

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

Thursday, March 14, 1935.

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

Prayer by the Rev. Mr. Milligan of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 554, L. D. 720: An act relating to the transportation of poultry.

S. P. 555, L. D. 723: Resolve relating to plug fishing in Howard's Lake.

S. P. 550, L. D. 712: An act to authorize the acceptance of a surety company bond in lieu of bail-bonds or other sureties.

S. P. 551, L. D. 711: An act relating to offenses against habitations and other buildings.

S. P. 556, L. D. 724: An act relating to exemptions.

S. P. 552, L. D. 714: An act relating to clerk hire in Penobscot county.

S. P. 271, L. D. 722: Resolve in favor of the First National Bank of Houlton, Maine.

S. P. 325, L. D. 721: Resolve in favor of Edwin T. Clifford.

S. P. No. 275, L. D. 748: Resolve in favor of Harold F. Wing of Bingham, Maine.

S. P. 277, L. D. 718: Resolve relative to open season on pheasants.

S. P. 281, L. D. 717: Resolve relating to ice fishing for perch in Orneville Ponds or Boyd Lakes.

S. P. 282, L. D. 716: Resolve relating to fishing in Summet Pond.

S. P. 238, L. D. 715: An act to extend the charter of Kennebec Reservoir Company.

S. P. 284, L. D. 315: An act relating to incorporating the Madawaska Log Driving Company.

S. P. 304, L. D. 713: An act relating to deputy clerk of courts in Penobscot county.

From the Senate: Report of the committee on Judiciary on bill an act to provide for annual audits in cities, towns, plantations and village corporations, S. P. 119, L. D. 38, reporting same in a new draft, S. P. 457, L. D. 653, under same title and that the new draft ought to pass.

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

In the House, report read and accepted in concurrence, and on motion by Mr. Gray of Brooksville, tabled pending first reading.

The SPEAKER: Is it the pleasure of the House to take up at this time a paper just received from the Senate, not on the Calendar?

From the Senate:

Memorial to the President of the United States requesting him to aid the fishing industry in Maine. (S. P. 627)

Whereas, a large number of the residents of the State of Maine depend for their livelihood upon the catching and selling of shell fish, sword fish, halibut, ground fish and mackerel; and

Whereas, if there is no duty imposed by the Federal Government on the importation of such shell fish and fish, the Maine fishermen will be unable to meet the competition from foreign countries; and

Whereas, the Maine fishermen are at present in destitute circumstances because of the failure of their business and are unable to adequately care for themselves and families; and

Whereas, the local communities wherein these fishermen reside are already unable to met the relief rolls and will be in hopeless circumstances if immediate relief is not available; now therefore be it

RESOLVED: That the members of the 87th Legislature of the State of Maine do hereby petition the Honorable Franklin Delano Roosevelt, President of the United States of America, to so adjust the tariff rates on shell fish, sword fish, halibut, ground fish and mackerel so that it will be possible for our fishing industry to compete with foreign competitors, and be it further

RESOLVED: That a copy of this memorial, duly certified by the Secretary of State be forwarded to the President of the United States and to each of the Representatives and Senators representing the State of Maine in the United States Congress.

Comes from the Senate, read and adopted.

In the House, the Memorial was read, and on motion by Mr. Tupper of Calais, tabled pending adoption in concurrence.

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

Education

Petition of F. C. Frisbee of Kittery and 134 others in favor of L. D. 56 relating to educational program. (H. P. No. 1714) (Presented by Mr. Burnham of Kittery)

Petition of Edward Tardiff of Waterville and 106 others in favor of same. (H. P. No. 1715) (Presented by Mr. Bushey of Waterville)

Petition of Jane Brown of Belfast and 92 others in favor of same. (H. P. No. 1716) (Presented by Mr. Doyle of Skowhegan)

Petition of Mrs. F. W. Johnson of Skowhegan and 145 others in favor of same. (H. P. No. 1717) (Presented by same gentleman)

Petition of Francis B. McCormick of Pittston and 52 others in favor of same. (H. P. No. 1718) (Presented by Mr. Fowles of Randolph)

Petition of A. E. Odiorne of Greene and 43 others in favor of same. (H. P. No. 1719) (Presented by Mr. Goss of Poland)

Petition of Ruth L. Thomas of Waterville and 106 others in favor of same. (H. P. No. 1720) (Presented by Mr. Maheu of Waterville)

Petition of Charles S. Hulbert and 17 others in favor of same. (H. P. 1721) (Presented by Mr. McKay of Drew)

Petition of Mrs. Fred Shepard of Brunswick and 31 others in favor of same. (H. P. No. 1722) (Presented by Mr. Sawyer of Brunswick)

Petition of Meude E. Hoffman of Bath and 49 others in favor of same. (H. P. No. 1723) (Presented by Mr. Sewall of Bath)

Petition of Christy Roberts of Boothbay and 53 others in favor of same. (H. P. No. 1725) (Presented by Mr. Lewis of Boothbay)

Petition of Mary L. Hallett of Boothbay Harbor and 10 others in favor of same. (H. P. No. 1726) (Presented by same gentleman)

Petition of Katherine Buck of Southport and 80 others in favor of same. (H. P. No. 1727) (Presented by same gentleman)

Temperance

Petition of A. L. Simonson of Livermore and 38 others in favor of curtailing further expansion of the liquor trade. (H. P. No. 1724)

(Presented by Mr. Coolidge of Livermore)

Reports of Committees

Mr. Bragdon from the Committee on Claims reported ought not to pass on resolve in favor of Frieda H. Price compensating her for injuries received on the highway. (H. P. No. 946)

Tabled by Mr. Flanders of Auburn, pending acceptance of the report.)

Mr. Cambridge from same Committee reported same on resolve in favor of Jesse Davis of Wales. (H. P. No. 755)

(Tabled by Mr. Goss of Poland, pending acceptance of the report.)

Mr. Coolidge from same Committee reported same on resolve in favor of Henry A. Day of Bangor. (H. P. No. 771)

Mr. Devereux from same Committee reported same on resolve in favor of Louis Lemieux of Webster. (H. P. No. 184)

Mr. King from same Committee reported same on resolve in favor of Frank Sorrenti and Michael Williams doing business under the firm name and style of Williams and Sorrenti. (H. P. No. 980)

Same gentleman from same Committee reported same on resolve appropriating money to pay porcupine county claims to town of Island Falls (H. P. No. 579) as it is taken care of otherwise.

Same gentleman from same Committee reported same on resolve in favor of Perley Craig of Charleston. (H. P. No. 982)

Mr. Mosher from same Committee reported same on resolve in favor of Charles Elden Thatcher of Newton, Mass. (H. P. No. 1302)

Mr. Davis from the Committee on Inland Fisheries and Game reported same on resolve relative to fishing in Pattee's Pond. (H. P. No. 1061)

Same gentleman from same Committee reported same on resolve directing the Commissioner of Inland Fisheries and Game to close fishing in Pattee's Pond in Winslow (H. P. No. 1102)

Mr. Hescock from the same Committee reported same on resolve relative to fishing in Walker's Pond in Sedgwick and Brooksville (H. P. No. 1054) as it is taken care of by other legislation.

(Tabled by Mr. Gray of Brooksville, pending acceptance of report)

Same gentleman from same Committee reported same on resolve for the screening of the main inlet of Cobbosseecontee Lake in the county of Kennebec (H. P. No. 692) (L. D. No. 230)

Mr. MacKenzie from same Committee reported same on resolve relative to fishing in Black Pond in Sedgwick (H. P. No. 1053)

Same gentleman from same Committee reported same on resolve in favor of screening outlet of Lake Wassookeag in Dexter (H. P. No. 1101) as it is covered by other legislation.

