we as legislators vote for every bill that comes in here calling for additional expenditures. I sincerely hope that this minority report will be accepted.

Mr. DAVIS of Fairfield: Mr. Speaker, I second the motion of the gentleman from Auburn, Mr. Flanders. I simply want to say in fairness to the women jurors that I think there are hundreds of men in this State who would be glad to serve for four dollars a day as well as the women.

Mr. CROWELL of Weston: Mr. Speaker, the question before us of first importance is efficiency in this particular case, and the second one is expense. We realize of course, as members of the House, that if you increase the salaries of jurors you are not increasing State expenses or anything that has to do with our State budget. It is the counties that pay and that should be taken into consideration. I have served on a jury a number of times and seeing the men who have been excused for various reasons, I have felt during the last two years that we could render efficient service to the State of Maine by paying a salary sufficient to bring in some of our best citizens to serve in this capacity. It is true that there are men everywhere who are anxious to get on the jury and have their names in the jury box, but they are not men who are making a success in their own business. They feel that they are under a handicap, that they cannot afford to serve unless it is absolutely necessary. With the thought in mind of efficiency, placing it ahead of economy, I signed the majority report of the committee on Salaries and Fees, and I hope that the motion of the gentleman from Auburn (Mr. Flanders) does not prevail.

Mr. CLARKE of Cooper: Mr. Speaker and members of the House, I merely wish to state that this reduction of juror fees has been in operation for two years, and, personally, I do not think it has detracted from the efficiency of the jurors, and we have had no difficulty in getting jurors for that amount of pay. I simply wish to go on record in support of the mo-

tion of the gentleman from Auburn, Mr. Flanders.

Mr. MALLETT of Lee: Mr. Speaker and members of the Eighty-seventh Legislature: I would like to make a few explanations in regard to the drawing of jurors. Take my own town and county as an example. Our town has been incorporated a hundred and two years, therefore it has had a jury list for a long time. Every third year this jury list was revised by the selectmen a short time before election, and eight or nine additional names put on to take the place of some of the people who had died or who had moved away or who were incapacitated for some reason or other to serve on the jury. The selectmen, in putting these names on the list, have three questions which they ask. First: Is this person suitable to act as a juror? Second: Will this person—he or she, whichever the case may be—withdraw their name when it is read in town meeting? Third: If the list is voted on, and if they are drawn as a juror and go to the county seat, will they try and get excused for some reason or other? If they find the person is suitable to be on the list, their name is placed there.

You might say that some person might get on who is not fit to be on the list. But the selectmen have a come-back. About the first day when they meet to do town business, they generally arrange this jury list, and if a person comes along who they think is not fit for this position, they have a chance to tell him the list is filled. Another thing, if he does get on the number is very small, and when the names are drawn from the box there is generally present only the constable and one selectmen, not much of an audience, and they generally have a chance to drop the name back if they do not feel that the name should be drawn at that time. A person who has served cannot serve on the next jury. The name, when drawn, states the time when the person was drawn, and they look at that and drop it back if he has been on the jury.

Now in our town, with fees of two dollars, three dollars, four dollars and five dollars, it has always been the same class, and has never been any different since I can remember—and I can remember a long time.—we have had three mem-

bers of the board of selectmen, an undertaker, town clerk, insurance agent, representative of the Farmers' Union, butcher, barber, as good citizens as we have. Ours is a long county, perhaps not as long as some, but they have to travel about as far as they do anywhere in the State to get to the county seat, and the restaurants and hotels have always made it a point to consider jurymen and give them a rate altogether different than they do other people.

I do not see any reason why we cannot get just as good jurymen for four dollars as for five dollars, and remembering what our good friend from Calais, Mr. Tupper, said last week, I think the words of the Secretary of State on the second day of this session, when he said, "God save the State of Maine," are very appropriate.

Mr. PATTERSON of Freeport: Mr. Speaker, I rise to endorse the able way in which the gentleman from Auburn, Mr. Flanders, has put the situation.

Mr. SCATES of Westbrook: Mr. Speaker, I am delighted to be in accord with the gentleman from Auburn (Mr. Flanders) and the gentleman from Fairfield (Mr. Davis) and the gentleman from Cooper (Mr. Clarke), and I hope that I shall be in accord many times in the future with them.

Now there is a time and a place for everything, and it is no time now to increase salaries or appropriations. You might just as well face that now as later on. Remember this: That every increase in salary and every increase in appropriation must be met by an increase in tax.

The SPEAKER: The question before the House is on the acceptance of the minority report. Is the House ready for the question? The gentleman from Auburn, Mr. Flanders, moves that the House accept the minority report. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the minority report ought not to pass was accepted.

The Chair lays before the House the eleventh unassigned matter, House Amendment A to bill an act to tax games of skill, H. P. 1415. L. D. 633, tabled February 28th by the gentleman from Mechanic Falls, Mr.