Mr. Ryder from same Committee reported same on resolve directing the Commissioner of Inland Fisheries and Game to close fishing in Lovejoy Pond in Aibion (H. P. No. 1103)

Same gentleman from same Committee reported same on resolve relative to fishing in Lovejoy Pond (H. P. No. 1060)

Same gentleman from same Committee reported same on resolve relative to fishing in Middle Range Pond in Poland (H. P. No. 1058)

(Tabled by Mr. Goss of Poland, pending acceptance of report)

Mr. Thompson from same Committee reported same on resolve relating to fishing in Black's Pond (H. P. No. 788)

Same gentleman from same Committee reported same on resolve relative to fishing in Rangeley waters (H. P. No. 1043) (L. D. No. 304)

Mr. Hill from the Committee on Judiciary reported same on bill an act relating to mortgages of personal property (H. P. No. 1178) (L. D. No. 384)

Same gentleman from same Committee reported same on bill an act relating to the failure of the accused to take the stand in criminal cases (H. P. No. 1323) (L. D. No. 576)

Mr. Jacobson from same Committee reported same on bill an act providing for an extra juror in criminal cases (H. P. No. 1322) (L. D. No. 575)

Mr. Philbrick from same Committee reported same on bill an act relating to confessions and admissions in criminal cases (H. P. No. 1320) (L. D. No. 573)

Mr. Vaughan from same Committee reported same on bill an act relating to admissibility of evidence illegally obtained (H. P. No. 1321) (L. D. No. 574)

Mr. Weatherbee from same Committee reported same on bill an act relating to absent voting (H. P. No. 589) (L. D. No. 168)

Reports read and accepted and sent up for concurrence.

Mr. Donahue from the Committee on Legal Affairs reported ought not to pass on bill an act relating to the charter of the city of Portland (H. P. No. 1063) (L. D. No. 403)

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

Mr. Devereux from the Committee on Claims on resolve in favor of Percy A. Mills of Prospect (H. P. No. 757) reported that legislation thereon is inexpedient.

Reports read and accepted and sent up for concurrence.

Mr. Bramson from the Committee on Pensions on resolve for a State pension for Winnifred Parker of Presque Isle (H. P. No. 1013) reported that same be referred to the Committee on Claims.

Mr. DEVEREUX of Penobscot: Mr. Speaker, I would like to have the resolve read.

(Resolve read by the Clerk)

Mr. DEVEREUX: Mr. Speaker, this is a resolve for the Pension committee. The committee on Claims hears no pension matters, and I move that this resolve be recommended to the committee on Pensions.

Mr. BRAMSON of Portland: Mr. Speaker, the reason why our committee sent this matter to the committee on Claims is because it is a legal matter. This man was killed in the performance of his duty while working for the State, and I felt that the committees on Claims should have jurisdiction of this case rather than the committee on Pensions. I, therefore, hope that the motion of the gentleman from Penobscot, Mr. Devereux, will not prevail.

Mr. DEVEREUX: Mr. Speaker, the committee on Claims does not have jurisdiction over pensions. If this had been a resolve for a claim, it could legally have come before our committee, but, being a pension matter, the resolve should go to the committee on Pensions.

The SPEAKER: The gentleman from Penobscot, Mr. Devereux has moved that this resolve be recommended to the committee on Pensions. All those in favor of the mo-

tion will say aye, contrary-minded no.

A viva voce vote being taken, the resolve was recommitted to the committee on Pensions.

Mr. Bramson from the committee on Pensions on resolve providing for support of Mrs. James P. Young and children of Blaine (H. P. 469) reported that same be referred to the Committee on Claims.

Mr. DEVEREUX of Penobscot: Mr. Speaker, I should like to have this resolve read.

(Resolve read by the Clerk)

Mr. DEVEREUX: This resolve is of the same nature as the one we have just been talking about and calls for a pension of one hundred and twenty-five dollars a month. I claim that the committee on Claims does not handle these cases. I, therefore, move that the resolve be recommitted to the committee on Pensions.

A viva voce vote being taken, the resolve was so recommitted.

Mr. Jacobson from the Committee on Judiciary on bill an act relating to relief work (H. P. No. 1326) (L. D. No. 579) reported same in a new draft (H. P. No. 1728) under title of an act relative to qualification of voters and that it ought to pass

Report read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Philbrick from the Committee on Judiciary on bill an act to provide for jury commissioners (H. P. No. 1179) (L. D. No. 385) reported same in a new draft (H. P. No. 1729) under same title and that it ought to pass.

(Tabled by Mr. Mace of Augusta, pending acceptance of report, and the new draft ordered printed)

Mr. Weatherbee from same Committee on bill an act creating the Port of Calais Authority (H. P. No. 1140) (L. D. No. 364) reported same in a new draft (H. P. No. 1730) under same title and that it ought to pass

Report read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Davis from the Committee on Inland Fisheries and Game reported ought to pass on resolve relating to fishing in Great Meadow Stream (H. P. No. 1171)

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

Mr. Story from the Committee on Banks and Banking reported ought

to pass on bill an act relating to investments of savings banks (H. P. No. 1200) (L. D. No. 450)

Mr. MacKenzie from the Committee on Inland Fisheries and Game reported same on resolve relating to ice fishing in Little Sebago Lake (H. P. No. 1203) (L. D. No. 452)

Reports read and accepted, and the bill and resolve having already been printed, the bill was read twice under suspension of the rules, the resolve read once under suspension of the rules, and tomorrow assigned.

Passed to Be Engrossed

(S. P. No. 319) (L. D. No. 351)

An act relating to the duties and functions of the Maine State Pomological Society

(H. P. No. 598) (L. D. No. 174)

An act relating to use of materials in construction of public projects

(H. P. No. 698) (L. D. No. 219)

An act to extend the charter of the Patten Water and Power Company

(H. P. No. 699) (L. D. No. 220)

An act to extend the charter of the Vanceboro Water Company

(H. P. No. 851) (L. D. No. 295)

An act to provide for the surrender by town of Mount Chase of its organization

(H. P. No. 1364) (L. D. No. 593)

An act relating to local option provisions

(H. P. No. 665) (L. D. No. 749)

Resolve in favor of the town of Canton

(H. P. No. 975) (L. D. No. 750)

Resolve in favor of the estate of Ella M. Bagley

(Tabled by Mr. Eveleth of Portland, pending second reading)

(H. P. No. 1709) (L. D. No. 751)

Resolve in favor of C. Herbert Perry

Passed to Be Enacted

(S. P. No. 149) (L. D. No. 81) An act providing for the establishment of a Judicial Council

(S. P. No. 278) (L. D. No. 685)

An act relating to West Bath Game Preserve

(S. P. No. 464) (L. D. No. 637)

An act relative to the transportation of fish taken from inland waters

(S. P. No. 624) An act to amend the charter of Aroostook Trust Company

(H. P. No. 1161) (L. D. No. 376)

An act relating to exemptions of estates from taxation

(H. P. No. 1543) (L. D. No. 678)

An act to provide for an excise tax on certain types of oleomargarine

Final Passage

(S. P. No. 117) (L. D. No. 684)
Resolve authorizing the Forest Commissioner to convey certain lands to the Highway Commission.

(S. P. No. 279) (L. D. No. 686)
Resolve relative to opening Cold Brook and Toothaker Brook.

(S. P. No. 397) (L. D. No. 688)
Resolve authorizing the Forest Commissioner to convey certain interest of the State in a certain lot of land to receiver of the State Trust Company.

(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.

Orders of the Day

The SPEAKER: Under unfinished business the Chair recognizes the gentleman from Cape Elizabeth, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, I move that under suspension of the rules we now take from the table the seventeenth item of unfinished business.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Philbrick, now moves that the House, out of order and under suspension of the rules take up consideration of the seventeenth unassigned matter, majority report ought to pass and minority report ought not to pass of the committee on Judiciary on bill an act to provide for the nomination of candidates for State and county officers by political party conventions, subject to right of appeal to primary elections, H. P. 141, L. D. 43, new draft under the title of an act to enable party conventions to propose candidates for Governor, U. S. Senator and members of Congress to be placed upon the ballots at direct primary elections, H. P. 1648, L. D. 726, tabled March 8th by the gentleman from Cape Elizabeth, Mr. Philbrick, pending his motion to accept the majority report.

Mr. PHILBRICK: Mr. Speaker, I now renew my motion for the acceptance of the majority report, and I further move that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The gentleman from Cape Elizabeth (Mr. Phil-

brick) renews his motion for acceptance of the majority report. The Chair recognizes the gentleman from Falmouth, Mr. Willey.

Mr. WILLEY: Mr. Speaker, I cannot by any means permit to pass over in silence a matter of such great importance, hence I stand not only to defend and justify the minority report signed by the Honorable Senator from Aroostook, Senator Burns, by the Honorable Senator from Waldo, Senator Fernald, by the gentleman from Portland, Representative Jacobson, and by myself, but also to demonstrate by facts that the majority report of the Judiciary committee ought not to be accepted.

I do not have to be reminded that it is the solemn duty of every Republican to support the party platform, and every plank thereof, but I stand here and hurl forth a challenge to every proponent of this measure to bring forth his evidence that this plank in the so-called party platform expresses the wishes of our people. What is more, I will prove to you that it is not a plank which expresses the wishes of our people, but a plank inserted by a small group of men, who would take from the hands of our people the reins that direct the destinies of our State.

To make this proof complete, I have got to take you back prior to the last Republican State Convention held in Portland.

There was then organized a club. I served on the committee which chose the name of that club. There were officers and committees elected. At a meeting when less than thirty members of that club were present one man was designated to draw up a proposed party platform and to meet with the State Convention. There were over one hundred members of that club who were not present at that meeting when this one man was delegated to undertake that job.

The platform drafted by this member of the Cumberland County Republican Club was adopted by the Convention almost verbatim in its entirety, and the particular plank out of which this measure grew was adopted by the Convention verbatim, and no such plank had been urged by the State Delegation prior thereto.

When any State Convention adopts practically verbatim a platform sponsored by not more than

thirty votes of our State, it is perfectly apparent that that group dominates the delegation.

Such a platform is their platform and not the platform of the delegates; neither is it a platform which expresses the wishes of our people of Maine. This is the type of domination which caused our people to abandon the convention system and to adopt our present primary laws.

Regardless of the fact this plank in the platform was adopted without opposition on the floor of the convention, I say to you Republican members of this House that this plank is not a true plank in the Republican platform, but a plank run in on the people by a vote of less than thirty members of the Cumberland County Republican Club. I therefore feel no sense of party obligation to support such a plank, as it fails entirely to express the desires of our people.

Permit me to consider another phase of the evidence in proof of this fact, and trace the sources of the measures which we have had for consideration at this session.

Three election measures have been introduced at this session of the Legislature, one of which, if enacted, would have practically abolished our primary system of election; two of which, if enacted, would have so handicapped our primary system of election that its effectiveness would, in my opinion, have been completely destroyed.

One of these measures, I am advised, was drafted by the Honorable Harold H. Murchie of Calais, former member of the House and former member and President of the Senate.

Another of these measures, I am advised, was drafted by the Honorable Edward E. Chase, of Cape Elizabeth, a former member of this House and a member of the Cumberland County Republican Club.

I have not become apprised of the source of the third measure.

These measures, Mr. Speaker, were printed, were referred to the committee on Reference of Bills, and by that committee referred to the Judiciary committee for hearing and report. These three measures were duly assigned for hearing, and advance notice of the hearing was carried to all our people, in every newspaper in the State.

The proponents of the measures,

inoculated with enthusiasm by a small group of outside supporters, engaged the Hall of the House for the hearing, in order to lend accommodations to all those dissatisfied voters who were to assemble here from Kittery to Caribou, to voice their dissatisfaction for our present primary system of election, and to urge the adoption of one of the three measures.

The hearing of this all-important issue, which the majority of the committee do not care to assume responsibility to decide, and which they would pass on to our voters for decision by ballot, was held as scheduled in the Hall of the House.

When the proponents, outside of the committee, assembled, we noted only the following present: Honorable William Tudor Gardiner of Hallowell and Boston; Honorable Harold H. Murchie of Calais; Honorable William S. Linnell of Portland; Honorable Robert Hale of Portland; Honorable Edward E. Chase of Cape Elizabeth; Mr. Crosby of Dexter, and A. Lincoln King of Portland.

These were the chief proponents of the measures, and not one of these gentlemen, by inference or otherwise, expressed anything but their own personal views, and at no time spoke for anyone but themselves.

Two of these proponents spoke disparagingly of the members of the Eighty-seventh Legislature. One stated that the present Legislature could not intelligently pass on the tax questions and cited that as a reason why we should abandon our primary system and adopt another system, and of him we can say that he is a disappointed primary candidate.

The other opened his remarks to the committee by saying that he had difficulty in constraining his remarks to decency, when speaking of our primary system of election, and of the candidates elected thereunder, and of him we can say that he has the honor and distinction of being a former member and Speaker of this House, and a search of the Legislative records also discloses that this gentleman has the honor and real distinction of being the only member who ever sat in either branch of our Legislature, and attempted, by enactment of a bill, to require all of the cats in Maine to wear bells. (Laughter)

Mr. Speaker, as I stated, these men were the principal proponents

of the measures, and it is upon their urge that the majority reporting members ask acceptance of their report.

And what of the opponents of the bill? There were opponents from all over our State. The laborers of Maine who could not leave their work to come before the committee sent their representative, the members of the Grange from all over our State sent their representatives. The W. C. T. U. were represented here. There were farmers, lawyers, and business men present. The opponents outnumbered the proponents ten to one, and represented not only themselves, but thousands of our citizens. Every one of these opponents urged the members of the committee to permit of no alteration of our primary system of election. There was no demand made whatsoever at the committee hearing to submit this question for ballot by the people, and no member who sits in this House can show a popular demand that this question should be submitted to our people for decision, and until such a popular demand exists, we should have the courage to pass on this matter, as we do others, instead of shirking responsibility.

How simple indeed it would have been for us to have never exposed ourselves in defense of this issue, and to the daily attacks of our friends and companions in this House. But we were sent here to represent our people, and we have the courage to expose ourselves in defense of their most sacred rights, and we stand unwilling to shift that responsibility to our people, and to the people of Maine, when we are already mindful of their wishes, and already mindful of the wishes of a small group of men in Maine who would wrest from them that most sacred right and take it unto themselves.

I ask every member of this House who votes on this question to have the courage to vote against the acceptance of the majority report.

Mr. JACOBSON of Portland: Mr. Speaker and members of the Eighty-seventh Legislature: As you noted, I too was a member who signed the minority report. At this time I would like to state some of the reasons why I so voted.

When that matter was scheduled for hearing, and I sat before the opponents and proponents of this bill, I decided, due to the fact that this was not a party issue as far

as I was concerned, that I would listen to both pro and con, unbiased and unprejudiced. I decided that I would sit there and listen to the evidence as I was taught to the first year I was in law school. There I was taught that in any kind of a civil case before the case was started, the scales are even. When the plaintiff presents his case, the scales tend to be lowered on that side, then it is the duty of the defense to introduce their case, and their side of the scales goes down. Then the question comes up, on which side the scales are the heaviest.

Now in a criminal case, as differentiated from a civil case, the evidence against the respondent must show him to be guilty beyond a reasonable doubt; in a civil case by a fair preponderance of the evidence.

As I listened to this discussion I decided that it came under the class of a civil case. In my mind the opponents so out-weighted the proponents of this bill, that I found that it fell in the class in a criminal case,—guilty beyond a reasonable doubt. In this case, as I stated, I decided that the people of this State did not wish any change in the primary law. I learned, as Brother Willey did, in that hearing, that this matter was sponsored by a small group in Cumberland County, and they were the only proponents of this bill.