Mason, pending adoption; and the Chair recognizes that gentleman.

Mr. MASON: Mr. Speaker, this bill to tax games of skill received the unanimous report of the committee on Taxation to place a license fee of ten dollars per year upon these nickel slot ball machines. The revenue that is anticipated from this is very small. It appeared to the committee that this was an opportunity to raise a small amount of revenue from property that was untaxed and that could bear the burden. There is no question, I believe, that the estimated number of these machines in operation in the State will be greatly reduced if this license fee is put into effect. Also there is no certainty that the use of these games will not work out the same as did the miniature golf; that it is a fad. It may be here today and gone tomorrow. I feel quite sure that the sponsors of an old age pension would not care to have their revenue connected up with an unreliable source of revenue such as this bill will likely prove to be. Mr. Speaker, I move the indefinite postponement of the amendment.

Mr. WILLEY of Falmouth: Mr. Speaker, I cannot but concur with the gentleman from Mechanic Falls. Mr. Mason, in the respect that the revenue of one hundred thousand dollars is small when connected up with Chapter 267 of the laws of 1933 which created an old age pension bill. Chapter 267, as passed by the Eighty-sixth Legislature, provided in Section 25, the last section of the act, that it should become operative when and if the Governor and Council found ways and means of raising the necessary funds to make the act operative. I know of no constitutional authority, or other authority, enabling the Governor and Council to raise one dollar. It is true that one hundred thousand dollars could not carry out the purposes of that Chapter. It is also true that when they built this State House they did not start with the dome and go down to the basement. They selected a spot and they turned one shovelful of dirt, and with that one shovelful of dirt they started the construction of this building in which we now sit. This small amount can, when coupled with other measures which are properly before this House and which we have got to act upon, take care of an old age pension, take care of these poor old people that the gentleman from Auburn, Mr. Flanders, has spoken of

here today, who face the poorhouse or some other charitable institution. I feel that this Legislature would be terribly remiss in its duty if it adjourned without providing for the poor old people; and in view of the fact that there are other bills now pending in this Legislature which, coupled with this, may provide sufficient revenues for carrying out that act, I ask that this measure be retabed and specially assigned for three weeks from today, at which time we may have disposed of the other measures upon which this may be dependent.

Mr. MASON: Mr. Speaker, I ask for a division of the House.

The SPEAKER: The gentleman from Falmouth, Mr. Willey, moves that this amendment be retabed and specially assigned for three weeks from today, pending the motion of the gentleman from Mechanic Falls, Mr. Mason, to indefinitely postpone. The gentleman from Mechanic Falls, Mr. Mason, asks for a division. Are you ready for the question? All those in favor of retabing this matter and specially assigning it for three weeks from today will rise and stand until counted and the monitors will make and return the count.

A division of the House was had. Fifty-one voting in the affirmative and sixty-three in the negative, the motion to retab failed of passage.

The SPEAKER: The question now before the House is on the motion of the gentleman from Mechanic Falls, Mr. Mason, to indefinitely postpone the amendment. Are you ready for the question?

Mr. WILLEY: Mr. Speaker, I would like a yea and nay vote on the question.

The SPEAKER: The gentleman from Falmouth, Mr. Willey has moved that when the vote is taken, it be taken by the yeas and nays. Before the yea and nay vote can be ordered, it is required that one-fifth of the members present shall signify their desire that the vote be taken by roll call. Those in favor of the roll call will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

Obviously a sufficient number not having arisen, the motion that the vote be taken by yea and nay failed of passage.

The SPEAKER: All those in favor of the motion to indefinitely postpone the amendment will say aye, contrary-minded no.

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

On motion by Mr. Willey, the bill had its third reading and was passed to be engrossed.

The Chair lays before the House the twelfth unassigned matter, House report ought to pass in new draft of the committee on Taxation on bill an act to provide for an excise tax on certain types of oleo-margarine, H. P. 608, L. D. 179, new draft, H. P. 1543, L. D. 678, tabled by Mr. Hammond of Strong, pending acceptance of the report in new draft; and the Chair recognizes that gentleman.

On motion by Mr. Hammond the report was accepted, and the rules were suspended and the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the thirteenth unassigned matter,

House report ought to pass in new draft of the committee on Temperance on bill an act relating to the sale of intoxicating liquors, H. P. 1530, L. D. 677, tabled by Mr. Alden of Auburn, March 1, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Alden the report was accepted, the rules were suspended, and the bill had its two several readings and tomorrow assigned.

On motion by Mr. Wentworth of Kennebunk the House voted to reconsider its action whereby it assigned for third reading the foregoing bill; and on further motion by the same gentleman the rules were suspended and the bill was given its third reading and passed to be engrossed.

On motion by Mr. Heald of Lovell,

Adjourned until ten o'clock tomorrow morning.