We had as opponents members of this House and citizens from the entire State, opposing, as I said before, any change in the primary law. Their case was weakened at the outset, as Brother Willey stated, by the one man who stated that we have not the ability in this Legislature for any tax reform. If we had the convention system, we would have; and in this very House the question is coming before us now to vote on that particular matter.

How are the candidates under the convention system chosen? As I understand it,—and I am rather young in politics—but I understand that candidates, as are the candidates in other conventions, are chosen behind closed doors by a committee of three or four, and they are the candidates for the people in this State. That, in my opinion, is not the way candidates should be chosen. That would lead to the theory that the party that has the pull would get there. The honest candidate, the candidate of the peo-

ple, would have no choice in the matter.

Now we had a referendum in 1927 on a change of the primary system. At that time the people voted no change by two and a half to one. Why should we burden them at this time with the same question? As Brother Willey said, they sent us up here as their representatives, as their agents, to do unto them as we would do unto ourselves. We have the ability, in our estimation, to decide whether or not we want the change.

We have had the primary system since 1912, at which time Governor Curtis was elected. Since that time I think you will agree with me that we have had many able men under that system. Our able Republican floor leader, Brother Hill, is a member in this House due to the fact that the primary system was in vogue. At that time I remember very clearly how hard Brother Hill worked to get himself recognized in South Portland. If we had had the convention system, I think you will agree with me that he wouldn't be here today. I feel that Brother Hill, in speaking for the change, does so because he feels he is obligated, as the Republican floor leader of this House, and as other members of this House were led to believe, that it is a party issue. That is not for me to say because I am not a member of that party.

As I stated at the outset, I decided, after I gave the matter a thorough decision, that it is the will of the people that no change shall be made, and I urge the members of this Legislature and especially the members of my party to vote for the minority report.

Mr. SEWALL of Bath: Mr. Speaker, I rise with some hesitation to mention the affairs of the Republican Convention in this Hall, as I do not really feel that this is a particularly appropriate place to rewash that linen. Nevertheless, I was a member of the Resolution committee of that convention, and whereas I agree that undoubtedly the change in the primary law as proposed in that convention was headed by a small group, yet what idea is not headed up at the start by a small group? It has to be. And I do contend that group came into the convention carrying proper credentials, that they presented their case before the Resolutions committee, and it was accepted after honest

hearing, and from there it went out on the Convention floor and it was again accepted. Therefore I do not think that it is proper or honestly possible to question the authenticity of that plank in the Republican platform. It was definitely accepted all the way down the line at the convention, and it certainly does stand as a plank in our platform.

Therefore, for one, I believe that we should stand by our pledge, and that we should accept the majority report.

Mr. DENNETT of Sebago: Mr. Speaker, perhaps there is no class of people who are better in touch with the pulse of the people than the editors of our papers, and I want to read an editorial from the Sunday Telegram:

"THE DIRECT PRIMARY LAW

"Bills to amend the direct primary law are making their appearance in the Legislature, and it is pretty generally agreed that out of the different plans suggested something will be evolved that will improve the manner of making party nominations in Maine. There are a good many ideas as to just what should be done, but by sending all the plans proposed to the committee that body should be able to pick out what seems to the members best and report the same out.

"That done, we understand the disposition is to accept the committee's decisions and enact them into law. Nothing, of course, can be proposed but there will be some objection to, and there are some, even, who wouldn't have the law changed at all. But they, we are led to believe, are in the minority.

"Whatever is done should, we believe, be wholly aside from party, for the attempt to inject partisanship into the proceedings might make more difficult the adoption of any change. Both branches of the Legislature are Republican, but the measure should meet the approval of the Governor and might have to.

"We are not committed to any particular form of law to be passed and anything that will relieve the State of the worst features of the present direct primary plan would be acceptable. Where the present plan is weakest, as it seems to us, is in the nomination for State-wide offices like candidates for Governor and United States Senator and members of Congress. The trouble is that the great mass of the peo-

ple cannot acquaint themselves with comparative merits of such candidates. It is for this reason that the safest way in the long run is to entrust the selection of such candidates to delegates chosen by the people, men and women who would represent them and could acquaint themselves with the candidates.

"With county nominations it is different, as we see it. The people of a county, as a rule, know those who are likely to seek county nominations and are able to choose between them intelligently. It would be almost impossible to nominate a bad candidate for sheriff in Cumberland County, for the voters know those who are likely to run for that office.

"It is for that reason that direct primaries for county nominations are likely to be less objectionable than nominations for State-wide offices. The direct primary may often result in the nominations going to the larger places, but that is less objectionable than making weak nominations by either party.

"A number of plans for choosing delegates has been proposed but that of having them chosen at the town and city elections certainly has much to commend it.

"But as we say, the chief thing now is to get something done. With a start made, we can then see what else should be changed, if anything."

And another editorial, more recently, from the Portland Press Herald:

"The Legislature isn't exhibiting any great enthusiasm about repealing or even modifying the direct primary law. Many Legislators are saying: 'Perhaps I wouldn't be here in Augusta if it hadn't been for this law.' They do not seem inclined to bite the hand that they think has fed them. If this thought influences them, the fate of any bill which would change the primary law is in doubt."

Now, Mr. Speaker, in the town that I represent I have heard many of the citizens say they hope we will do something in regard to this primary law.

Mr. ELLIS of Rangeley: Mr. Speaker, it has been contended here that this bill does not express the wishes of our people. It is provided in the bill, under Section 8, that it shall be referred to the people on the second Monday of September in 1935, and at that time,

if they are not satisfied with what we do here, they have a perfect right to express themselves in no uncertain terms. I believe that both parties, and both elements, both those who are for the primary and those who are against it, should be willing that this question should go before the people and should be decided now, so that in the next several years we will not have this to contend with. It has been brought up, to my recollection, in every convention I have attended in the last ten or fifteen years. Nobody is satisfied with the primary; nobody seems to be satisfied with the convention; but if we submit it to the people, then we can thresh it out and abide by their decision.

Mr. AYER of Union: Mr. Speaker, I cannot understand why any member of this House who believes in the principles of the direct primary should not be willing that this measure should be enacted, and this matter referred to the people for their own decision. I do not see why we should distrust the people on this measure any more than we would in the primary law. I think they are perfectly able to speak, and when it is referred to the people, they may refuse to accept it.

This is a mild provision, and if they refuse to accept it, it will end the contention relative to this primary law, and if they do sustain it by a substantial margin, it may lead to further remodeling. I cannot see why we should not be fair enough to let the people decide.

Now one gentleman here has said that the last referendum on the primary law was opposed by two and a half to one, I think he said. Now if I remember correctly, this provided for a repeal of the primary law. If I am not right, I wish somebody would correct me. That is a different proposition altogether. For anyone to deny that there is a substantial number of our citizens who want a change in this law is to deny a fact which is undeniable.

Now if we submit this mild revision to the people, as I said before, and they refuse to accept it, then we can go along smoothly and decide that the primary law will be with us for a good many more years. It would take it out of politics; it would take it out of our conventions, and it

would clear the atmosphere entirely. I certainly hope the majority report of this committee will be accepted.

Mr. HILL of South Portland: Mr. Speaker, it is not my purpose to enter into any lengthy discussion of this subject at this time. It is probable, as the distinguished gentleman from Westbrook remarked here in debate a few days ago, that no words that I might say would be likely to change one's opinion upon the question. And yet, after listening to the discussion that has so far taken place, and realizing that in that discussion there has been very little mention made of this particular bill which we are now considering, it might be proper for me to undertake very briefly to outline the provisions of the new draft of the bill, that there may be no misunderstanding.

The gentleman from Falmouth (Mr. Willey), in his remarks, attacked bills that were introduced here and reported by the committee ought not to pass. He has paid little, if any, attention to the bill which the majority of the committee reported ought to pass. I refer to Legislative Document Number 726, the new draft.

With the idea, perhaps, or at least with the effect of obscuring the issue, the opponents stressed return to the old convention, and they stressed the provisions of the bill which have already been objected to, but they overlooked the fact that the new draft now before the House proposes in no manner to deprive the people of any power with respect to the nomination of their candidates.

The new draft provides that the primary law shall continue in effect as it is, and that all candidates for all offices be nominated thereunder by the people at the polls on the third Monday of June, as at present. The bill does enable the State Convention, by a majority vote, to propose the name of a candidate for the party nomination, which name would go upon the ballot in the primary election along with other candidates who could obtain a place upon the ballot, under the same system which now obtains and without an increase in the required number of signatures. That provision applies to candidates for Governor, United States Senator, and for Repre-

sentative to Congress. I believe that such a provision would work to the advantage of both of the political parties that conventions of the people in which delegates assemble from all parts of the State may be able to act wisely in trying to unite each party behind some particular candidate and make a proposal and submit that proposal to the voters, and if these conventions, in the opinion of the people, act wisely in so doing, the people will sustain the primary election. But, if, on the other hand, the convention proposes some candidate who is objectionable to the majority of voters in the party, they will nominate some other candidate in the primary election. So, I say that under the provisions of this bill the people are still empowered to make their own nominations.

As the gentleman from Rangeley (Mr. Ellis) has well pointed out, there still exists a difference of opinion, not only here in this House, but among the voters of the State at large, upon this issue. There are those who contend that one particular group of thought may be in the majority, and others who contend that another group may be in the majority. I know of no way by which the answer to that question can be obtained except by a referendum election upon this measure, and, as one member of the Republican party, I am perfectly willing and glad to cast my vote in favor of this measure, and to stand upon the platform upon which I was elected.

Mr. BUEAR of Blaine: Mr. Speaker and members: I want to contend that there is no demand for this bill, but there is the demand that the primary law remain as it is today on the statute books. I will not absorb the time of this Legislature in reading the many letters or even the petitions that I have received, but I want to say that the Women's Christian Temperance Union, as far as I am able to ascertain, unitedly stands against this bill. From my own district there comes a letter from the Women's Christian Temperance Union of ninety-seven members, and unanimously they say: "Leave the primary law as it is on the statute books." I also hold here a petition that has recently come from my district, from the town of Bridgewater, with

thirty names, and they warn me to stand against this bill; and I have numerous letters from the people of that town. I also hold in my hand a second petition from Bridgewater, with thirteen more names on it. I hold here a petition from Robinson, with seventeen names on it, from the clergymen of that town. And so I might go on and read to you the petitions and letters that I have, but it would only absorb your time, and it is not necessary, because we all know that there is no demand for it.

When you come to speak about passing it to the people with a referendum, we promised the people, back in 1927, that we would let this thing alone, and that we would not drag them from their homes and places of business to vote on another referendum to determine the minds of the people in the matter of the primary. Back there they everlastingly defeated it, and in the great town of Fort Fairfield, where it seems that all the people are in favor of this bill, at that time, taking in all creeds and colors, they could only muster fifty-five in favor of a change in the primary at that time; and in Houlton they could only muster at best a hundred and forty-nine.

I tell you there is no demand for this, and it seems to me a mighty small thing for me to push over on to my people a primary bill and then tack to it a referendum and compel them to come out and fight over a matter they have already settled. They have said to me: "Don't you go down there and tinker with this primary law, and then tack on a referendum and call us out to settle a question that has already been settled." It must not be.

If all is true that has been said about this convention plank—and I am not here to ridicule anyone or belittle anyone—but if all is true that has been said about this plank, and if it was conceived of and framed outside the convention, and then if it was voted in that convention, when more than one-half the delegates had left, and then, as has been stated by men whom I believe to be honorable men, if it is also true that plank was partially written after the convention had voted upon it and closed, then I say that it is a robber bill and a sneak-thief bill, and has not any right here, and it ought to be in-

vestigated by the crime commission. (Laughter)

We know who is the sponsor of this bill. It is not the common people, but it is the bosses who do not want to face the people in a primary election, because they cannot make the grade.

A short time ago, when our streets were covered with ice, and it was almost impossible for anyone to stand up, I was coming up the hill, over the bridge across the railroad tracks, and I heard in the distance a call, and then it was joined with another call—it seemed to be a call of distress, and I recognized the sound of female voices—and they are susceptible of recognition—and when first I got a glimpse, it looked to me like a merry-go-round; then I changed my mind and I thought it looked like a stack of hay in a whirlwind, and as it came nearer it looked more like a lot of cotton strings, high-heeled shoes and talcum powder, and I discovered that there were two ladies coming down the hill, and they were going around and around, and they were shouting: "Stop me, stop me! Save me, save me!" I had always been taught to stand in the face of duty, and so I reached out and grabbed hold with one hand and braced my feet and swung the other arm out across the slippery walk, and I do not know what happened, but both of those ladies landed with their arms around my neck. (Laughter) Well, it is needless to say, I had all the hugging I wanted for once in my life.

And what was the result of it all? Yes; I stopped them in their mad, helpless, downward career, saved them, probably, from destruction. But what was the result of it all? When I came out of the thing, what happened? I looked myself over and I had a scratch on my nose, I had one under one eye, my necktie was around behind and my hat was down in the slush. That is what it cost me; and I am telling you here, members of this Legislature, that there are a few fellows who cannot reach the Governor's chair and cannot reach Congress and cannot reach the Senate with any degree of safety; they are on the down grade; they are going down hill, and the going is slippery; and now they are crying out to us fellows of this Legislature to stop them in their downward grade and hold them up

and give them a chance to reach the Governor's chair.

But what will we look like after we have done it? We must go back to our people, back to the laboring men, the taxpayers, back to the common people of our home towns, and we will go back besmirched, our manhood will be gone, and we will have to go back and confess to them that we are surrendering our duty and we would not face the issue and stand for their rights. We stopped these men who actually could not reach election through the primary, but we did it at the expense of our manhood. I say we will not do it; we dare not do it because there is a reckoning day coming.

Here a few days ago, about a month ago, I was coming up the street, and a little boy was running ahead of me. He was full of ginger and the cayenne pepper sticking out of him everywhere. He would run along ahead of me and leap up and hit one of the signs. He turned around and said to me: "I bet you, Mister, you can't do that." I did not want to look as though I wasn't a boy any more, so I said: "Yes, I can." "No, you can't," said he. He leaped up and hit another sign down here by the station and he said: "You can't do that either." I said: "I guess you don't know who you are talking with, do you?" He said: "No." I said: "I am the man who jumped over the moon." He looked up at me, the little rogue, and said: "No, you ain't the man that jumped over the moon; you are the cow that jumped over the moon." Well then, brethren, I am not going to be the cow that will jump over the moon at the crack of the bosses' whip, and I am not going back to my people like dumb-driven cattle, and I am not going to be driven into voting away the rights of my people by a few men who want to get into power and who cannot reach the throne by way of the primary law. I want to go down as I came here; I want to go back as I came here; I want to return as I came down, with the determination to stand for the common people, and, members, that is what I am going to do.

Now listen! There is a judgment day coming, and that judgment day is just back yonder to the next election, and you and I have got to face the people, and if we can hear anything at all, if we are not deaf, we can already hear the rumbling of

the chariot wheels of the wrath of an angry people whom we are attempting to drive into an election to refute a principle that they have declared that they stand for and do not want altered. I am not going to face my constituents in the judgment of their wrath, when it comes to the election; so I plead with you to defeat this bill and vote the way your people have asked you to vote. I thank you. (Applause.)

Mr. WILLEY: Mr. Speaker, I want to answer the gentleman from Rangeley, Mr. Ellis, the gentleman from Union, Mr. Ayer, the gentleman from South Portland, Mr. Hill, very briefly, and then the gentleman from Bath, Mr. Sewall.

The gentleman from Rangeley, Mr. Ellis, and the gentleman from Union, Mr. Ayer, have cited as their only reason why this majority report should be accepted is that we should not be afraid to submit the question to the people for ballot. If there had been any demand for this measure, any popular demand, I would not be arguing against the acceptance of the majority report. There was not a petition filed with the committee, and in an open challenge to over seventy Republicans but one could show sixteen signatures who wanted this measure enacted.

Mr. Hill spoke of the three measures which had been reported ought not to pass, that it was because the committee felt there was no demand and that the particular bills were too radical. Now these gentlemen to whom I have referred who wanted to some here and enact any one of these three measures which they could get through found that they could not get any one of them through, and now, members of the House, they are trying to run this one through, and this one will, in my opinion, absolutely destroy the effectiveness of the primary for the three major offices which it covers.

When you put a man at the head of a ballot, you give him a twenty per cent advantage, and when you designate him a party man, you give him the support of that party, or the people who designate him, and you do away and eliminate the people's selection to a great extent.

Now the gentleman from Bath (Mr. Sewall) has probably stated the matter as clearly and as fairly, without any prejudice, as any proponent of a measure could. The

gentleman from Bath (Mr. Sewall), as I recall it, said: "I do not think this is the place where we should wash the soiled linen of a convention;" and I say to every one of you members who vote yea on this question that you are simply passing that soiled linen to the people.

Mr. JACOBSON: Mr. Speaker, I feel it my duty to clear up a matter that was brought out by my very good friend, Dr. Dennett. I have a lot of respect for the doctor, and I wish to announce that fact publicly; but I think it is unfair of him to choose to read before this Legislature an editorial from a paper that always favored a change in the primary law. Had I known that the doctor was going to read that editorial, I could have brought in editorial after editorial of another paper denouncing any change in this law.

Mr. CROWELL of Weston: Mr. Speaker, we have met here as a group of citizens of the State of Maine because we are interested in the State and its welfare, and we want to render efficient service and give to the people of the State of Maine what will best help them in their onward progress. It is only natural that we should have differences of opinion. We have been brought up under different environments, come from different sections of the State and have different ambitions. Our associations in part may be different, and so we know today that we have had the expression of opinion from many and each has been the honest conviction of the speaker.

We are discussing today the question of the primary bill, whether it should be changed, whether that change should be submitted to the State of Maine or not. I am not here to speak for any large group of citizens of the State; I am here to speak my own convictions and the convictions of those who have imparted to me their desires, their hopes and their wishes for the State of Maine.

Some of you have heard me say before that from all sections of Aroostook County approximately 150 letters of a personal nature have reached me, and I want to say that in that entire list only one of them has asked me to vote for any change in the primary law; and when I go back to Aroostook in April, I am willing to submit to the people who expressed themselves that I am try-

ing to carry out their mandate and vote the way they have asked me to vote.

Very briefly, Mr. Speaker, I want to read just two or three quotations from some of these letters in order that if some of you are criticising the stand I take—and criticism has never had very much effect—that you will know that at least I am honest in my convictions and that I am carrying out the wishes of my friends who sent me here and the ones who will vote for my successor: "I will say that I am in favor of retaining the primary law. It is not perfect but it is better than any other system." That letter comes from Caribou. Another quotation: "I am opposed to doing away with the direct primary." Here is a letter from Presque Isle: "I hope you and your associates will do your best to keep the direct primary, for while it is not perfect, it is to my mind much more perfect than the convention system." Here is another letter, signed by a man, and some of his neighbors were gathered in his home: "I am opposed to doing away with the direct primary." Here is another letter from Presque Isle: "We are not in favor of doing away with the primary law."

And should I care to trespass on the good nature of you people, who are looking very hungry, I could keep you here for forty-five minutes reading similar letters. I am voting for the Grange, which announced its stand in annual meeting. I am voting for the thousands of mothers of the State of Maine who have lined up with W. C. T. U. and who have said we want to express our preference for candidates we nominate; we want men and women to represent us who have conviction and who have a bit of independence, and who will vote with the rank and file of the citizens of Maine.

Mr. SEABURY of Yarmouth: Mr. Speaker, I wish to express my approval of the minority report, I am not deluded the least with the idea that anything I might say would influence anyone, and, moreover, I would not want it to. I want each one to vote his personal opinion as to what he should do; but I have noted with a good deal of interest one suggestion made by the gentleman from South Portland, Mr. Hill, that to my mind is rather damaging. He cautioned us that

we need not fear the evils of the convention will get very far because he depends on the virtue of the primary to counteract it. (Applause.)

Mr. STILPHEN of Dresden: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Dresden, Mr. Stilphen, now moves the previous question. To entertain this motion requires the consent of one-third of the members present. All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is ordered. The question now before the House is shall the main question be now put? All those in favor of the Chair putting the main question now will say aye; contrary-minded no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Philbrick, has demanded the yeas and nays. Before the yeas and nays vote can be ordered, it is necessary that one-fifth of the members present shall signify their desire that the vote be taken by roll call. Those in favor of a roll call will rise and stand until counted and the monitors will make and return the count.

A division was had.

The SPEAKER: Obviously more than one-fifth of the members present having arisen, the Clerk will call the roll. Let me caution the members that until the vote is declared they must remain in their seats.

Mr. SCATES of Westbrook: Mr. Speaker, will the Chair re-state the question?

The SPEAKER: The question on which you are voting is on the acceptance of the majority report on bill an act to provide for the nomination of candidates for State and county officers by political party convention, subject to right of appeal to primary election. Two reports were given out by the committee, one the majority report and one the minority report. You are now voting on the acceptance or rejection of the majority report.

Are you ready for the question? The Clerk will call the roll.

YEAS—Alden; Austin, Exeter; Ayer, Bragdon, Burnham, Carleton; Chase, Baring; Chase, Sebec; Churchill, Cole, Cook, Coolidge, Cummings; Davis, Fairfield; Davis, Newfield; Dennett, Devereux, Dorr, Dow, Elliot; Ellis, Rangeley; Findlen, Flanders; Fogg, Rockland; Fowles, Gleason, Graves; Gray, Presque Isle; Hall; Harriman, Gardiner; Haskell, Hescocock, Higgins, Hill, Kendrick, King, Lancaster, Lewis, MacKenzie; Martin, Dexter; Mason, Mosher, Newton, Noyes, Palmer, Parsons, Patterson, Payson, Philbrick, Pike, Richardson, Roach, Russ, Ryder, Sennett, Sewall, Shaw, Sleeper, Sprague, Stickney, Stilphen, Story; Thompson, Chelsea; Tompkins, Tupper, Vaughan, Weatherbee, Webber, Wentworth, Worthen, Young.

NAYS—Allan; Austin, Parkman; Belaire, Boucher, Bramson, Bubar, Burgess, Burrill, Bushey, Cambridge, Campbell, Carswell; Chase, Limington; Clark, Plymouth; Clarke, Cooper; Connolly, Cote, Crosby, Crowell, Currier, Deering, Demers, Desmond, Donahue, Donovan; Doyle, Caribou; Doyle, Skowhegan; Drisko, Eddy; Ellis, Castle Hill; Eveleth, Forbes; Forgue, Lewiston; Fortin, Gibbons, Goss; Gray, Brooksville; Hagan, Hammond; Harriman, Prospect; Hastings, Hathorn, Heald, Hearn, Hobbs, Jacobson, Jandreau, Jillson, Kilroy, Labbee, Latno, Lausier, Lebel, Leclair, Leonard, Lindsey, Mace, Maheu, Mallett; Martin, Oakland; McKay, Oliver, Phair, Poulin, Proctor, Rush, Sawyer, Scates, Seabury; Smith, Bangor; Smith, Van Buren; Stoddard; Thompson, Belfast; Thurston, Wallace, Wheeler, Willey, Woodbury Wright.

ABSENT—Brown

Yes—71.

No—79.

Absent—1.

The SPEAKER: Seventy-one voting yes, 79 no and one absent, the motion to accept the majority report fails of passage. The Chair recognizes the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker, due to the action taken by the House, I now move the acceptance of the minority report of the committee. (Applause)

The motion prevailed, and the minority report was accepted.

On motion by Mr. Tupper of Calais, under suspension of the rules, it was voted to take from the table the Memorial which that gentleman tabled earlier in today's session relating to and requesting aid for the fishing industry of the State of Maine; and on further mo-

tion by the same gentleman, the Memorial was adopted in concurrence.

The Chair lays before the House the first matter of unfinished business, House report ought not to pass of the committee on Legal Affairs on bill an act relating to horse racing and creating a State Racing Commission, H. P. 1218, L. D. 446, tabled by Mr. Connolly of Portland on March 6th, pending acceptance; and the chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker, I move that this bill be retabled.

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

The SPEAKER: The question now before the House is that of the acceptance of the report.

Mr. CONNOLLY: Mr. Speaker and members of the House: My reason for wanting the bill retabled is that another similar bill is in the Senate and has not been reported out. For that reason I wish to hold this bill on the table.

The SPEAKER: The Chair recognizes the gentleman from Dresden, Mr. Stilphen.

On motion by Mr. Stilphen, a viva voce vote being taken, the House accepted the report of the committee, ought not to pass.

The Chair lays before the House the second matter of unfinished business House report ought not to pass of the committee on Salaries and Fees on bill an act relative to the salaries of State officials and employes, H. P. 1353, L. D. 507, tabled on March 6th by Mr. Sewall of Bath, pending acceptance; and the Chair recognizes that gentleman.

Mr. SEWALL: Mr. Speaker, I now move that the bill be recommitted to the committee on Salaries and Fees. For the information of the House I wish to say that I have discussed the matter with several members of the committee and they are perfectly agreeable to having the bill come back for further consideration.

A viva voce vote being taken, the motion prevailed and the bill was so recommitted.

The Chair lays before the House the third matter of unfinished business, House report ought not to pass of the committee on Temper-

ance on bill an act relating to the sale of liquor, H. P. 1225, L. D. 27, tabled March 6th by Mr. Connolly of Portland, pending acceptance; and the Chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker, I now move that the bill be substituted for the report of the committee.

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

The SPEAKER: The motion before the House is on the acceptance of the report of the committee, ought not to pass, and the Chair recognizes the gentleman from Dresden, Mr. Stilphen.

On motion by Mr. Stilphen, a viva voce vote being taken, the report ought not to pass was accepted.

The Chair lays before the House the fourth item of unfinished business, bill an act to provide for the surrender by the town of Kingman of its organization, H. P. 596, L. D. 160, tabled March 6th by Mr. Chase of Baring, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, I yield to the gentleman from Drew, Mr. McKay.

Mr. MCKAY: Mr. Speaker, I wish to offer House Amendment A and move its adoption.

The SPEAKER: The gentleman from Drew, Mr. McKay, moves to reconsider the action of the House whereby on February 27th this bill was passed to be engrossed.

The motion prevailed; and the same gentleman offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 596, L. D. 160, entitled "An act to provide for the surrender by town of Kingman of its organization."

Amend said bill by inserting before the enacting clause thereof the following:

Whereas, many persons, residing and having their pauper settlement in the town of Kingman, are destitute and in need of immediate relief, including medicines and medical aid and attention, and

Whereas, the town of Kingman is, by reason of lack of available funds, unable to relieve such destitute persons and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of

section 16 of Article XXXI of the constitution of the state of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore:

Further amend said bill by striking out Section 3 thereof, and inserting in place thereof the following:

Section 3. Effective date of act.
This act shall not become operative until it has been approved by said Town of Kingman at a special town meeting called for that purpose by an appropriate article inserted in the call for said meeting, and held prior to April 15, 1935, and notice of such approval if voted by the said town of Kingman in the form of a certified copy of the record of such meeting shall be filed with the secretary of state.

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

The Chair lays before the House the fifth item of unfinished business. House report ought to pass in a 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, new draft, H. P. 1458, tabled March 6th by Mr. Demers of Sanford, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Demers, it was voted to accept the report of the committee, and the bill was tabled pending printing of the new draft.

The Chair lays before the House the sixth item of unfinished business, 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 March 6th by Mr. Richardson of South Portland, pending the acceptance of either report; and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, I wish to yield to the gentleman from Lincoln, Mr. Weatherbee.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Weatherbee.

Mr. WEATHERBEE: Mr. Speaker and members of the House: I am not going to speak at this time on the merits of this bill to create a

State Lottery Commission, but I am going to ask the House for the opportunity of amending this bill so as to incorporate a new draft in fairness to the proponents of this bill. I am interested in this bill and I had intended at this time to ask the House to vote to recommit it to the committee on Legal Affairs. The bill had a hearing before that committee earlier in the session and it was a fair and impartial hearing. It came, however, at a time which was unfortunate for a bill of this nature. It was early in the session, many of the members were new and young and they neglected to inform themselves completely as to the nature and effect of such legislation and so missed the opportunity to appear in favor of it. Then, too, it was considered by many as merely freak legislation, and in its original draft it had features in it which were objectionable to many members of the House.

In the last few weeks I have taken the matter up with many members of the House and I have found a striking change in the attitude of the members toward this bill. Many members who first thought it a joke are now seriously interested in it. Many of those who were not interested in it at all at first now consider it to be the only opportunity this House will have to make a start on the old age pension matter. As a matter of fact, after discussing this bill with as many members of the House as I have had opportunity to talk it over with, I believe there are certainly many members of this House who are seriously interested in this bill. Therefore, in all fairness to the bill and to those members, there should be an opportunity to present it in new draft. I would like the opportunity to speak for this bill before the committee, and I know several other members of the House, as well as several citizens, who would like to talk upon it. I have talked this matter over with most of the members of the committee and they have been very kind and considerate and have agreed to give the proponents of this bill an opportunity to present it before the committee in new draft, if they so wish. However, they point out the fact that very likely the end of the session is approaching and in order to advertise such a bill and set a time ahead for hearing, would require at least two weeks before the bill could be reported back to the

House. In view of that fact they suggest, and other members of the House suggest, with which I quite agree, that it would be better, and justice would be done everybody, instead of having this bill sent back for another hearing, to offer an amendment to this bill at this time and let the matter be settled in the House.

In view, then, of this change of opinion, it means that there are a great many in the House who are interested in this bill. In view of the fact that the new draft contains a number of changed sections, in all fairness the members of the House should have an opportunity to consider it in the new draft. Further in view of the fact that the only way to get this new draft before the House is in the form of an amendment added to the bill, I am going to move that the House accept the minority report of the committee. I make this motion because that is the only way to get this amendment to the bill. The House must accept the minority report of this committee in order to have the new draft, and the amendment which I will introduce immediately, printed.

I have talked this matter over with members of the committee and they believe that is the only fair way to have justice done to the bill and to those who oppose it. Therefore, I move, and I am sure there will be no objection, that the House accept the minority report of the committee, following which acceptance, I will offer House Amendment A.

The SPEAKER: The gentleman from Lincoln, Mr. Weatherbee, moves that the House accept the minority report of the committee on Legal Affairs on bill an act creating a State Lottery Commission, H. P. 147, L. D. 49. All those in favor of the motion will please say aye, those opposed no.

A viva voce vote being taken, the motion prevailed and the minority report was accepted.

Mr. WEATHERBEE: Mr. Speaker, I now offer House Amendment A to H. P. 147, L. D. 49, and I move that five hundred copies of this amendment be printed, and that the bill lie on the table and be specially assigned for Thursday, March 20.

The motion prevailed and the amendment was tabled pending adoption, 500 copies ordered print-

ed, and specially assigned for Thursday, March 20.

The Chair lays before the House the seventh item of unfinished business House report ought not to pass of the committee on Judiciary on bill an act relating to hit and run drivers, H. P. 334, L. D. 104, tabled March 7, by Mr. Desmond of Portland, pending acceptance; and the Chair recognizes that gentleman.

Mr. DESMOND: Mr. Speaker, I would like to have that retabled for the purpose of offering an amendment.

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

Mr. DESMOND: Mr. Speaker, I move that the bill be substituted for the report.

The SPEAKER: Your motion was lost, Mr. Desmond.

Mr. JACOBSON of Portland: Mr. Speaker, I move the acceptance of the report. I again find it my duty as a member of the Judiciary committee to give reasons why the report is as indicated on the Calendar. At the time of the hearing my brother from Portland presented a fine case why we should have this act on our statutes, and I want at this time to congratulate my brother for taking that opportunity to get rid of the menace of reckless driving; but why, I would like to know, did my brother pick on hit-and-run driving when we have so many crimes equally bad? If we were to invoke this particular law, it would open the doors to all that sort of thing. Also my brother did not know that the three A's now have in effect a reward of one hundred dollars for each hit-and-run driver reported to them. That has been in effect three years and only taken advantage of in one instance. Since this matter is inexpedient, I move that the report be accepted.

The motion prevailed, and the report ought not to pass was accepted.

The Chair lays before the House the eighth item of unfinished business, House report ought not to pass of the committee on Legal Affairs on bill an act relating to elections in the city of Lewiston, H. P. 1068, L. D. 321, tabled March 7 by Mr. Boucher of Lewiston, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Boucher, a

viva voce vote being taken, the bill and report were recommitted to the committee on Legal Affairs.

The Chair lays before the House the ninth item of unfinished business, House report ought not to pass of the committee on Legal Affairs on bill an act relating to allocation of funds derived from a State lottery, H. P. 1334, L. D. 542, tabled March 7 by Mr. Desmond of Portland, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Desmond, the House voted to accept the report of the committee.

The Chairs lays before the House the tenth item of unfinished business, House report ought not to pass of the committee on Judiciary on bill an act relating to lights on trucks, H. P. 335, L. D. 105, tabled March 7 by Mr. Webber of Auburn, pending acceptance; and the Chair recognizes that gentleman.

Mr. WEBBER: Mr. Speaker, I move to substitute the bill for the report for the reason that I have an amendment to offer. It is thought better to do this instead of having the bill recommitted to the committee.

The motion prevailed, and the bill was given its two several readings, under suspension of the rules.

Mr. WEBBER: I now offer House Amendment A as follows:

House Amendment A to H. P. 335, L. D. 105, bill an act relating to lights on trucks.

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

Lights on trucks, regulated. The first sentence of the fifth paragraph of section 82 of chapter 29 of the revised statutes is hereby repealed and the following inserted in place thereof:

'All motor vehicles of 7 feet or over in width shall have thereon, in addition to the lights required by law for vehicles of less width, a green or amber light attached to the extreme left of the front of such vehicle, so attached and adjusted as to indicate the extreme left lateral extension of the vehicle or load which shall in all cases aforesaid be visible not less than 200 feet in the direction towards which the vehicle is proceeding or

facing; provided, however, that any such vehicle eight feet or more in height shall display two such green or amber lights attached to the extreme left of the front of its body as above provided, one at the top and the other at the bottom of said body; and every such motor vehicle shall display at least one red light on the extreme left lateral extension of the vehicle or load on the rear of said vehicle; provided, however, that any such vehicle eight feet or more in height shall display two red lights on the extreme left lateral extension of its body or load, one on the upper left and the other on the lower left of the rear of said body or load.'

On motion by Mr. Webber, tabled pending adoption, and 500 copies ordered printed.

The Chair lays before the House the eleventh matter of unfinished business bill an act creating a lien on potatoes, H. P. 1605, L. D. 694, tabled March 7 by Mr. Gray of Presque Isle pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. GRAY: Mr. Speaker, this bill is of particular interest to the potato growers of Aroostook county. Within the last few days a serious question has arisen as to what effect this particular bill may have upon the financing of this year's crop. The Aroostook delegation would like to have this matter retabled pending a meeting of that delegation which is to be held immediately after the House adjourns today; and, while we are all anxious to clear the Calendar as much as possible, I would ask the privilege of retabling and that it be specially assigned for tomorrow, Friday.

A viva voce vote being taken, the motion prevailed.

The Chair lays before the House the twelfth item of unfinished business bill an act relating to liquor licenses, H. P. 1606, L. D. 695, tabled March 7th by Mr. Eveleth of Portland, pending first reading; and the Chair recognizes that gentleman.

Mr. EVELETH: Mr. Speaker, I yield to the gentleman from Kennebunk, Mr. Wentworth.

On motion by Mr. Wentworth, the bill had its two several readings and tomorrow assigned.

The Chair lays before the House the thirteenth item of unfinished business, bill an act relating to licenses for wholesalers in malt beverages, S. P. 347, L. D. 397, tabled March 7th by Mr. Doyle of Skowhegan, pending third reading; and the Chair recognizes that gentleman.

Mr. DOYLE: Mr. Speaker, I hope the Chair will now recognize the lady member from Portland, Mrs. Kilroy.

The SPEAKER: The Chair recognizes the member from Portland, Mrs. Kilroy.

Mrs. KILROY: Mr. Speaker, I offer House Amendment A and move its adoption.

The SPEAKER: The Clerk will read the amendment.

House Amendment A to bill an act relating to licenses for wholesalers in malt beverages, S. P. 347.

Amend said bill by adding thereto the following:

Chapter 268 of the Public Laws of 1933 is hereby further amended by adding after Section eight, in said Chapter, the following two sections:

'Sec. 8-A. Certificates of approval. No licensee under this act shall purchase any malt liquor from any manufacturer or wholesaler not holding a permit issued under the provisions of this act, and transport or cause the same to be transported into the state of Maine for resale unless such manufacturer or wholesaler has obtained from the state liquor commission a certificate of approval, which certificate shall not be granted unless and until such manufacturer or wholesaler shall have agreed with the state liquor commission to furnish to the commission on or before the tenth day of each month a report under oath on a form to be prescribed by the commission, showing the quantity of malt liquor sold or delivered to each licensee during the preceding calendar month. If any such manufacturer or wholesaler shall, after obtaining such certificate, fail to submit any such report the commission may at its discretion revoke such certificate.

'Sec. 8-B. Fee for certificate of approval. The fee for a certificate of approval issued pursuant to the provisions of this act shall be \$500 per annum, which sum shall accompany the application for such certificate.'

On motion by Mr. Gibbons of Portland, the amendment was tabled pending adoption and 500 copies ordered printed.

The Chair lays before the House the fourteenth item of unfinished business, House report ought not to pass of the committee on Interior Waters on bill an act relative to regulating the high and low water mark on Lake Moxie, H. P. 1129, L. D. 328, tabled March 7th by Mr. Davis of Fairfield, pending acceptance; and the Chair recognizes that gentleman.

Mr. DAVIS: Mr. Speaker and members of the House: This bill involves the consideration of certain private charters granted to certain log driving companies, granted by special acts of previous Legislatures. Questions of a legal nature arose in the committee and such questions are confronting this bill at this time. I have talked with the Chairman of the committee which had this matter before it for consideration. I have also talked with the House Chairman of that committee and I think with a majority of the members of that committee from the House; and, if I am not mistaken, it is agreeable to them that this bill be referred to the committee on Legal Affairs.

The SPEAKER: The gentleman from Fairfield, Mr. Davis, moves that the bill be substituted for the report and be referred to the committee on Legal Affairs.

A viva voce vote being taken, the motion prevailed.

On motion by Mr. Hill of South Portland,

Adjourned until ten o'clock tomorrow morning.